

Benton County Board of Education

Monitoring: Review: Annually	Descriptor Term: School District Records	Descriptor Code: 1.407	Issued Date: 08/07/17
		Rescinds: 1.407	Issued: 07/10/17

1 The Director of Schools shall maintain all school system records required by law, regulation and board
2 policy. Any citizen of Tennessee, state official or other authorized person shall be permitted, upon
3 written request, at a reasonable time, to inspect all records maintained by the school district unless
4 otherwise prohibited by law, regulation or board policy. A person who has the right to inspect a record
5 may request and receive copies of the documents subject to the payment of reasonable cost.^{1,2,3,4} The
6 names of persons inspecting records and the date of inspection shall be recorded.

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

9 All requests to inspect or receive copies of records shall be submitted to Director of Schools, the district's
10 public records request coordinator and records custodian.¹²

11 Prior to producing any record, the records custodian shall ensure confidential information is redacted.
12 Original documents remain intact and confidential information in copies produced for a requestor shall
13 be redacted. The Director of Schools shall develop a procedure to redact confidential information.

14 **REQUESTS FOR INSPECTION²**

15 Citizens requesting to inspect public records shall submit their request and a government issued photo
16 identification card with the citizen's address to the district's public records request
17 coordinator during normal business hours. Requests may be made in person or by telephone, fax, mail,
18 or by email. (Requests may also be submitted by electronic portal if the district maintains one.) The
19 coordinator shall submit the information to the appropriate records custodian. The records custodian
20 will contact the citizen and indicate when the records will be available to inspect. If the records cannot
21 be made available within seven (7) business days, the records custodian shall provide a records
22 production letter indicating the time needed to complete the request. If the request to inspect is denied,
23 the records custodian shall provide the citizen with a records request denial letter indicating the basis
24 for the denial.

25 **REQUESTS FOR COPIES²**

26 Citizens requesting copies of public records shall complete and submit the Records Request
27 Form and a government issued photo identification card with the citizen's address to the district's
28 public records request coordinator during normal business hours. The coordinator shall submit the
29 Records Request Form to the appropriate records custodian. The records custodian shall provide an
30 estimate of the reasonable costs to produce the requested records. The Tennessee Comptroller of the
31 Treasury, Office of Open Records Counsel Schedule of Reasonable Charges found at
32 <https://www.comptroller.tn.gov/openrecords/forms.asp> shall be used to determine the reasonable cost.

33 The records custodian will provide the citizen with an invoice detailing the charges. The citizen shall
34 pay the estimated reasonable costs by money order or certified check prior to the district producing the
35 copies.

36 If records cannot be made available within seven (7) business days, the records custodian shall provide
37 a records production letter indicating the time needed to complete the request. If the request for copies
38 is denied, the records custodian shall provide the citizen with a records re-quest denial letter detailing
39 the basis for the denial.

40 **FREQUENT AND MULTIPLE REQUESTS**

41 When the total number of requests for copies made by the requestor within a calendar month exceeds
42 four (4), the requestor may be charged a fee for any and all labor that is reasonably necessary to
43 produce copies of the requested records. Prior to charging a reasonable fee, the requestor shall be
44 notified of this policy and provided with a Notice of Aggregation of Multiple Requestors form. The
45 Tennessee Comptroller of the Treasury, Office of Open Records Counsel Schedule of Reasonable
46 Charges found at <https://www.comptroller.tn.gov/openrecords/forms.asp> shall be used to determine
47 the reasonable cost. Further, the names of persons inspecting records and the date of inspection shall
48 be recorded.

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

51 **DENYING REQUESTS FOR NONCOMPLIANCE¹³**

52 *Requests to Inspect a Public Record*

53 The district shall deny a request to inspect a public record from any citizen that has:

- 54 a. made two (2) or more requests to view a public record within a six-month period; and
- 55
- 56 b. for each request failed to view the record within fifteen (15) business days of receiving
- 57 notification that the record was available.

58 Requests from this citizen shall be denied for up to six (6) months from the date of the second records
59 request. The district's public records request coordinator may waive this denial if he/she determines
60 that failure to view the record was for good cause.

61 *Requests for Copies of Public Records*

62 The district shall deny a request for copies of a public record from any citizen that has:

- 63 a. been provided with an estimate of the reasonable cost to produce the requested records;
- 64 b. agrees to pay such estimated reasonable cost prior to production of the records; and
- 65 c. fails to pay the actual cost after the records have been produced.

66 Additional requests from this citizen shall be denied until the original cost is paid.

67 RECORDS RETENTION

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

- 70 1. The director of schools and/or his/her designee(s) will determine if a particular record is of
71 permanent or temporary value in accordance with regulations promulgated by County Public
72 Records Commission and the Tennessee Institute for Public Services records manual;^{5,6}
- 73 2. Temporary value records which have been kept beyond the required time may be recommended
74 to the Public Records Commission for destruction;^{7,8}
- 75 3. The records that the State Librarian and Archivist desire to preserve in their facilities will be
76 transferred to the State Library and Archives. The temporary value records rejected by the State
77 Library and Archives may be transferred to another institution or destroyed;^{7,8,9}
- 78 4. Permanent records will be kept in some usable form (digital, printed, microfilm, etc.). If the
79 director of schools desires to destroy the original permanent record, these records must be
80 reproduced by microfilming or some other permanent reproduction method. Permission to
81 destroy any original permanent record after microfilming follows the same procedure noted
82 above for temporary records;^{6,8} and
- 83 5. The director of schools shall establish procedures to safeguard against the unlawful destruction,
84 removal or loss of records.¹⁰

85 DISTRICT PUBLIC RECORDS REQUEST COORDINATOR¹⁴

86 Mark Florence
87 Director of Schools
88 731-584-6111
89 Mark.florence@bcos.org

Legal References

1. TCA 49-2-301(b)(1)(CC)
2. TCA 10-7-503; Public Acts of 2017, Chapter No. 233
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
11. TCA 10-7-504(p)
12. *Policy Related to Reasonable Charges a Records Custodian May Charge for Frequent and Multiple Requests for Public Records*, Tennessee Comptroller of the Treasury, available at <https://www.comptroller.tn.gov/openrecords/forms.asp>.
13. Public Acts of 2017, Chapter No. 233
14. TCA 10-7-503(g)(4)

Cross References

Financial Reports and Records 2.701
Personnel Records 5.114
Student Records 6.600