

TENNESSEE STATE BOARD OF EDUCATION

PUBLIC RECORDS POLICY

1.500

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Pursuant to T.C.A. § 10-7-503(g), the following Public Records Policy for the Tennessee State Board of Education (“State Board”) is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”), T.C.A. § 10-7-501, *et seq.*

The TPRA provides that all state, county, and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. *See* T.C.A. § 10-7-503(a)(2)(A). Accordingly, the public records of the State Board are presumed to be open for inspection unless an exemption is otherwise provided by law.

Personnel of the State Board shall provide access and assistance in a timely and efficient manner to persons requesting access to public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the State Board, shall be protected as provided by current law. Concerns about the provisions or enforcement of this Policy should be addressed to the Public Records Request Coordinator or to the Tennessee Office of Open Records Counsel.

The State Board will respond promptly to public record requests upon proof of Tennessee citizenship by presentation of a validly issued Tennessee driver’s license or Tennessee issued identification.

1. DEFINITIONS:

- a. Public records: Means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- b. Public records request coordinator (PRRC): The individual, or individuals, identified in this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. *See* T.C.A. § 10-7-503(a)(1)(B). The public records request coordinator may also be a records custodian.

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- c. Records custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See T.C.A. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- d. Redacted record: A public record otherwise open for public inspection from which protected or confidential information is removed or made obscured prior to release or inspection.
- e. Requestor: A Tennessee citizen requesting access to a public record, whether inspection or duplication.

2. MAKING PUBLIC RECORDS REQUESTS

- a. All public record requests shall be made to the PRRC in order to ensure public record requests made pursuant to the TPRA are routed to the appropriate records custodian and fulfilled in a timely manner.
 - i. Requests for inspection shall be made at the following:
Tennessee State Board of Education
Attn: General Counsel
Andrew Johnson Tower, 1st Floor
710 James Robertson Pkwy
Nashville, TN 37243
Elizabeth.Taylor@tn.gov
615-253-5707 (phone)
615-741-0371 (fax)
- b. Requests for copies or inspection and copies shall be made in writing via fax, email, mail, or hand delivery.

3. RESPONDING TO PUBLIC RECORDS REQUESTS

- a. A PRRC shall review public record requests and make an initial determination of the following:
 - i. If the requestor has provided evidence of Tennessee citizenship;
 - ii. If the records requested are described with sufficient specificity to identify them; and
 - iii. If the governmental entity is the custodian of the records requested.
- b. The PRRC shall acknowledge receipt of the request and take the following appropriate action(s):
 - i. Advise the requestor of this Policy and the elections made by the State Board regarding:
 - a. Citizenship
 - b. Form(s) required for copies
 - c. Fees (and if labor, threshold established) (Waivers if applicable)
 - d. Aggregation;
 - ii. Deny the request in writing if an appropriate ground applies, such as the following:
 - a. Requestor is not a Tennessee citizen;
 - b. Request lacks specificity;
 - c. Exemption makes the record not subject to disclosure under the TPRA;

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- d. The State Board is not the custodian of the requested records.
 - iii. If appropriate, contact the requestor to see if request can be narrowed.
 - iv. Forward the records request to the appropriate records custodian and advise the requestor of such action.
- c. The designated PRRC(s) for the State Board is the General Counsel and in the absence of the General Counsel, the Strategic Communications Consultant.

4. RECORDS CUSTODIAN

- a. Upon receiving a public records request, a records custodian shall make requested open public records available as promptly as practicable in accordance with T.C.A. § 10-7-503.
- b. If it is not practicable for a records custodian to promptly provide requested records because additional time is necessary to determine whether the requested records exist, to gain access to records, to determine whether the records are open, or for other similar reasons, then notify the PRRC who shall, within seven (7) business days from the records custodian's receipt of the request, notify the requestor in writing of such.
- c. If a records custodian determines that a public record request should be denied, he or she shall notify the PRCC who shall deny the request in writing and provide the ground(s) for denial, including, but not limited to the following:
 - i. Requestor is not a Tennessee citizen;
 - ii. Request lacks specificity (offer to assist in clarification);
 - iii. Exemption makes the record not subject to disclosure under them TPRA; or
 - iv. The State Board is not the custodian of the requested records.

If the records relate to another governmental entity and the PRRC is aware of the correct governmental entity, the PRRC shall advise the requestor of the correct governmental entity and PRRC for that entity, if known.

- d. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the records custodian shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if request can be narrowed.
 - e. If a records custodian discovers records responsive to a records request were omitted, the records custodian shall contact the requestor concerning the omission and produce the records as quickly as practicable.

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5. REDACTION

- a. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. The records custodian shall coordinate with General Counsel of the State Board for review and redaction of records. The records custodian and the PRRC may also consult with the Office of Open Records Counsel.
- b. Whenever a redacted record is provided, records custodians shall provide the requestor with the basis for redaction. The basis given for redaction shall not disclose confidential information. A records custodian is not required to produce a privilege log.

6. INSPECTION OF RECORDS

- a. There is no charge for inspection of open public records.
- b. The location for inspection of records within the offices of the State Board shall be specified by the records custodian.
- c. A records custodian may require an appointment for inspection or may require inspection of records at an alternate location under reasonable circumstances.

7. COPIES OF RECORDS

- a. Copies will be available for pickup at State Board's office during regular business hours.
- b. Upon payment for costs of postage, copies will be delivered to the requestor's home address by US Postal Service.
- c. A requestor will not be allowed to make copies of records with personal equipment. If copies are to be downloaded to a storage device, the requestor shall supply their own storage device.
- d. A records custodian shall respond to a public record request for copies in the most economic and efficient manner practicable.

8. FEES AND CHARGES

- a. Prior to producing copies of records, a records custodian shall provide requestors with an estimate of the charges (itemized by per page costs, labor, and other) to be assessed.
- b. When fees for copies and labor do not exceed \$10.00, the fees will be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of the State Board and for the public good.

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- c. Fees and charges for copies are as follows, but no more than the safe harbor amount authorized by the OORC Schedule of Reasonable Charges unless a higher charge can be documented:
 - i. \$0.15 per page for letter and legal sized B&W copies;
 - ii. \$0.50 per page for letter and legal sized color copies.
 - iii. Labor will be charged when time exceeds 8 hours.
 - iv. If an outside vendor is used, the actual costs assessed by the vendor.

- d. Payment is to be made in cash, money order, or personal check payable to the Tennessee State Board of Education and presented to General Counsel.

- e. Payment in advance will be required when costs are estimated to exceed \$100.00.