

CALHOUN COUNTY PUBLIC RECORDS POLICY

The Board of Education recognizes its responsibility to maintain the public records of this County and to make such records available for inspection and reproduction.

The Board will utilize the following procedures regarding the availability of public records. "Public record" includes any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context relates to the conduct of the public's business. "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics. "Public records" do not include internal memoranda or letters received or prepared by the Board or its employees, medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, student records, personnel records and any other expectations set for the in WV Code 29B-1-4.

Any person may inspect and copy by hand the public records of this school system during the regular business hours of the office in which such records are maintained, provided that an advance written request to review and/or copy such records is made to the custodian of the records and the custodian has set a date and time for such review. The Superintendent is authorized to grant or refuse access to the records of this County in accordance with the law and the intent of this policy.

A person may purchase copies of the County's public records upon payment of a reasonable fee based on the actual cost in making reproductions of records. The Board cannot charge a search or retrieval fee or otherwise seek reimbursement based on a man-hour basis as part of costs associated with making reproductions of records. A person who chooses to purchase a copy of a public record may request to have said record duplicated on paper, on which the same medium on which the County keeps the record, or on any other medium on which the custodian or records determines that said record reasonable can be duplicated as an integral part of normal operation. A person who chooses to purchase a copy of a public record may also choose to have that record sent to him/her by United States mail within a reasonable period of time following the request, provided the person making the request pays in advance for said record as well as costs for postage and supplies used in the mailing.

Beginning April 12, 2019 the Board shall provide to the Secretary of State, on forms and pursuant to procedures and regulations established by the Secretary of State, information regarding each request it has received for public records pursuant to the West Virginia Freedom of Information Act.

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this County, except student records and certain positions or personnel records.

Nothing herein should be construed as requiring the use of the Freedom of Information Act to gain access to public records of the Board. However, if a request is made pursuant to the Act, the procedures set forth therein for response on the part of the Board shall apply.

WV State Code 29B-1-1 through 7, as revised

20 U.S.C. 1232g

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

City of Nitro v. Nease, The Supreme Court of Appeals of West Virginia, No. 13-0603

Adopted: 5/13/19