

PUBLIC RECORDS POLICY AND FEE SCHEDULE

Madrone Trail Public Charter School (the “School”) affirms the right of the public, parents, and community stakeholders to be apprised of the School’s programs and actions. In addition, the School is a public body subject to the provisions of Oregon’s public records laws (ORS 192.311-192.431; the “Public Records Law”). Unless contrary to the public interest, or otherwise properly exempt from disclosure under the Public Records Law and/ or other relevant laws, including but not limited to the Family Educational Rights and Privacy Act of 1974 (“FERPA”), the School shall, consistent with this written policy, release public records for inspection pursuant to requests by members of the public.

Definitions

A “public record” is defined herein as any writing that contains information relating to the conduct of the School’s business, and that is prepared, owned, used, or retained by the School regardless of physical form or characteristics. A public record also does not include any writing that does not relate to the conduct of the School’s business and that is contained on a privately owned computer.

A “writing” is defined as handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and papers, maps, files, facsimiles, electronic recording and email, including deleted email on backup.

A “business day” is defined as a day other than Saturday, Sunday or a legal holiday and on which at least one paid employee of the School is scheduled to and does report to work. A “business day” does not include any day on which the administrative offices of the School are closed.

Procedure and Fees

All requests for public records must be made through the Madrone Trail School Board by delivery to the School's office located at 3070 Ross Lane, Central Point, OR 97502; or by email to board@madronetrail.org. Requests may be directed toward the School’s Board Secretary or Board Chair.

Upon receipt of a request, the School shall acknowledge in writing its receipt of the request within five (5) business days by:

1. Confirming to the requestor that the School is the custodian of the requested record(s); 2.

Informing the requestor that the School is not the custodian of the requested record(s); or

3. Informing the requestor that the School is uncertain whether it is the custodian of the requested record(s).

The School shall complete its response to a request for Public Records as soon as practicable and without unreasonable delay, but not later than ten (10) business days from the School’s acknowledgement of the request, as discussed above. Within that time, the School shall either complete the request, or provide a

written statement that the School is still processing the request and a reasonable estimated date by which the School expects to complete the request based on the information currently available. Note that these time periods do not apply to the extent that (1) the School presently lacks the staff or volunteers necessary to complete the request (staff or volunteers who are on leave or are not scheduled to work are considered to be unavailable); (2) compliance would demonstrably impede the School's ability to perform other necessary services; or (3) timely compliance is prevented due to the volume of Public Records requests being simultaneously processed by the School.

The School's response to a request for public records Request is complete when the School:

1. Provides access to or copies of all requested, non-exempt records in its custody, or explains where such records are already publicly available;
2. Asserts any applicable exemptions from disclosure of any or all requested records, including the identification of any particular state or federal law relied upon for that determination;
3. Complies with ORS 192.338, concerning the separation of exempt and non-exempt material on a single requested record;
4. Provides a written statement, if applicable, that the School is not the custodian of any or all of the requested records;
5. A statement that state or federal law prohibits the district from acknowledging whether any or all of the requests records record exist, or that acknowledging whether any or all of the records exist would result in the loss of federal benefits or other sanctions. Such a statement must include a citation to the particular state or federal law relied upon for that determination; and
6. Informs the requestor of the requestor's right to seek review of the School's determinations and response to the requestor's request pursuant to ORS 192.401-431.

The School may request additional information or clarification in good faith from the requester for the purpose of expediting the School's response to the request. If the requestor fails to respond to such requests for additional information or clarification within 60 days, the records request shall be deemed closed, and the School shall have no further obligation to respond to the request. Any statutory timelines for the School's response shall be stayed pending receipt from the requestor of the additional information or clarification.

If the time needed to respond to a request exceeds 30 minutes, the actual costs of labor, material and out-of-pocket charges will be charged to the requestor for reimbursement. Labor costs will be calculated at the hourly rate of the employee affected. Labor costs may include time spent by the School's attorney in reviewing the public records, redacting material or segregating the public records into exempt and nonexempt records. Time spent by the School's attorney in determining the application of provisions of ORS 192.311-478. Copies will be charged at the rate of \$0.25 per page. If total fees are estimated to exceed \$25.00, the School will obtain prior written authorization from the requestor before proceeding with the request. Fees may be waived in whole or in part if the School determines that a waiver is in the public interest because the requestor's request primarily benefits the general public. A request will be considered closed if the requestor does not pay the required fee within the later of 60 days of being

informed of the fee, or 60 days of the denial of any request for fee waiver or reduction. Any statutory timelines for the School's response shall be stayed pending receipt from the requestor of payment of the fees.

If a person who is a party to a civil judicial proceeding to which the School is a party, or who has filed notice under ORS 30.275(5)(a), asks to inspect or to receive records the person knows relates to the proceeding or notice, the individual must submit the request in writing to both the School and the School's attorney.

The School reserves the right to restrict the inspection of some public records to the School's facilities. Information to be inspected at the School will be made available to individuals with disabilities in any appropriate format, and with any appropriate accommodations, upon reasonable advance request. The School shall not charge any fees for such accommodations.

Exempt Materials

Please be advised that, in addition to other possible exemptions from disclosure, employee and volunteer addresses, electronic mail addresses (other than district electronic mail addresses assigned by the district to district employees), social security numbers, dates of birth, and telephone numbers contained in personnel records maintained by the School are exempt from public disclosure without written request of the employee or volunteer.

