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File ID Number	16-1805
Introduction Date	8/10/2016
Enactment Number	16-1325
Enactment Date	8-10-16



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, General Counsel
Jacqueline P. Minor, Legal Advisor

Board Meeting Date August 10, 2016

Subject Board Policy 1340 - Access To District Records

Action Requested

Approval by the Board of Education of Amendment to BP 1340

Background and Discussion

Board Policy 1340 currently provides that the district may charge for copies of public records or other materials requested by individuals or groups – but the amount that can be charged is not specified. The amendment recommended by Staff provides that “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.”

Recommendation

Approval by the Board of Education of Board Policy 1340

Fiscal Impact

N/A

Attachments

- Amended BP 1340

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 1340

Community Relations

Access To District Records

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

The 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 cent 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
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; revised 8/10/16

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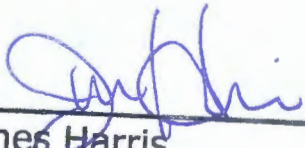
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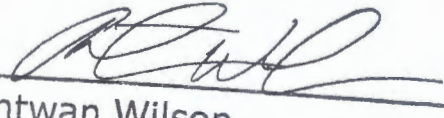
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James Harris
President, Board of Education



Antwan Wilson
Secretary, Board of Education

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