

## **Public Records Request Policy**

### A. Introduction

The School recognizes its responsibility to maintain the public records of the School and to make such records available for inspection and copying upon request. Accordingly, the School and its Governing Board hereby adopt the policy outlined below with respect to public records. Said policy is an expression by the School and its Governing Board regarding their duties and obligations under the public records laws of the State of Florida, and is not meant as a limitation of, but rather an extension of, the public records laws of this state. This policy is intended to supersede and replace any prior public records policies of the School.

### B. Purpose

This policy sets forth the procedures by which public records of the School shall be requested and provided for inspection and copying and also how the School will maintain such public records, all in accordance with laws pertaining to charter schools. It is the policy of the School that all records, with the exception of exempt or confidential records identified by state or federal law, shall be open for personal inspection and copying by any person.

### C. Definition of Public Records and Exemptions

Section 119.011(12), Florida Statutes, defines “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Exemptions from public records are defined and set forth in Section 119.071, Florida Statutes, and elsewhere. Student records, medical records, trial preparation records, records pertaining to the security and fire safety of the School, and other types of records may be considered confidential or exempt under Florida law. The School may consult legal counsel if it is uncertain whether a particular document qualifies as a public record.

### D. Responsibilities and Designation of Records Custodian

1. Designation of Records Custodian. The Principal shall be the designated Records Custodian for the School.
2. Notice of Records Custodian. In accordance with Section 119.12, Florida Statutes, the School shall prominently display the name and contact information of the Records Custodian in the School’s main office and on the School’s website.
3. Responsibilities of Records Custodian. The Records Custodian is responsible for the School’s compliance with Florida’s Public Records Act (“Act”), including responding to all public records requests and causing all School records that constitute public records to be maintained in accordance with the Act. The Records Custodian shall respond fully to all public records requests within a reasonable time period based on the size, scope, and nature of the public records request.
4. Designees. The Records Custodian may designate one or more school employees to assist in carrying out the duties of the Records Custodian set forth hereunder.

## E. Procedures

1. Identifying Public Records Requests. Any request for records of the School by a member of the public may constitute a public records request regardless of whether or not the requestor designates the request as such. A public records request does not necessarily have to be made in writing but can also be made orally. All requests for records should be treated as a public records request, except in the case of a request from a parent or eligible student (a student who has reached the age of 18) for education records under the Family Educational Rights and Privacy Act (“FERPA”), which shall be treated as specified below.
  - a. FERPA Requests. A request from a parent or eligible student (a student who has reached the age of 18) for education records related to the student shall be treated as a FERPA request. The term “education records” under FERPA includes records that are directly related to a student and that are maintained by the School or a party acting for or on behalf of the School. Education records include but are not limited to grades, class work, transcripts, class lists, student course schedules, health records, IEPs/504 Plans, and student discipline files. Any request for records which constitutes a FERPA request will be satisfied within a reasonable amount of time and the Records Custodian may not charge a fee for retrieving and producing the education records. If the requestor seeks both education records of the student and non-education records, the School may charge a fee for the portion of the request that constitutes non-education records, if a fee would otherwise be authorized under this policy.
2. Encourage a Written Request. All requestors should be encouraged, but not required, to put their public records requests in writing. This will assist the Records Custodian in clarifying the exact scope of the request. Requestors should specify whether they wish to inspect the records or obtain photocopies or both.
3. Forwarding Requests. All school personnel and members of the School’s Board shall immediately forward any public records requests they receive to the Records Custodian.
4. Processing public records requests:
  - a. Acknowledgement of request. As soon as reasonably possible after the receipt of a public records request, the Records Custodian will acknowledge the request and will provide a written response to the requestor as to what the estimated amount of retrieval time will be. If necessary, the Records Custodian may seek to clarify the request.
    - i. Acknowledging Oral Records Requests. If a requestor only makes an oral public records request, the Records Custodian should send the requestor an email or written request to confirm the scope of the records being requested.
  - b. Consultation with legal counsel. The Records Custodian will review Public Records resources, including the most current version of the Government-in-the-Sunshine Manual in connection with public records requests. If the Records Custodian has any questions

regarding a public records request, the Records Custodian may consult the School's legal counsel.

- c. Notification of charges. As soon as reasonably possible under the circumstances, the Records Custodian should seek to develop a reasonable estimate of any charges that must be paid by the requestor relating to the School's work in retrieving, reviewing, copying, and providing the requested records. The Records Custodian shall notify the requestor of the estimated charges, including applicable special service and copying charges, which are discussed more fully in Section (E)(5) below.
- d. Payment Required Before Processing and Production. In accordance with Florida law, the Records Custodian will not begin processing a public records request from anyone requesting public records who has not paid the required deposit (discussed in Section (E)(5) below) or has any outstanding invoices for public records. Copies of public records will only be provided after the requestor pays in full any applicable special service or copying charges.
- e. Response Time. Responses to public records requests will be provided within a timeframe that is reasonable under the circumstances. This includes consideration of the nature and volume of the request, as well as the time of the school year that the request is made. The time of year of a request may impact the reasonable response time. For example, there may be a longer reasonable response time for requests made at the very beginning or end of the school year, during administration of mandatory testing, or during holidays breaks. However, the Records Custodian should still respond to all requests within a reasonable timeframe and in accordance with the procedures set forth in this policy.
- f. Retrieval and Review of Records. The Records Custodian has an obligation to make a good faith effort to identify and retrieve all records that are responsive to the request. If the Records Custodian believes that an employee, Board member, or contractor may have responsive records in their individual possession, the Records Custodian must provide the employee, Board member, or contractor with a copy of the records request and make a request in writing that the employee, Board member, or contractor conduct a search for any responsive records. The employee, Board member, or contractor must provide the Records Custodian with any and all records that may be responsive. If records are stored or believed to be stored on any account or device to which the School has administrative access, the Records Custodian should search the account or device themselves rather than relying on the employee, Board member, or contractor to do so.
- g. Withholding and Redacting Exempt Records. Requests for documents which may contain information which is exempt from disclosure or confidential in accordance with Florida law will be withheld until the records can be reviewed and redacted as necessary. Exempt or confidential portions of the records shall be redacted, and the remainder of the record produced in response to the request. If the Records Custodian determines that all or a portion of the records requested are exempt from disclosure or confidential, the Records Custodian shall provide a written statement to the requestor indicating the specific statutory reference making such record confidential or providing for such exemption. The Records Custodian may not withhold or redact any records that are responsive to the request without providing to the requestor a written explanation and statutory basis for withholding or redacting the records.

- h. Format of Records. Copies of public records will be provided in the format in which they are maintained, if possible. The School does not have any obligation to create new records to satisfy the request or to convert files into a format that the record is not otherwise already maintained. If the requestor has specified the desired format for the records production, the Records Custodian should provide the records in the desired format, so long as the School actually maintains the records in such format.
- i. Production. After all records have been retrieved and review, and all permitted charges have been paid the requestor, the Records Custodian will produce the records. The production will also include an explanation of all withheld or redacted records, as required under Section (E)(4)(g) above. Further, if charges are assessed, the production will include a time log evidencing the time spent on the records production and the hourly rate of the person(s) who participated in retrieving, reviewing, and producing the records, as set forth more fully in Section (E)(6) of this policy.

## 5. Charges for Public Records Requests

- a. Special Service Charges for Extensive Use of Resources. In accordance with Section 119.07(4)(d), Florida Statutes, the School may charge a requestor a reasonable special service charge if the nature or volume of the public records to be inspected or copied requires the extensive use of information technology resources or extensive use of clerical or supervisory assistance, or both.
  - i. The term “extensive use” for purposes of this policy means any time longer than fifteen (15) minutes needed to complete all related public records requests from the requestor.
  - ii. This service charge shall be based on the cost actually incurred by the School for such extensive use of information technology resources or personnel. This may include overtime pay if such personnel must work more than forty (40) hours in any given work week in order to complete the public records request and such personnel are entitled to overtime pay pursuant to the Fair Labor Standards Act. However, the School is discouraged from utilizing employee overtime to satisfy the request if it is reasonably avoidable under the circumstances.
  - iii. School personnel or consultants with the lowest rate of pay, who are also competent and qualified to complete the request, shall be used to complete the request.
  - iv. If supervisory assistance is required to satisfy the request, the fee charged should only be for time spent exclusively supervising or participating in the satisfaction of the records request.
- b. Charges for Photocopying. In accordance with Section 119.07(4)(a)-(c), Florida Statutes, the School may charge a requestor a fee for making photocopies of records, as set forth below.
  - i. The charge for photocopying of a record on one-sided paper of no more than 14 inches by 8 ½ inches which is capable of being produced on existing School equipment shall be fifteen cents (\$.15) per copy. Duplication of two-sided pages shall be twenty cents (\$.20) per copy.

- ii. The charge for certified copies of any public record shall be one dollar (\$1.00) per copy.
    - iii. For duplication of any documents not covered above, the charge shall be the actual cost to the School for reproduction.
    - iv. There will be no copying charge for duplication of records maintained electronically that are produced electronically. However, special service charges for time spent gathering and sending the documents may be charged, if applicable.
  - c. Deposits. For all requests which are estimated to cost more than \$50.00 but less than \$100.00 (including photocopying and labor charges), the School shall require a 50% advance deposit prior to beginning retrieval. For all requests which are estimated to cost more than \$100.00 (including photocopying and labor charges), the School shall require a 100% advance deposit prior to beginning retrieval. A final invoice shall be provided to the requestor once all work is completed on the request based on the cost actually incurred by the School. If the deposit was more than the actual cost of the work, the difference shall be returned to the requestor. If the deposit was less than the actual cost of the work, the requestor will be required to pay the difference before the records are released. The requestor's failure to pay the difference owed will result in the records being withheld.
  - d. De Minimis Charges. Public records charges below \$10.00 will be waived. However, public records requests cannot be separated in order to be considered de minimis. If a requestor makes multiple records requests within a short proximity of time, the requests may be aggregated for purposes of assessing whether a special service charge is warranted.
6. Tracking and Reporting of Public Records Requests. The Records Custodian shall maintain a log of all public records requests. Such log shall include, but may not be limited to, the date of the request, the name and address of the requestor (if provided), the date of compliance, the method by which the requestor was provided the records, the time spent satisfying the request, the amount of any charges assessed, and the time spent and hourly rate of all person(s) involved in satisfying the request for which a special service charge was assessed. All time logs used to support a special service charge should be accurate and divided into increments of one-tenth (1/10<sup>th</sup>) of an hour or six (6) minute increments (examples: 0.6 hours, 1.1 hours, 2.8 hours, etc.).

## F. General Guidance

1. Requests from Media. Requests from the media for public records shall be handled consistently with this policy. If the School receives a public records request from the media, the Records Custodian shall inform the Board as soon as practicable.
2. Access During Reasonable Hours. Requestors shall be provided access to public records during reasonable hours. For the purposes of this policy, "reasonable" shall be normal hours of School operation. At all times, public records will be inspected, reviewed, and/or copied under supervision of the Records Custodian or the Records Custodian's designee.
3. Do Not Ask the Reason for the Request. At no time will requestors be asked the reason for their request. By law, requestors are not required to state their reason for their public records request.

4. Records Available Online. If records are available on the School's website, requestors may be asked if they would like to obtain the records from the School's website on their own. If they are not willing to do this, such requests will be fulfilled in the same manner as all other public records requests.

#### G. Authorized Means of Communication for School Personnel

1. Authorized Means of Communication. In order to ensure compliance with the Public Records Act, employees and Board members must utilize authorized means of communication when transacting or discussing school business.
  - a. Authorized Email Accounts. School employees and Board members must only utilize their official School email account when transacting or discussing official business. Employees and Board members are prohibited from utilizing their personal email accounts for these purposes. In the event an employee or Board member receives or transmits a School-related email to or from their personal account, they must immediately forward a copy to their official email account and cease any further use of the personal account for such purposes.
  - b. Phone Logs and Text Messages. Records stored on a personal cell phone or other personal device may be considered a public record if the employee or Board member used the personal cell phone or device to transact official business. Employees and Board members should avoid using their personal cell phone or device to transact official business or to discuss matters related to the School. In the event an employee or Board member receives or transmits any communications via a personal cell phone or device related to School business, the employee or Board member must preserve a copy (which may include taking screenshots of the communication) and provide a copy to the Records Custodian for storage and retention.
  - c. Other Digital Platforms. If an employee or Board member is using any other type of digital platform to transact or discuss School business or to store School-related documents, including online educational platforms, the employee or Board member must notify the Records Custodian and provide the Records Custodian with log-in information that will allow the Records Custodian to have administrative-level access to the platform.

#### H. Maintenance and Retention

1. Destruction and Disposal of Records. Public records may only be destroyed in accordance with the schedules set forth herein. In no event shall any School personnel or members of the School's Board destroy records that are the subject of a current public records request or records that are currently at issue in pending litigation.
2. Retention of Records. All public records shall be retained at a minimum in accordance with the General Records Schedules for Public Schools (GS7), State and Local Government Agencies (GS1-SL), and for Public Libraries (GS15), as applicable, all as published by the Florida Department of State, Division of Library and Information Services, Bureau of Archives and Records Management. The School's Board may modify retention schedules at its discretion; however, no modification shall

provide for the School to retain a public record for a period of time less than that prescribed by the above publications.

3. Procedures for Retention. The Records Custodian shall establish procedures by which public records are maintained by School personnel and Board members in accordance with the schedules set forth above.

#### I. Contracting with Vendors

1. Cannot Avoid Public Records Act. The Public Records Act cannot be avoided by contracting with an outside vendor. If a contractor will be performing a duty that is ordinarily conducted by the School or that would otherwise subject the vendor's records to the Public Records Act, the provisions of this subsection must be followed.
2. Specific Language in Vendor Contracts. All such vendor contracts must contain the following statement in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

3. Requirements of Vendors. All such vendor contracts must also contain the required language as set forth in section 119.0701 F.S.