

P1171

## ST. LOUIS BOARD OF EDUCATION POLICY

### COMMUNITY RELATIONS

#### COMMUNICATION WITH THE PUBLIC

##### Board of Education Records

##### Public Records Available Under the Missouri Open Records Law

To facilitate requests for records by the public, the board establishes the following policy for the inspection and duplication of records.

Any person who desires to access any record which is a public record under the Missouri Open Meetings Law shall submit a request in writing to the custodian of records of the board. The board will appoint a custodian of records.

Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records. When a request for a public record seeks the record in a particular format, the custodian must supply the record in the format requested, if available in such format. If the board keeps records on a system capable of being copied, then it must provide data to the public in such electronic format, if requested.

If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date the record will be made available for inspection. This period for document production may exceed three days for reasonable cause. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requestor no later than the end of the third business day following the date that the request for the statement is received.

The custodian shall also advise the individual requesting inspection of the cost, if any, to retrieve the record and the charge for obtaining a copy of the record. Fees for copying public records shall not exceed ten cents per page for a paper copy up to legal size, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the board. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the board shall produce the copies using employees that result in the lowest amount of charges for search, research, and duplication time.

Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than legal size shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for board staff required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication.

Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

The custodian may request payment of copying fees in advance of making the copies.

"Public record" shall mean any record, whether written or electronically stored, which is not closed pursuant to Section 610.021 RSMo. and is retained by or of the board of education including any report, survey, memorandum, or other document, or study prepared for the board of education by consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with the board or on behalf of the board; provided, however, that personally identifiable student records shall be open for inspection by the parents, guardian, or other custodian of students under the age of eighteen years and by the parents, guardian, or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions, and recommendations in connection with the deliberate decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for the board by a consultant or other professional service as described in this paragraph shall be retained by the board in the same manner as any other public record.

If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the board shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying. When designing a public record, the board shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the board shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

This policy is adopted pursuant to Section 610.028.2, RSMo.

#### References

cf: Board Bylaw B9355 Public and Closed Meetings/Executive Sessions

Legal: Sections 610.010 , 610.021, 610.026, 610.028 RSMo.

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