



MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

Board Agenda Item #	II C
Date:	08.10.2017
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D. CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of the revised "Public Records Requests Policy"

Proposed Board Recommendation

I move that the board approve the revised "Public Records Requests Policy."

Background

MPS approved its Public Records Requests Policy on December 12, 2013. The policy has been updated. Attached redline copy shows all revisions. Revisions include the following:

- MPS address has been updated.
- The following statement has been moved under Section II.B
 - The 10-day response time may be extended for an additional fourteen (14) days in certain circumstances, pursuant to Government Code section 6253.
- The following statement has been added:
 - In response to a request for a public record posted on the School's web site, the School may direct a member of the public to the location on the web site where the public record is posted. However, if the member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the School's web site, the School shall promptly provide a copy of the public record after receipt of payment of any and all duplication costs.
- The statute is referenced for 25 cents for each page for copies up to 8 x 14 inches
- The following statement has been added:
 - *MPS will require full payment prior to engaging in any work related to computer programming and extraction.*
- Cost for CD, DVD has been changed to state:
 - The actual cost of records larger than 8 x 14 inches, such as blueprints, and records provided on CD, DVD, flash drive, etc., must will be charged determined on a case-by-case, direct cost basis.

These revisions have been recommended and reviewed by legal counsel.

Budget Implications

MPS charges 25 cents for each page for copies up to 8 x 14 inches and on a direct cost basis for larger records and electronic devices. A typical request takes many staff hours for research, but we are not allowed to charge for research time.



MAGNOLIA PUBLIC SCHOOLS

13950 Milton Ave. 200B Westminster, CA 92683

P: (714) 892-5066 F: (714) 362-9588

Name of Staff Originator:

David Yilmaz (Chief Accountability Officer)

Attachments

Board Governance Policies – Public Records Requests Policy

Board Governance Policies – Public Records Requests Policy (redlined)

PUBLIC RECORDS ACT (“PRA”) COMPLIANT PUBLIC RECORDS REQUESTS
POLICY

I. Public Records

A. Public Records Defined

The Magnolia Public Schools (MPS) (the “School”) provides the public with access to its public records in accordance with legal requirements. Public records are those writings containing information relating to the conduct of the School’s business that are prepared, owned, used or retained by the School regardless of physical form or characteristics. Certain public records, however, are exempt from disclosure by express provision of law. These records will not be provided to the public. The School may not deny disclosure of records based on the purpose for which the record is being requested.

B. Records Exempt from Disclosure

Some of the records that are exempt from disclosure include the following categories. This is not an exhaustive list.

- Preliminary drafts, notes or inter/intra-School memoranda that are not retained by the School in the ordinary course of business;
- Personnel, medical, student records, or similar files;
- Test questions, scoring keys and other examination data used to administer an examination for employment or academic examination, unless specifically authorized by law;
- The content of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the School relative to the acquisition of property, until all of the property has been acquired;
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- A document prepared by or for the School that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the Schools operations and that is for distribution or consideration in a closed session;
- Trade secrets;
- Computer software developed by the School;
- Records where, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

The School may, in its discretion and as permitted by law, waive the applicable exemption to the records. In this case, the disclosure constitutes a waiver for all requesters of that public record and will be open to inspection by all requesters.

II. Process for Requesting Public Records**A. Requests for Public Records**

Any person wishing to inspect the School's public records shall make the request, preferably in writing, to:

Magnolia Public Schools
250 E. 1st St., Ste. 1500
Los Angeles, CA 90012
Phone: (213) 628-2634
Fax: (714) 362-9588
Email: contact@magnoliapublicschools.org

The request must reasonably describe an identifiable public record(s) and must be specific and focused.

To the extent reasonable under the circumstances, the School will assist the requester to make a focused and effective request by:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.
- Providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If the School is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s), the School will not provide further assistance to the requester.

B. Response to Public Records Request

The Magnolia Public Schools will, within 10 days of receipt of the request, provide a written response to the requester of public records. The written response shall contain the following information:

- Notice informing the requester whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the School and the reasons for the determination.
- If the School denies any request for records, in whole or in part, and the request was in writing, the notification of denial will set forth the names and titles or positions of each person responsible for the denial.
- The date and time when the records will be made available.
- If the request identifies information which is contained in both electronic format and hard copy, the notice may inform the requester that the information is available in either format.
- If the requester seeks copies of the records, the School may identify a fee covering the direct costs of duplication.
- If the requester seeks copies in electronic format, the School may charge the requester the direct cost of producing a copy of the record in that format. If, in order to comply with these requirements relating to electronic formatted records described below, the School is required to produce a copy of an electronic

record and the record is one that is produced only at otherwise regularly scheduled intervals or the request would require data compilation, extraction or programming to produce the record, the School may charge the requester the cost to construct a record, the cost of programming and computer services necessary to produce the record.

The 10-day response time may be extended for an additional fourteen (14) days in certain circumstances, pursuant to Government Code section 6253.

III. Records Inspections or Copies

Time and Place of Inspection: A person who has made a public records request may inspect the records after the date and time identified in the response to the request. Generally, records inspections may take place at either the MPS Central Office or the School site during office hours of the School, Monday through Friday, by appointment only, typically from 8 a.m. until 4 p.m. The requester will be provided with an area to inspect the records. The records may be inspected and copied only at the MPS Central Office or the School site.

Electronic Formatted Records: If the School has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, and it has been requested in an electronic format, the School will make that information available in an electronic format. The School will make the information available for inspection in any electronic format in which it holds the information. If the requested format is one that the School uses to create copies for its own use or for provision to other agencies, the School will provide a copy of the electronic record. The School will not, however, provide electronic records in the electronic form in which it is held by the School if its release jeopardizes or compromises the security or integrity of the original record or of any proprietary software in which it is maintained.

If the School no longer has the record in electronic format, the School will not reconstruct the record in electronic format.

In response to a request for a public record posted on the School's web site, the School may direct a member of the public to the location on the web site where the public record is posted. However, if the member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the School's web site, the School shall promptly provide a copy of the public record after receipt of payment of any and all duplication costs.

Partial Disclosure: If the requested records may only partially be disclosed because some are exempt from disclosure, the reasonably segregable portion of the record(s) will be made available for inspection.

Cost of Records: The School is allowed to charge for the direct cost of duplication. Except as otherwise provided by statute, the School charges 25 cents for each page for copies of records up to 8 x 14 inches produced under a request. The actual cost of records larger than 8 x 14 inches, such as blueprints, and records provided on CD, DVD, flash drive, etc., will be determined on a case-by-case, direct cost basis. Additionally, the School reserves the right to recoup the costs associated with mailing records, in the event that the School decides, in its sole discretion, to mail responsive records.

When a request requires data compilation, the requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services. The requestor shall also bear the direct cost if unique software is needed to process the request. The School will provide an estimated cost for the request to the requestor and will follow-up with an itemization of the actual costs when actual costs are

determined. The School will require full payment prior to engaging in any work related to computer programming and extraction.

Except as noted above and authorized by the Act, the School may not charge for costs beyond the direct cost of duplication, which precludes overhead or the ancillary tasks associated with the retrieval, inspection and handling of the records. The School is not required to produce copies of records to a requestor until the costs for duplication have been paid.

The School will not waive fees authorized by the Act. Any requests for a waiver of fees shall be directed to the CEO. See Appendix A for the MPS PRA Request Form.

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- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- A document prepared by or for the School that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the Schools operations and that is for distribution or consideration in a closed session;
- Trade secrets;
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Magnolia Public Schools
~~13950 250 E. 1st St., Ste. 1500 Milton Ave. Ste 200B~~
~~Westminster~~ Los Angeles, CA ~~92683~~90012
 Phone: ~~(714) 213-8926~~213-8926~~2634~~
 Fax: (714) 362-9588
 Email: contact@magnoliapublicschools.org

The request must reasonably describe an identifiable public record(s) and must be specific and focused.

To the extent reasonable under the circumstances, the School will assist the requester to make a focused and effective request by:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.
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If the School is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s), the School will not provide further assistance to the requester.

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- The date and time when the records will be made available.
- If the request identifies information which is contained in both electronic format and hard copy, the notice may inform the requester that the information is available in either format.
- If the requester seeks copies of the records, the School may identify a fee covering the direct costs of duplication.
- If the requester seeks copies in electronic format, the School may charge the requester the direct cost of producing a copy of the record in that format. If, in order to comply with these requirements relating to electronic formatted records described below, the School is required to produce a copy of an electronic

record and the record is one that is produced only at otherwise regularly scheduled intervals or the request would require data compilation, extraction or programming to produce the record, the School may charge the requester the cost to construct a record, the cost of programming and computer services necessary to produce the record.

➤ The 10-day response time may be extended for an additional fourteen (14) days in certain circumstances, pursuant to Government Code section 6253.

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If the School no longer has the record in electronic format, the School will not reconstruct the record in electronic format.

In response to a request for a public record posted on the School's web site, the School may direct a member of the public to the location on the web site where the public record is posted. However, if the member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the School's web site, the School shall promptly provide a copy of the public record after receipt of payment of any and all duplication costs.

Partial Disclosure: If the requested records may only partially be disclosed because some are exempt from disclosure, the reasonably segregable portion of the record(s) will be made available for inspection.

Cost of Records: The School is allowed to charge ~~a reasonable fee~~ for the direct cost of ~~copies provided to a requestor~~ duplication. Except as otherwise provided by statute, the School charges 25 cents for each page for copies of records up to 8 x 14 inches produced under a request, irrespective of whether they are produced in hard or electronic format. The actual cost of records larger than 8 x 14 inches, such as blueprints, and records provided on CD, DVD, flash drive, etc., must will be charged-determined on a case-by-case, direct cost basis. Additionally, the School reserves the right to recoup the costs associated with mailing records, in the event that the School decides, in its sole discretion, to mail responsive records, there are charges for postage, as well as media at \$1.00 for CDs and \$2.00 for DVDs.

When a request requires data compilation, the requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services. The requestor shall also bear the direct cost if unique software is needed to process the request. ~~Respondent-The School~~ will provide an

estimated cost for the request to the requestor and will follow-up with an itemization of the actual costs when actual costs are determined. ~~The School will require full payment prior to engaging in any work related to computer programming and extraction.~~

Except as noted above and authorized by the Act, the School may not charge for costs beyond the direct cost of duplication, which precludes overhead or the ancillary tasks associated with the retrieval, inspection and handling of the records. The School is not required to produce copies of records to a requestor until the costs for duplication have been paid. ~~If the records exceed 200 pages, the requestor may be required to post a non-refundable, good faith deposit equal to 50% of the total cost of fulfilling the request.~~

The School will not waive fees authorized by the Act. Any requests for a waiver of fees shall be directed to the CEO. See Appendix A for the MPS PRA Request ~~Form & Fee Schedule~~Form.

