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Office of Public Relations

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE: FINAL READING
6Gx13- 8C-1.18, BOARD RECORDS—PUBLIC ACCESS**

**PROPOSED REPEAL TO SCHOOL BOARD RULE: FINAL READING
6Gx13- 3B-1.051, FEES—PHOTOCOPY OF PUBLIC RECORDS**

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: IMPROVE STAKEHOLDER SATISFACTION

At its November 20, 2007 meeting the School Board approved Agenda item H-6 presented by Dr. Marta Perez, Board member, directing the Superintendent to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access.

The School Board of Miami-Dade County, Florida, announced on May 21, 2008 its intention to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access and repeal School Board Rule 6G.13- 3B-1.051, Photocopy of Public Records. The proposed amended rule delineates various options for obtaining records that are available to the public at the lowest possible cost, and incorporates provisions of the rule proposed for repeal.

The Notices of Intended Action were published in the *Miami Daily Business Review* on May 30, 2008, posted in various places for public information and mailed to various organizations representing persons affected by the amended and repealed rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of these rules has elapsed.

In accordance with the provisions of the Administrative Procedure Act, these amended and repealed rules are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rules in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notices of Intended Action, the proposed amended rule, and the rule proposed for repeal. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, and repeal School Board Rule 6Gx13- 3B-1.051, Photocopy of Public Records, and authorize the Superintendent to file the rules with The School Board of Miami-Dade County, Florida, to be effective July 15, 2008.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 21, 2008, its intention to amend School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access, at its meeting of July 15, 2008.

PURPOSE AND EFFECT: The purpose of amending this rule is to delineate the various options for obtaining records that are available to the public at the lowest possible cost. The amended rule would incorporate the provisions of School Board Rule 6Gx13- 3B-1.051, Fees--Photocopy of Public Records, proposed for repeal, upon adoption of this rule's revision.

SUMMARY: To designate school district policy regarding public access to school district records and to designate policy regarding public records requests and applicable fees.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(23); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 120.525(2); 1001.43(10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF July 15, 2008, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 17, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132

Originator: Dr. Marta Perez
Date: May 7, 2008

BOARD RECORDS--PUBLIC ACCESS

PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

Public records of the Board as defined in Sec. 119.011 F.S. shall be made available to the public in accordance with law. Access thereto will be granted to the public any citizen during normal working hours of business.

When access to records is granted, records will be produced for examination in an office or location convenient to the custodian of such records and examination thereof the records will be made in the presence of the record custodian regularly responsible for maintenance of such records. Access to official minutes shall be as specified in Board Rule 6Gx13- 8C-1.16. Board meeting minutes, committee meeting minutes and many other records may also be accessed, at no cost, online at the district's website: www.dadeschools.net. ~~If the individual examining the records wishes copies, charges for such e~~ Copies of such records shall be provided to the public at a cost made at a rate not to exceed that provided by Sec. 119.07 F.S. and state statute, as provided herein.

~~Not included in the records indicated above are certain personnel records of employees of the Board which include documents containing privileged information. Access to such personnel records and records containing confidential information may be restricted shall be in accordance with Sec. 231.201 1012.31 F.S. and other applicable laws and applicable collective bargaining agreements.~~

~~Employees shall have the right, upon request, to review their personnel file and shall be entitled to a copy of materials contained therein. at the employee's expense at a rate not to exceed that provided by statute or applicable collective bargaining agreement. No material or complaint derogatory to a teacher's conduct, service, character or personality may be placed in his/her file without notification via registered mail, return receipt requested, or by personal delivery and without proof as to the validity of the material. The validity of same may be tested through the grievance procedure.~~

I. PUBLIC RECORDS REQUESTS & APPLICABLE FEES

- A. The Superintendent of Schools shall designate a department in the school district to be responsible for handling public records requests and such department shall designate a person or persons to coordinate such requests. Copies of public records may be obtained by making a request to such department, which shall coordinate the production of records.

- B. Public records requests may be made verbally or in writing. Persons requesting public records shall be encouraged to submit requests in writing to expedite accurate processing of their requests. Verbal request shall be reduced to writing by the person receiving the request and verified by the person making the verbal request in order to expedite accurate processing of requests. Such requests should be sufficiently detailed to identify the documents sought to be examined.
- C. Receipt of all public record requests shall be acknowledged promptly and in good faith as required by Sec.119.07(1)(c), Florida Statutes.
- D. Whenever possible the public should be directed to the school district's free website and informed of the availability of public records that may be accessed without charge.
- E. Copies of records shall be provided to the public at a cost not to exceed that provided by Sec. 119.07 F.S. and state statute. In the event that a higher fee is charged, the statute imposing such a requirement must be cited. A person making a public records request has the right to an itemized invoice of proposed fees or fees charged. A good faith estimate of such charges for copies of public records shall be paid by the person or entity requesting the records prior to delivery. Estimated payments in excess of actual charges shall be refunded.
- F. Charges for copies are set by state statute (Sec. 119.07(4)) as set forth below; however, such charges shall change automatically in the event that state statutory charges are revised:
1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 ½ inches;
 2. No more than an additional 5 cents for each two-sided copy; and
 3. For all other copies, the actual cost of duplication of the public record.
 4. A charge of \$1 per copy for a certified copy of a public record.
 5. If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, the fee shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is

actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. For the purpose of this rule, "extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material.

6. The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, the charge shall be determined by the custodian of public records.

G. Fees charged for the duplication of public records shall be collected, deposited, and accounted for in accordance with administrative procedures established by the Superintendent.

II. EXCEPTIONS TO CHARGES

A. Pursuant to Sec.1012.31(2)(e), Fla. Stat., employees who request their own personnel records may not be charged more than 5 cents per page.

B. Student records are confidential and exempt from disclosure to the public, except as provided by law, pursuant to Sec.1002.22(3)(d), F.S. The cost for a student's educational records when requested by the parent, guardian, or eligible student, who is 18 years of age, may not exceed the actual cost of producing the copies, not including retrieval costs.

1. A fee may not be charged to a student for copies when the student requesting the fee waiver is qualified to receive free or reduced lunch per federal law. There shall be no fee for inspection of student records.

2. A fee may not be charged to a student currently enrolled in the Miami-Dade County Public Schools for the first five certified copies of a high school transcript. Thereafter, one dollar will be charged to certify each additional transcript, except as provided herein.

3. The school may waive the fee charged to a student currently enrolled in the Miami-Dade County Public Schools for certified high school transcripts when the student is qualified to receive free or reduced lunch per federal law.

4. A fee may not be charged if any of the exemptions listed in Sec. VI of the document, Student Educational Records, incorporated by reference and part of School Board Rule 6Gx13- 5B-1.07, Student Records, applies, except as set forth in Paragraph II. D. below.

C. Pursuant to Sec.120.53(2), Fla. Stat., School Board rules and orders shall be provided to the public at no more than the actual cost of duplication, as set by the custodian of records designated in paragraph I.A. above.

D. When employee records or student records are subpoenaed or demanded by court order, the cost for such records may not exceed the actual cost of producing the copies, not including retrieval costs.

This School Board Rule supersedes charges for duplicating records that may be in conflict with those stated herein and listed in any other School Board rule.

III. INSPECTOR GENERAL

The Inspector General of the School Board shall be entitled to request and receive public records without charge when such Inspector General states that such records are needed for an audit, examination, or investigation. The Inspector general shall maintain the exempt or confidential status of such public records.

Specific Authority: 230.22(2); 1001.41(1), (2); 1001.42(23); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 119.011; 119.07(1); 119.08 120.53(2); 1002.22; 231.294; 1012.31 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 7-26-78; 1-14-98

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 21, 2008, its intention to repeal School Board Rule 6Gx13- 3B-1.051, Fees—Photocopy of Public Records, at its meeting of July 15, 2008.

PURPOSE AND EFFECT: The repeal to the rule is proposed in order to incorporate the provisions outlined within the rule into the proposed amended School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access.

SUMMARY: To incorporate school district policy regarding public access to school district records and to designate policy regarding public records requests and applicable fees under the proposed amended School Board Rule 6Gx13- 8C-1.18, Board Records—Public Access.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2) F.S.

LAW IMPLEMENTED, INTERPRETED OR MADE SPECIFIC: 119.07; 119.08; 228.093; 231.291 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF July 15, 2008, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 17, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED REPEALED RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Perez
Date: May 7, 2008

Income**FEES--PHOTOCOPY OF PUBLIC RECORDS**

- I. Copies of public records may be obtained by making a request to the lawful custodian of the records. Charges for copies of public records shall be paid prior to delivery and are as follows:
 - A. A charge of not more than 15 cents per one one-sided copy and not more than an additional 5 cents for each two-sided copy, not exceeding 8½" by 14" in size, unless a different fee is otherwise prescribed by Florida Statutes.
 - B. One dollar to certify each copy of a public record. This is in addition to the charges enumerated in Paragraph I A above.
 - C. An additional special service charge, which shall be reasonable and based on costs incurred, may be charged for records when the nature or volume of the records requested to be copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both. For the purpose of this rule, "extensive" means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material.
 - D. Fees charged for the duplication of public records shall be collected, deposited, and accounted for in accordance with administrative procedures.

II Exclusions

- A. Pursuant to section 231.291(2)(e), Fla. Stat., employees who request their own personnel records may not be charged more than 5 cents per page.
- B. Pursuant to section 228.093(3)(a)4, Fla. Stat., the cost for a student's educational records when requested by the parent, guardian, or eligible student who is 18 years of age, may not exceed the actual cost of producing the copies, not including retrieval costs.
 1. A fee may not be charged when the imposition of that fee would effectively prevent the parent, guardian, or eligible student from exercising the right to inspect and review the student's educational records.

2. A fee may not be charged for the first five certified copies of a high school transcript for students currently enrolled in the Dade County Public Schools. Thereafter, one dollar will be charged to certify each transcript in addition to the charges enumerated in Paragraph II B above.
 3. The school may waive the fee for certified high school transcripts when, in the opinion of school personnel, the circumstances warrant such a waiver.
 4. A fee is not to be charged to any of the exemptions listed in Section VI of School Board Rule 6Gx13- 5B-1.07, Student Records, except as delineated in Paragraph II D below.
- C. Pursuant to section 120.53(2), Fla. Stat., School Board rules and orders shall be provided to the public at no more than the actual cost of duplication.
- D. When employee records or student records are subpoenaed or demanded by court order, the charges in Paragraph I above apply.
- III. This School Board Rule supersedes charges for duplicating records listed in any other School Board rule which conflict with those stated here.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 119.07; 119.08; 228.093; 231.291 F.S.

History

New: 9-25-91

Amended: 6-24-92

THE SCHOOL BOARD OF DADE COUNTY, FLORIDA