

RECOMMENDED LANGUAGE FOR OPEN RECORDS POLICIES

(This policy has been adapted from the standard “School Board Records” policy that many districts have adopted from TSBA. The highlighted text is additional text that we have added)

The director of schools, or a designee, shall maintain all school system records required by law, regulation and board policy. Any citizen of Tennessee, state official or other authorized person shall be permitted, upon written request to the Custodian of Records (delivered in person or via U.S. Mail), at a reasonable time, to inspect or receive all records maintained by the school district unless otherwise prohibited by law, regulation or board policy. E-mailed requests will not be accepted as valid open records requests. The records custodian or other authorized representative of the Board shall respond to the request within seven (7) business days to advise the requestor of the status of their request in accordance with State law.²

A person who has the right to inspect a record may request and receive copies of the documents subject to the payment of reasonable cost.^{1,2,3,4} The requestor may be required to pay the cost of copies and/or the cost of labor required to fulfill their request, among other reasonable charges that may be incurred. These reasonable charges shall be calculated at the rate prescribed by the Schedule of Reasonable Charges as produced by the Tennessee Office of Open Records Counsel as from time to time amended. The Board hereby adopts and incorporates herein the schedule of reasonable charges produced by the Tennessee Office of Open Records Counsel as the schedule of charges for which a requestor may be required to pay if incurred in the course of responding to an open records request. This schedule can be found at: <http://www.comptroller.tn.gov/openrecords/forms.asp>. When the total number of requests made by a requestor within a calendar month exceeds 4, but the time to produce the record requested each time is less than the one (1) hour threshold necessary to charge a reasonable fee, the Board may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Further, the names of persons inspecting records and the date of inspection shall be recorded.

No records pertaining to individual students will be released for inspection by the public or any unauthorized persons.

The director of schools and/or his designee(s) shall retain and dispose of school district records in accordance with the following guidelines:^{2,4}

1. The director of schools and/or his/her designee(s) will determine if a particular record is of permanent or temporary value in accordance with regulations promulgated by County Public Records Commission and the Tennessee Institute for Public Services records manual;^{5,6}

2. Temporary value records which have been kept beyond the required time may be recommended to the Public Records Commission for destruction;^{7,8}

3. The records that the State Librarian and Archivist desire to preserve in their facilities will be transferred to the State Library and Archives. The temporary value records rejected by the State Library and Archives may be transferred to another institution or destroyed;^{7,8,9} and

4. Permanent records will be kept in some usable form. If the director of schools desires to destroy the original permanent record, these records must be reproduced by microfilming or some other permanent, un-amendable, reproduction method. Permission to destroy any original permanent record after microfilming shall be the same procedure noted above for temporary records.^{6,8}

5. The director of schools shall establish procedures to safeguard against the unlawful destruction, removal or loss of records.¹⁰

Legal References:

1. TCA 49-2-301(b)(1)(CC)
2. TCA 10-7-503
3. TCA 10-7-506(a)
4. TCA 49-2-104
5. TCA 10-7-401
6. TCA 10-7-406
7. TCA 10-7-404
8. TCA 10-7-413
9. TCA 10-7-414
10. TCA 39-16-504

Cross References:

Financial Reports and Records 2.701
Personnel Records 5.114
Student Records 6.600