

Public's Right to Know/Freedom of Information

The Board recognizes the importance of a well-informed public to the operations of RSU 40. The Board will comply with all applicable sections of Maine's Freedom of Access Act. Except as otherwise provided by statute, all Board proceedings will be open to the public, any person will be permitted to attend, and any records or minutes of such proceedings that are required by law will be made available and will be open to public inspection.

The Board designates the Superintendent/designee as the Public Access Officer for RSU 40.

Board agendas and minutes, proposed and approved Board policies, annual budget reports, student handbooks and Board member Freedom of Access training documentation/certificates will be available for immediate inspection and/or copying in the Superintendent's office. Requests for all other public records will be made, preferably in writing, to the Public Access Officer, specifying the records desired for inspection/copying. The Public Access Officer/designee may request clarification concerning which public record or records are being requested.

The Public Access Officer/designee will acknowledge receipt of a request for inspection and/or copying of public records within a reasonable period of time, that being five working days whenever feasible.

If the request is denied, the Public Access Officer will inform the requestor in writing within five working days of the request and will state the reason for denial. Otherwise, inspection and/or copying may be scheduled to occur within a reasonable period of time following the request at a time that will not delay or inconvenience the regular activities of the District.

RSU 40 is not required to create a record that does not exist.

Electronically Stored Public Records

In compliance with the Freedom of Access Act, RSU 40 will provide access to an electronically stored public record as a printed document or the record or in the medium in which the record is stored, at the requester's option, except that RSU 40 is not required to provide access to an electronically stored public record as a computer file if RSU 40 does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. RSU 40 is not required to provide access to a computer terminal.

FEES:

Except as otherwise provided by law or court order, RSU 40 may charge fees as follows:

- A. A reasonable fee to cover the cost of copying.
- B. A fee of \$15 per hour after the first hour of staff time per request to cover the actual cost of searching for, retrieving, and compiling the requested public record. Compiling the public record includes reviewing and redacting confidential information
- C. If conversion of a public record into a form susceptible of visual or aural comprehension or into a usable format is required, a fee to cover the actual cost of conversion.
- D. A charge for the actual mailing costs to mail a copy of the record.
- E. No fee will be charged for inspection of public records, unless the record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

As required by law, RSU 40 will provide the person making the request an estimate of the time necessary to complete the request and of the total cost and, if the estimated total cost exceeds \$30, will inform the requestor before proceeding. If the estimated total cost is greater than \$100, or if the requestor has previously failed to pay a fee assessed for access to the District's records, the requestor may be required to pay in advance all or a portion of the estimated cost prior to the search, retrieval, compiling, translation, and copying of the public record.

The Public Access Officer is directed to develop and implement such administrative procedures as may be necessary to carry out this policy.

Legal Reference: 1 M.R.S. § 401 et seq. (Maine Freedom of Access Act)
 1 M.R.S. § 6101
 20 U.S.C. 1232g – Family Education and Privacy Rights
 34 C.F.R. Part 99 Family Education Rights and Privacy Act Regulations
 (FERPA)

Cross Reference: BEC - Executive Sessions
 JRA - Student Records and Information
 JRA-R – Student Records and Information Procedure

Adopted: December 4, 2008

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