

## **REQUEST FOR PUBLIC RECORDS**

### **Definitions**

*“Commercial entity”* is not limited to for-profit organizations.

*“Commercial purpose”* is any activity which is generally an attempt to solicit business.

*“Political purposes”* has the meaning defined in I.C. 5-14-3-3(f) “influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.”

### **Policy**

Any person may inspect and copy the public records of MSD of Wayne Township in accordance with the Indiana Access to Public Records Act (APRA).

### **1. Process**

A request for public records must be made in writing on form H175-E and submitted in person or via U.S. mail to the Chief Communications Officer at the District Education Center at 1220 South High School Road, Indianapolis, Indiana 46241 on a regular business day between 7:30 am – 4:30 pm. The request must identify with reasonable particularity the record(s) being requested. The District may request clarification if the request does not provide the District with the information which enables it to search for, locate, and retrieve the records. The District shall acknowledge the request within seven (7) business days of receipt.

After the District has reviewed the request, the District will inform the Requester in writing if the request is denied or granted. If the request is denied, the District will provide the statutory citation and authority for not disclosing the record, as well as the name and title of the person responsible for the denial. If the request is granted, the District will inform the Requester of the estimated fees to be paid. Fees for copies will be charged \$0.10 per sheet, including printouts from computer files. Special charges may be made for records existing on media other than print media.

Copy fees shall be paid to the District before any record is copied. Fees may be paid by cash or money order payable to MSD of Wayne Township. After receiving the fee, the District shall produce copies of the records requested within a reasonable amount of time, depending on the complexity and size of the request.

The District may charge a search fee for any time spent searching for records in an electronic format that exceeds five (5) hours. This fee shall not exceed the lesser of:

1. the hourly rate of the person making the search; or
2. twenty dollars (\$20) per hour.

Fees for public record searches in an electronic format exceeding 5 hours must be paid via cash or money order payable to the District before records will be turned over to the requestor.

If the Requester elects to review and inspect the record in person, instead of being provided a copy, copy fees will not be charged. However, search fees will apply and records may be inspected only at the office or location where they are regularly maintained, during regular business hours, in the presence of a District staff member. If a Requester elects to review and inspect the record in person, he or she will work with the District in good faith to schedule a time for inspection and is expected to sign form H175-E2.

## **2. Records to be Disclosed**

In general, the District will not disclose records which are exempt from disclosure under I.C. 5-14-3-4 for confidential or discretionary reasons. As such, pursuant to the Family Educational Rights and Privacy Act (FERPA), the District shall not disclose records which contain a student's personally identifiable information without the prior written consent of the parent or eligible student. In accordance with FERPA and Indiana Public Access Counselor Opinion, the District shall not disclose information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

The District shall not create lists or records which do not exist at the time of the request in order to comply with the request. The District prohibits disclosures of lists of names and/or addresses of students who are enrolled in the District to any commercial entities for commercial purposes or to any individuals or entities for political purposes. In addition, any list of names and/or addresses of District students may not be used by commercial entities for commercial purposes.

The District shall comply with I.C. 5-14-3-7 and shall take into account the other duties to be performed by Board employees with custody of the requested record(s) and shall not cause or permit a material interference with the regular discharge of the other functions or duties of the District or its employees.

I.C. 5-14-3(a)

I.C. 5-14-3-3(f)

20 U.S.C. 1232(g)

34 C.F.R. Part 99

I.C. 5-14-3-4 *et. seq*

Indiana PAC Opinion 12-FC-175

MSD of Wayne Township, Marion County, Indiana

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