

MODESTO CITY SCHOOLS

Board Policy

BP 1340

COMMUNITY RELATIONS

Access to District Records

The Governing Board recognizes the right of members of the public to have access to public records of the district. The district shall provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3580 - District Records)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) (N/A)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.5 - Student Assessment) (N/A)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session)

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

(cf. 4040 - Employee Use of Technology)
(cf. 9012 - Board Member Electronic Communications)

The district may charge for copies of public records or other materials requested by individuals or groups, unless they are using their own personal equipment to reproduce the record. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Bold Black Underline = MCS Language

Bold Red = CSBA Language

Regular Black = Common Language

→ Denotes changes being suggested

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In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

→ ~~Public records shall be open for public inspection at no charge during normal hours of operation. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance. A fee shall be charged for copies of public records as determined by the Superintendent/ designee. The release of public records shall be in accordance with appropriate State of California Education and Government Code sections.~~

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

41020 Requirement for annual audit

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

44839 Medical certificates; periodic medical examination

→ 49060-49079 **Student Pupil** records

49091.10 Parental review of curriculum and instruction

~~52015 Ongoing evaluation and modification of school improvement plans~~

→ ~~52015.5 Availability of information required by Education Code 52015 (g)~~

~~52850 Applicability of article~~

~~54722 Application of article~~

GOVERNMENT CODE

3547 Proposals relating to representation

→ 6250-~~6270 6268~~ California Public Records Act

6275-6276.48 California Public Records Act; other exemptions from disclosure

8310.3 California Religious Freedom Act 53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 **Political Reform Act**, public records; inspection and reproduction

CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5

→ 430-438 Individual **student pupil** records

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COURT DECISIONS

→ **City of San Jose ~~Fairley~~ v. Superior Court (2017) 2 Cal.5th 608**

Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282

Sacramento County Employees' Retirement System v. Superior Court (2011) 195 Cal. App. 4th 440

International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319

Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381

Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324

Fairley v. Superior Court, (1998) 66 Cal.App.4th 1414 ~~(1998)~~

→ **North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App. 4th 144 ~~(1994)~~**

ATTORNEY GENERAL OPINIONS

71 Ops.Cal.Atty.Gen. 235 (1988)

64 Ops.Cal.Atty.Gen 186 (1981)

Management Resources:

CSBA PUBLICATIONS

Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

California Department of Justice Guidelines for Access to Public Records, October 2017

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business: A Guide to the California Public Records Act, rev. April 2017

WEB SITES

CSBA: <http://www.csba.org>

California Office of the Attorney General: <http://oag.ca.gov>

Institute for Local Government: <http://www.cacities.org>

State Bar of California: <http://www.calbar.ca.gov>

REVISED: February 21, 1984

June 6, 1994

April 14, 2003

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