

1 Public Access to District Records

2
3 Within limits of an individual's right of privacy, the public will be afforded full access to
4 information concerning administration and operations of the District. Public access to District
5 records shall be afforded according to appropriate administrative procedures.

6
7 "District records" include any writing, printing, Photostatting, photographing, etc. (including
8 electronic mail), which has been made or received by the District in connection with the
9 transaction of official business and presented for informative value or as evidence of a
10 transaction, and all other records required by law to be filed with the District. "District records"
11 do not include personal notes and memoranda of staff which remain in the sole possession of the
12 maker and which are not generally accessible or revealed to other persons.

13
14 The Superintendent will serve as the public records coordinator, with responsibility and authority
15 for ensuring compliance with the display, indexing, availability, inspection, and copying
16 requirements of state law and this policy. As coordinator, the Superintendent will authorize the
17 inspection and copying of District records only in accordance with the criteria set forth in this
18 policy.

19
20 In accordance with Title 2, Chapter 6, MCA, the District will make available for public
21 inspection and copying all District records or portions of records, except those containing the
22 following information:

- 23
- 24 1. Personal information in any file maintained for students. Information in student records
25 will be disclosed only in accordance with requirements of the Family Educational Rights
26 and Privacy Act of 1974 and adopted District policy.
 - 27
28 2. Personal information in files maintained for staff, to the extent that disclosure will violate
29 their right to privacy.
 - 30
31 3. Test questions, scoring keys, or other examination data used to administer academic tests.
 - 32
33 4. The contents of real estate appraisals made for or by the District relative to the
34 acquisition of property, until the project is abandoned or until such time as all of the
35 property has been acquired, but in no event will disclosure be denied for more than three
36 (3) years after appraisal.
 - 37
38 5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which
39 opinions are expressed or policies formulated or recommended, except a specific record
40 shall not be exempt when publicly cited by the District in connection with any District
41 action.
- 42

1 6. Records relevant to a controversy to which the District is a party, but which would not be
2 available to another party under the rules of pretrial discovery, for cases pending
3 resolution.

4
5 7. Records or portions of records, the disclosure of which would violate personal rights of
6 privacy.

7
8 8. Records or portions of records, the disclosure of which would violate governmental
9 interests.

10
11 9. Records or information relating to individual or public safety or the security of public
12 schools if release of the information jeopardizes the safety of facility personnel, the
13 public students in a public school.

14
15 If the District denies any request, in whole or in part, for inspection and copying of records, the
16 District will provide the requesting party with reasons for denial.

17
18 If the record requested for inspection and/or copying contains both information exempted from
19 disclosure and non-exempt information, the District shall, to the extent practicable, produce the
20 record with the exempt portion deleted and shall provide written explanation for the deletion.

21
22 The District will not provide access to lists of individuals, which the requesting party intends to
23 use for commercial purposes or which the District reasonably believes will be used for
24 commercial purposes if such access is provided. However, the District may provide mailing lists
25 of graduating students to representatives of the U.S. armed forces and the National Guard for
26 purpose of recruitment.

27
28 The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise
29 suitable for disclosure, when it is determined reasonable cause exists to believe disclosure would
30 not be in the public interest and would substantially or irreparably damage any person or would
31 substantially or irreparably damage vital governmental functions.

32
33
34
35 Legal Reference: Title 20, Ch. 6, MCA School districts
36 § 2-6-109, MCA Prohibition on distribution or sale of mailing lists –
37 exceptions – penalty
38 § 2-6-1001, MCA, *et seq.* Public Records
39

40 Policy History:

41 Adopted on: February 2007

42 Revised on: March 2020