

Communication and Public Information

Public Records

Definition of "Record"

"Record" is defined by Wisconsin's Public Records Law and means any materials on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, records, tapes (including computer tapes) and computer printouts.

"Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his/her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

Legal Custodians of Records

The following persons are the legal custodians for records pertaining to their offices or departments. The offices are located at the Racine Unified School District Administrative Service Campus, 3109 Mt. Pleasant Street, Racine, Wisconsin.

Custodian

Superintendent of Schools
Chief Financial Officer
Director, Standards, Assessment and Accountability
Executive Director, Human Resources
Director, Support Services
Board members for their respective offices

The legal custodians have the full legal power to carry out responsibilities under this policy, administrative regulations and the public records law. In their absence their designees may act on their behalf in these matters. Legal custodians should have access to and read s.19.31-39, Wisconsin Statutes. Each individual Board member is the legal custodian of the records of the Board member's office.

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Custody and Delivery of Official Property

Each officer and employee of the school district shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of and which he or she may be lawfully entitled as such officers or employees.

Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt thereof to the officer or employee, who shall file said receipt with the school district clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Public Records Notices

The notice to the public regarding access to public records shall be permanently posted as follows:

1. On the bulletin board of each school's administrative office(s), in plain sight to the public.
2. At or near the main entrance of the school in plain sight to the public.

Public Access To Records; Fees

Any person has a right to inspect a record and to make or receive a copy of any record as provided in s.19.35(1) of the statutes.

Public records will be available for inspection and copying during all regular office hours: 7:30 a.m. - 4:30 p.m., Monday-Friday at the Racine Unified School District Administrative Service Campus located at 3109 Mt. Pleasant Street ,Racine, Wisconsin.

Student records can be inspected and copied at the school during normal school hours.

A requester shall be permitted to use facilities comparable to those available to District employees to inspect, copy or abstract a record.

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The legal custodian may require supervision of the requester during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged, if redaction is required, or if direct inspection is disruptive to the operations or interests of the District or would lead to the disclosure of non-disclosable information.

A requester shall be charged a fee for the cost of complying with a request for public records as follows:

1. The fee for photocopying shall be as stated on the public record fee list or an amount not to exceed the actual, necessary and direct cost of reproduction.
2. If the form of a record does not permit copying, the actual and necessary cost of photocopying, photographic processing or other form of reproduction shall be charged.
3. The cost of providing a copy of other records not in printed form on paper, such as films, a computer printout, CDs and audio or video tapes shall be charged as provided by the public record fee list or an amount not to exceed the actual, necessary and direct cost of reproduction.
4. If mailing or shipping is necessary, an amount not to exceed the actual, necessary and direct cost thereof shall also be charged.
5. There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00 in which case the actual cost shall be determined by the legal custodian and billed to the requester.
6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
7. Labor costs may be charged in accordance with the public record fee list or an amount not to exceed the actual, necessary and direct cost of labor.
8. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
9. The legal custodian may provide copies of a record without charge or at a reduced charge where the custodian determines that waiver or reduction of the fee is in the public interest.

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Access Procedures

A request to inspect or copy a record shall be made to the legal custodian or deputy. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length or time represented by the record does not constitute a sufficient or reasonable request. No request for public records may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence or if security reasons or federal law so dictate, identification may be required. Mail requests may not be denied unless a prepayment fee is required.

Each legal custodian, upon written request for any record, shall, as soon as applicable and without delay, either fill the request or notify the requester of the authority's denial.

A request for a record may be denied as provided by s.19.36 of the Statutes. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requester that the denial may be reviewed by a court by mandamus under s.19.37(1) of the Statutes, or upon application to the Attorney General or the District Attorney.

Request for records made at the school building level shall be referred to the Superintendent of Schools or appropriate legal custodian for proper dispensation.

Limitations On The Right To Access

1. Records or information contained in those records may be exempt from public access based on state or federal statutes, common law or when the public's interest in nondisclosure of the information outweighs the public's interest in disclosure.

If a record contains both information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and redact the information that may not be made public from the record before release.

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The legal custodian is authorized and encouraged to consult with the District's legal counsel in making such determinations. The legal custodian shall follow the procedures listed in the section, "Access Procedures," and in s.19.35(4) of the Statutes when the access to a record in whole or part, is denied.

Notice to Employees

The legal custodians of records, their authorities and responsibilities as described in this administrative regulation shall be disseminated to employees of the District entrusted with records subject to the legal custodian's supervision. Requests for access to records shall be referred to the legal custodian or, in the case of student records, to the school principal. The legal custodian will determine whether a record of the District must be made available for inspection or copying by a requester, or whether the request may be denied.

Legal Reference: Wisconsin Statute 19.21 through 19.39, 118.125, 120.13(28)

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