

**ACCESS TO PUBLIC RECORDS**

**Philosophical Foundation:**

The Board of Education (Board) recognizes that it is the representative of the public, and that the release of information to the public is an essential function of representative government. The Board shall allow persons to have access to the District records in accordance with state law and established procedures.

The District Administrator or designee is designated as the legal custodian of records for the District. The legal custodian shall safely keep and preserve the records and have full legal power to render decisions and carry out duties related to those public records maintained by the District. The legal custodian may deny access to District records only in accordance with legal requirements.

Public records may be inspected, copied and/or abstracted during established District Office hours. Fees may be established in accordance with law. A list of such fees shall be made available at the District Office.

An official notice of the District's policy and procedures regarding the inspection, release and reproduction of public records of the District and the fees that may be charged for the location and reproduction of such records shall be displayed in prominent locations throughout the District and made available upon request to any member of the public. All District employees shall also be informed of state law requirements regarding public records and provisions of this policy.

All District records shall be retained for periods of time outlined in the School Records Retention Schedule adopted by the Board and in accordance with legal requirements.

Legal Ref.: Wisconsin State Statutes  
Chapter 19 Subch. II and IV, [Sections 19.21 – 19.39](#) [Public Records Law and related statutes]  
103.13 Records open to employee  
103.15 Restrictions on use of an HIV test  
118.125 Pupil records  
118.128 Information related to pupil harm to others  
120.13(28) Records custodian  
146.81-146.84 Health care records  
252.15 Restrictions on use of an HIV test  
767.24(7) Access to records  
938.396 Records  
20 U.S.C. § 1232g; 34 CFR Part 99 Family Educational Rights and Privacy Act (FERPA)  
Pub. L. No. 101-336, 104 Stat. 328 Americans Disability Act of 1990  
Pub.L. 104-191, 110 Stat. 1936 Health Insurance Portability and Accountability Act (HIPAA)  
Pub. L. 107-56, 115 Stat. 272 USA Patriot Act of 2001

Cross Ref.: 347 Student Records  
824 Records Retention

Approved: April 20, 1992  
Revised: April, 1998  
Approved: May 18, 1998  
Revised: November, 2002  
Approved: January 27, 2003  
Revised: November 17, 2008  
Approved: May 27, 2009  
Revised: May 9, 2018  
Approved: June 11, 2018

**ACCESS TO PUBLIC RECORDS PROCEDURES**

**4- DEFINITIONS**

- A. "Authority" means any of the following having custody of a record: members of the Board of Education; President, Vice-president, Clerk, and Treasurer of the Board, and any subunit of the Board or District having custody of records.
- B. "Legal Custodian" means any person or position designated by law to carry out responsibilities under this policy and the Public Records Law.
- C. "Record" means any material 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 or printed pages, maps, charts, photographs, films, recordings, 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 property of the custodian and have no relation to his or 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.

**ACCESSIBILITY OF RECORDS**

- A. Members of the public may request access to the public records that are under the supervision of the legal custodian by submitting a request to the legal custodian during the regular business hours of the District Office.
- B. A requester will be permitted to use facilities comparable to those available to District staff to inspect or copy a record.
- C. The legal custodian of records or his/her designee may require supervision of the requester during inspection or may impose other reasonable restrictions to maintain the security of the record(s).

**RECORD REQUEST UNDER THE WISCONSIN PUBLIC RECORDS LAW**

- A. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee.
- B. All requests must be reasonably specific as to the subject matter and time period of the records covered by the request.
- C. Record requests may be made orally or in writing. Requesters may, but are not required to, contact the District to ensure receipt of the request.
- D. At the discretion of the legal custodian, and where there are legitimate reasons for doing so, the legal custodian may promptly contact the requester to seek clarification of an ambiguous request prior to seeking responsive records or providing a formal response.
- E. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence, whenever security reasons require such measures, or where applicable state or federal law otherwise requires or permits an authority to request identification.
- F. Neither any records authority nor any legal custodian of records is required to create new records that do not presently exist in response to any request for information from the authority.
- G. The legal custodian is authorized by applicable law to reject "standing requests" for access to records that do not exist at the time of the request, but that may be created at a later date.

**RESPONSES TO RECORDS REQUESTS**

- A. All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request. Access to inspect or copy records on the same day that the request is submitted is available only in limited circumstances.
- B. Not all records created or maintained by the District are subject to inspection or copying by the public. Examples of records to which access may be prohibited or restricted include, but are not limited to, certain student records and certain records concerning applicants for positions, district employees, or public officers. In some cases, only a portion of record is subject to public inspection, while the remaining portion must remain confidential.
- C. If the legal custodian decides to permit access to certain types of records concerning employees or individuals who hold a local public office, the custodian shall first determine whether the law requires the custodian to provide the record subject with advance notice of the decision to release the records. If such notice is required, it shall be provided prior to any release of the records, and the record subject shall be afforded the rights further outline in state law.
- D. In the event a legal custodian denies a records request, either in whole or in part, the custodian shall identify the reasons that access is being denied.

- E. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Verbal requests may be denied verbally unless the requester makes a demand for a written statement of the reasons denying the request within five business days of the oral denial.
- F. If the legal custodian issues a written denial of request, the custodian must also expressly notify the requester within the response that the denial is subject to review in an action for mandamus under section 19.37(1) of the Wisconsin Statutes, or by application to the district attorney or attorney general.

**FEES**

The following provisions supplement the fee provisions established in Board Policy 823 regarding access to public records. The following fees are authorized to be charged to persons who request to inspect or obtain a copy of the records of a District authority, to the extent such request is submitted, or responded to, under the Wisconsin Public Records Law:

- A. The fee for photocopying shall not exceed the actual necessary and direct cost of reproduction. Separate charges, not to exceed the actual, necessary and direct costs, may apply for issuing copies of photographs, electronic records, records which require transcription, or other specialized records. Copying charges do not apply if the District, at its discretion, permits a requester to make his/her own copies.
- B. The actual, necessary and direct costs of photographing and photographic processing for providing a photograph of a record, when the record does not permit standard copying.
- C. There shall be no charge for the costs associated with locating a record unless the actual, necessary and direct location costs associated with the request exceed \$50, in which case, the entire actual costs shall be imposed upon the requester. Where staff time is charged as an actual and necessary costs of responding to a records request, the charge shall be calculated using the compensation of the lowest-compensated staff member having the knowledge and skills needed to competently perform the task(s), regardless of who actually performs the task(s).
- D. If records are mailed to the requester, the actual, necessary and direct postage/shipping costs.
- E. If a record is produced or collected by a person who is not a records authority pursuant to a contract entered into by that person and the District, the fee charged for copying the records shall be the actual, direct, and necessary costs of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.
- F. Prepayment of authorized fees may be required for any request where the total fees exceed \$5. A request for any prepayment of or deposit on fees shall be based upon a good-faith estimate of the likely costs of responding to the request, with any difference to be refunded or collected once the actual amount is known.
- G. The legal custodian of records or his/her designee shall not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of general fees applicable to a records request is not a sale or rental under these procedures.

**Access to Public Records Notice**

The School District of Holmen and all subunits under it shall prominently display and make available for inspection and copying at the District Office at 1019 McHugh, Holmen, WI, 54636, the notice listed below. The notice shall also be provided to all employees of the School District entrusted with records subject to the legal custodian's supervision.

The School District of Holmen gives notice to the public and employees as follows:

That it is a common school district operated by the electors of the District and a School Board, officers, committees, and administrators, as provided by law, with its office located at 1019 McHugh Road, in the Village of Holmen, La Crosse County Wisconsin, 54636.

That the legal custodian of all records of said School District and all subunits under it is the District Administrator whose office is at 1019 McHugh Road, Holmen, WI 54636 or his/her designee. The legal custodian is vested with full legal power to render decisions and to carry out the duties of the District and its Board under the public records and property law.

That the public may obtain information and access to records of said School District and all subunits under it, make requests for records or obtain copies of records during regular office hours at the District office, 1019 McHugh Road, Holmen, WI 54636. The District office hours are generally Monday through Friday, 7:30 a.m. to 4:00 p.m., except on holidays.

The cost of obtaining copies of records shall be determined by the legal custodian. Such fees may not exceed the actual, necessary, and direct cost of reproduction and transcription of the record unless a fee has otherwise been established by law. Prepayment of such fees may be required if the fees exceed \$5.00. If the cost to locate a document exceeds \$50.00, the legal custodian may impose a fee for such location that does not exceed the actual, direct and necessary cost of locating and/or mailing the record.

Any person requesting access to a public record of the School District of Holmen need not give his/her name or state the reason for his/her request. The request, however, must reasonably describe the requested record and contain a reasonable limitation as to subject matter or length of time covered by the record. The legal custodian must either fill the request or notify the requester of the decision to deny access, giving specific reasons for that decision. If the request is in writing, the legal custodian must provide a written statement of reasons for denial and also inform the requester that the decision to deny access is subject to an action for mandamus.

In applying the provisions of the public records law, the positions identified as "Local Public Offices" within the District include: School Board Members and District Administrator.



**School District of Holmen  
1019 Mc-Hugh Road, Holmen, WI 54636  
INFORMATION REQUEST FORM**

Date of Request: \_\_\_\_\_, 20\_\_

Name of Person(s) or party making request: \_\_\_\_\_

Requester's Phone: #1 ( ) - \_\_\_\_\_ #2 ( ) - \_\_\_\_\_

Requester's Address: \_\_\_\_\_

Requester's email, if applicable: \_\_\_\_\_

Date by which information is needed: \_\_\_\_\_, 20\_\_

**Information Requested** (Please be as specific as possible so that the desired detail and format of your request can, as nearly as reasonable, be met.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Format of Information:** \_\_\_\_\_ copies requested  
\_\_\_\_\_ viewing of records within the designated office  
\_\_\_\_\_ viewing and assistance in interpretation (*An appointment for assistance may be necessary depending on the nature and duration of such a meeting.*)

Signature of requester: \_\_\_\_\_ Date: \_\_\_\_\_

**Office Personnel Receiving Request:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
- The office personnel receiving this request should record their name and the date they received this request.  
- Next, inspect the request to ensure it is properly completed.  
- Finally, sign the form verifying receipt and immediately forward it to the District Administrator for approval to proceed.

**Signature:** \_\_\_\_\_

**District Administrator Receipt Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Date request promised:** \_\_\_\_\_, 20\_\_

**Staff Member Assigned to the Request:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Completion Date:** \_\_\_\_\_

Requests for information submitted to the School District of Holmen are governed by Wisconsin Statute 19.21 through 19.39 and School District of Holmen Board Policy 823.