



# ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 9010

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CATEGORY: **Community Relations**

EFFECTIVE: **1-29-62**

SUBJECT: **Inquiries About and Access to Records**

REVISED: **1-21-05**

## A. PURPOSE AND SCOPE

1. To provide guidelines governing inquiries and public access to district records.
2. **Related Procedures:**
  - California Confidential Address Program (CAP) .....6529
  - Complaints against employees .....9430
  - Individuals with exceptional needs .....4230
  - Questionnaires/surveys .....4934
  - Questions and complaints regarding instruction materials and books .....9410
  - Release of directory-type student information .....6525
  - Release of public information to news media and public .....9015
  - Uniform complaint procedure .....1700

## B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: A-2000, B-2400, B-3700, B-6000, C-3800, F-7600, F-8800, F-9400, H-8900, I-1100, I-1800, K-1000, K-1500, K-2000, K-8000, K-8300, K-8700; Government Code Sections 6205, 6250 *et seq.*; Collective Negotiations Contracts.

## C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Office of General Counsel.
2. **Definition. Public records:** All papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents containing information relating to conduct of the public's business, prepared, owned, used, or retained by the district regardless of physical form or characteristics.
3. **California Confidential Address Program.** If a parent or student indicates that he/she is a participant in the California Confidential Address Program (Cal CAP) during the registration process, refer to Procedure 6529 prior to the beginning of the registration process (Government Code Sections 6205 *et seq.*).
4. **Public Right of Access to District Information, Including Exceptions and Limitations.** California Public Records Act (Government Code Section 6250) provides that access to information concerning conduct of the "people's business" is a right of every citizen of the state. There are exceptions and limitations that require use

of judgment in handling requests. However, whenever any otherwise exempt record is disclosed to any member of the public, that disclosure constitutes a waiver of any right to withhold the record from other members of the public. If disclosure of information is withheld, there should be a legal basis for doing so. In case of doubt, advice of General Counsel should be sought. *Information or records which need not, or should not, be disclosed include:*

- a. **Student information**, which is governed by other provisions in law and district Procedures 6525 and 4934.
- b. **Personnel, payroll, medical, and similar information** concerning employees, disclosure of which would constitute an unwarranted invasion of personal privacy (see Procedure 7100).
- c. **Preliminary drafts, notes, interagency or intra-agency memoranda, circulars**, which are not retained by the district in the ordinary course of business, provided that public interest in withholding such information clearly outweighs public interest in disclosure.
- d. **Records pertaining to pending litigation to which the district is a party** or to claims and actions against the district or an employee acting in behalf of the district.
- e. **Records of complaints to or investigations conducted by the district or any local or state agency** for correctional, law-enforcement, or licensing purposes. This includes records of intelligence information and security procedures involved.
- f. **Test questions, scoring keys, and other examination data** used for academic, employment, or licensing purposes.
- g. **Real estate appraisals, engineering or feasibility estimates, and evaluations** relative to acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided that the law of eminent domain shall not be affected by this limitation.
- h. **Employee addresses and phone numbers.**

- i. **Information required from any taxpayer** in connection with collection of local taxes that is received in confidence, disclosure of which would result in unfair competitive disadvantage to that taxpayer.
  - j. **Library and museum materials** made or acquired and presented solely for reference or exhibition purposes.
  - k. **Records, disclosure of which is exempted or prohibited by any other federal or state law**, including but not limited to provisions of the Evidence Code relating to privilege.
5. **Requests for Copies of Records and Charges Therefor.** Any person upon payment of a charge of 10 cents per impression (each side of page), may receive a copy of a public record, or be provided with a copy of all information contained in the record, within provisions and limitations outlined in C.4.

A limited number of free copies of any official document or paper may be provided if such documents are prepared especially for presentation to the general public for its convenience and information. Also, assessment of charges will not apply to other school districts or agencies that interchange information with this district in the normal course of business and on the basis of reciprocity. (See Procedure 6525 regarding copies of student transcripts.)

## **D. IMPLEMENTATION**

1. **In cases where it is doubtful that a record should be released**, the request for public records, together with two copies of the requested records, should be forwarded to the Office of General Counsel. General Counsel will respond to the request.
2. **Collection of Charges or Fees for Research and Copies of Records** (by employee designated to collect and deposit monies).
  - a. **School** collects fee and issues receipt, or arranges for invoicing or billing as might be the case in requests by mail or requests involving extensive and costly search and record service; using "District Daily Remittance Advice," (E.2.), deposits collections with district cashier, Accounting Operations Department, Financial Operations Division, Office of School Site Support.

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- b. **Central office** determines amount to be charged; sends note identifying service rendered and amount to be paid to district cashier's office (requester hand carries). Requester pays cashier and returns to department with receipt for pick-up of materials. Central office arranges with Accounting Operations Department for billing if fees are not collected in above-described manner. (See Procedure 9220 on use of "Billing Fact Sheet.")

**E. FORMS AND AUXILIARY REFERENCES**

1. Receipt Book, Inventory Item 22-R-1658 (for use by central offices)
2. District Daily Remittance Advice, Inventory Item 22-D-3500

**F. REPORTS AND RECORDS**

**G. APPROVED BY**

*Kerry B. Flanagan*

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For the Superintendent of Public Education