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## Access to District Records

### Policy 2-206

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#### **Scope:**

This policy applies to all requests for inspection or copies of District records made by members of the public under the California Public Records Act (CPRA). It governs the procedures for responding to such requests, the types of records subject to disclosure, and the exemptions that protect certain information from public release.

This policy does not apply to requests for student records governed by the Family Educational Rights and Privacy Act (FERPA) and Education Code §§ 49060-49079, which are addressed in Board Policy 2-202 (Student Records).

#### **Board Policy:**

The District shall comply with the California Public Records Act, Government Code §§ 7920.000-7930.215, and all applicable state and federal law related to access to District records.

#### **Purpose**

The District is committed to transparency and accountability in its operations. This policy ensures compliance with the California Public Records Act (Government Code §§ 7920.000-7930.215) while protecting information that is exempt from disclosure under state and federal law.

#### **1. Public Access to Records**

The District shall make public records available for inspection, at all times during office hours, and provide copies upon request, except as otherwise provided by law. The public has a right to access information concerning the conduct of the people's business, and access to this information should not be unreasonably restricted.

#### **2. Designation of Custodian of Records**

The Superintendent or designee shall serve as the custodian of District records and shall be responsible for responding to requests for public records in accordance with this policy and the California Public Records Act.

3. **Response Timelines**

The District shall determine whether a request for public records in whole or part seeks disclosable public records in possession of the District within ten (10) calendar days of receipt. The District shall notify the person making the request of the determination and reasons for the determination. In unusual circumstances, the District may extend this deadline by up to fourteen (14) additional days upon written notice to the requester.

4. **Exemptions from Disclosure**

The District shall not disclose records or information that is exempt from disclosure under the CPRA or other applicable law.

5. **Fees for Copies**

The District may charge fees to recover the direct costs of duplication pursuant to Government Code § 7922.530. Fees for electronic records shall be based on the direct cost of producing a copy of the record in an electronic format pursuant to Government Code § 7922.575.

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## **Administrative Regulations**

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### **1. Receiving and Processing Requests**

- Requests for public records may be submitted in writing, by email, or verbally. The District encourages written requests to ensure clarity and accurate tracking.
- Requesters are not required to provide identification, a reason for the request, or intended use of the records.
- As necessary, the Superintendent or designee will assist requestors in identifying requested records to the extent reasonable under the circumstances pursuant to Government Code § 7922.600

### **2. Response Requirements**

Within ten (10) calendar days of receiving a request, the Superintendent or designee shall:

- Determine whether the request in whole or in part seeks disclosable public records in the possession of the District and notify the requestor of such determination and reasons for the determination; or
  - If the Superintendent or designee determines that the request seeks disclosable public records the Superintendent or designee must notify the requestor of the estimated date and time when the records will be made available.
  - If the request is denied in whole or in part the notification will be made in writing to the requestor and will set forth the name(s) and title(s) if each person responsible for the denial.
- Notify the requester of an extension of up to fourteen (14) additional calendar days due to unusual circumstances pursuant to Government Code § 7922.535.

### **3. Unusual Circumstances Permitting Extension**

Unusual circumstances that justify extending the response deadline by up to fourteen (14) additional calendar days include:

- The need to search for and collect records from field facilities or other establishments separate from the office processing the request;
- The need to search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request;
- The need to consult with another agency having a substantial interest in the request or among two or more components of the agency having substantial subject matter interest therein;

*Adopted on: September 9, 2026  
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*Page 3 of 5*

- The need to compile data. Write programming language or a computer program, or create a computer report to extract data;
- The inability to access electronic servers or systems due to a cyberattack in order to search for and obtain a record the District believes is responsive and is maintained on the servers or systems, but only until the District regains its ability to search for and obtain electronic records; or
- The need to search for, collect, and examine records when a declared state of emergency directly affects the District's ability to timely respond. This does not apply to a request for records created during and related to the state of emergency proclaimed by the Governor.

#### **4. Records Exempt from Disclosure**

The California Public Records Act lists categories of records that are exempt from disclosure. The District will not permit access to records that are exempt under the California Public Records Act and all other applicable law.

When a record contains both disclosable and exempt information, the exempt portions shall be redacted, where reasonably segregable, and the remaining disclosable portions shall be provided.

#### **5. Student Records**

Student records are not public records and are governed by the Family Educational Rights and Privacy Act (FERPA), Education Code sections 49060-49079, and Policy 2-202 (Student Records). Requests for student records shall be processed in accordance with those provisions.

#### **6. Format of Records**

- If a nonexempt record is available in electronic format and the requester requests an electronic copy, the District shall provide the record in the electronic format requested.
- The District is not required to create records that do not exist or compile data in a manner not already maintained.
- Disclosable portions of records shall be provided even when non-disclosable portions must be redacted.

#### **7. Fees and Cost Recovery**

- Inspection of records is free of charge.
- The fee for copies shall be in compliance with Government Code § 7922.530 and all applicable law.

*Adopted on: September 9, 2026*  
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*Page 4 of 5*

- For electronic copies, the fee shall be in compliance with Government Code § 7922.575 and all applicable law.

## **8. Records Retention**

The District shall maintain records in accordance with applicable records retention schedules. Records responsive to a pending request shall not be destroyed until the request has been fulfilled or the matter is resolved.