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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer

Meeting Date May 24, 2023

Subject Proposed Amendments to Board Policy 1340 – Access to District Records

Ask of the Board Approval by the Board of Education of proposed amendment to Board Policy 1340 - Access to District Records

Background Board Policy 1340 - Access to District Records addresses the public’s right to access District records. In particular, it implements the Public Records Act (“PRA”). The PRA was recently recodified, which entailed changing the statutory numbering; no substantive change was intended.

Discussion There is a need to update the statutory references in BP 1340 as a result of the recodification. As is typical, additional non-substantive revisions are included as well.

Fiscal Impact N/A

Attachment(s)

- Proposed Amendments to Board Policy 1340 - Access to District Records (REDLINE)
- Proposed Amendments to Board Policy 1340 - Access to District Records (CLEAN)

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

Community Relations

BP 1340

Access To District Records

The ~~Governing~~ Board recognizes the right of citizens to have access to public records of the ~~d~~District. The Board intends the ~~d~~District to provide any person reasonable access to the public records of the ~~schools and d~~District during normal business hours and within the requirements of state and federal law. In the examination occurs in person, sSuch records shall be examined in the presence of the staff member regularly responsible for their maintenance.

The ~~d~~District may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and in no case shall the cost exceed 10 cents per page plus postage, or 1 cents per page for records routinely produced in multiple copies for distribution, such as copies of an agenda reproduced for a meeting, plus postage. The fee may be waived for media and any person who cannot afford the fee.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.5 - Student Assessment)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports
42103 Publication of proposed budget; hearing
44031 Personnel file contents and inspections
44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)
49060-49079 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 EC 52015(g)
52850 Applicability of article (School-based Program Coordination Plan availability)
54722 Application of article (Motivation and maintenance program Plan availability)

GOVERNMENT CODE

3547 Proposals relating to representation

[7920.000-7930.215](#) ~~6250-6270~~ California Public Records Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Public records; inspection and reproduction

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

COURT DECISIONS

Fairly v. Superior Court, 66 Claps. 4th 1414 (1998)

North County Parents Organization for Children with Special Needs v. Department of Education,
23 Claps. 4th 144 (1994)

ATTORNEY GENERAL OPINIONS

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

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

7/14/04; 8/10/16A; [5/10/23A](#)

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

Community Relations

BP 1340

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