

PUBLIC'S RIGHT TO KNOW

As a political subdivision of the State of South Dakota, the public has the right to be present at school board meetings to observe the School Board conducting school district business. Public participation at school board meetings is governed by policy BDDH. The Board shall adhere to the open meetings laws as set forth in SDCL 1-25 and public records law as set forth in SDCL 1-27. Appendix A to Policy KBA sets forth the rules related to requests and responses to requests for public records/public information.

The Board supports the right of the people to know about the programs and services of their schools and will make every effort to disseminate information. All requests for information will be acted on fairly, completely, and expeditiously.

The official minutes of the Board, its written policies and regulations, and the financial records will be open for inspection at the office of the superintendent by any citizen desiring to examine them during hours when the office is open. No records pertaining to individual students or staff members will be released by the superintendent or other persons responsible for the custody of confidential files for inspection by the public or unauthorized persons. The exception to this will be information about an individual employee (or student) that has been authorized in writing for release by the employee (or student, or student's parents).

Each building administrator is authorized to use all means available to keep parents and others in the particular school's community informed about the school's program and activities.

Adopted: March 9, 1987

Amended: July 14, 2008

APPENDIX TO POLICY KBA

1. If the keeping of a record, or the preservation of a document or other instrument is required of an officer or public servant under any statute of this state, the officer or public servant shall keep the record, document, or other instrument available and open to inspection by any person during normal business hours. [SDCL 1-27-1]
2. Provision #1 shall not apply to such records as are specifically enjoined to be held confidential or secret by the laws requiring them to be so kept. [SDCL 1-27-3]
3. If the school district is required or authorized by law to record, copy, file, recopy, or replace any document, plat, paper, voucher, receipt, or book on file or of record in the officer's office, the officer may do so by any photostatic, microphotographic, microfilm, mechanical, or electronic process which produces a clear, accurate, and permanent copy or reproduction of the original in accordance with the standards not less than those approved for permanent records by the National Bureau of Standards or the American National Standards Association. However, the school district is not required to maintain its permanent school records on microfilm if the district maintains its permanent school records in an electronic format that can be used to produce clear, accurate reproductions of the originals. [SDCL 1-27-4]
4. Whenever any record or document is copied or reproduced in a method described in Provision #3 the school district shall retain a copy or reproduction. [SDCL 1-27-6]
5. If the original records or documents are disposed of or destroyed, the school shall, unless viewing equipment is otherwise available within the corporate limits of the municipality wherein the records or documents are kept, provide suitable equipment for displaying such record or document in whole or in part by projection to no less than its original size, or for preparing for persons entitled thereto copies of the record or document, but which shall not be required to be in its original size. [SDCL 1-27-7]
6. Any informal request for disclosure of documents or records shall be made to the Superintendent of the Montrose School District. The Superintendent may then provide the requestor with the document or record upon payment of the actual cost of mailing or transmittal, the actual cost of reproduction, or other fee established by statute or administrative rule. A requestor that makes an informal request requiring the dedication of staff time in excess of one hour may be required to pay the cost of the staff time necessary for the location, assembly, or reproduction of the public record. If any records are required or permitted to be made public upon request and no other rate is prescribed for reproduction or retrieval of such records, the Bureau of Administration shall establish, by rules promulgated pursuant to chapter 1-26, the maximum rate, or the formula for calculating rates, for reproduction and retrieval. [SDCL 1-27-42; SDCL 1-27-35]
7. For any informal request reasonably likely to involve a fee in excess of fifty dollars, the Superintendent shall provide an estimate of cost to the requestor prior to assembling the documents or records and the requestor shall confirm in writing his or her acceptance of the cost estimate and agreement to pay. The Superintendent may exercise discretion to waive or reduce any fee required under this section if the waiver or reduction of the fee would be in the public interest. [SDCL 1-27-36]
8. If an informal request is denied in whole or in part by the Superintendent, a written request may be made by the requestor pursuant to this section:
 - (1) The Superintendent shall promptly respond to the written request but in no event later than ten business days from receipt of the request. The Superintendent shall respond to the request by:
 - (a) Providing the record in whole or in part to the requestor upon payment of any applicable fees pursuant to §§ 1-27-35 and 1-27-36;

- (b) Denying the request for the record; or
 - (c) Acknowledging that the Superintendent has received the request and providing an estimate of the time reasonably required to further respond thereto;
- (2) Additional time to respond to the written request under subsection (1)(c) of this section may be based upon the need to clarify the nature and scope of the written request, to locate and assemble the information requested, to notify any third persons or government agencies affected by the written request, or to determine whether any of the information requested is not subject to disclosure and whether a denial should be made as to all or part of the written request;
- (3) If a written request is unclear, the Superintendent may require the requestor to clarify which records are being sought. If the requestor fails to provide a written response to the Superintendent's request for clarification within ten business days, the request shall be deemed withdrawn and no further action by the Superintendent is required;
- (4) If the Superintendent denies a written request in whole or in part, the denial shall be accompanied by a written statement of the reasons for the denial;
- (5) If the Superintendent fails to respond to a written request within ten business days, or fails to comply with the estimate provided under subsection (1)(3) of this section without provision of a revised estimate, the request shall be deemed denied. [SDCL 1-27-37]

9. If the Superintendent denies a written request in whole or in part, or if the requestor objects to the Superintendent's estimate of fees or time to respond to the request, a requestor may within ninety days of the denial commence a civil action by summons or, in the alternative, file a written notice of review with the Office of Hearing Examiners. The notice of review shall be mailed, via registered or certified mail, to the Office of Hearing Examiners and shall contain:

- (1) The name, address, and telephone number of the requestor;
- (2) The name and business address of the Superintendent denying the request;
- (3) The name and business address of the Montrose School District;
- (4) A copy of the written request;
- (5) A copy of any denial or response from the Superintendent; and
- (6) Any other information relevant to the request that the requestor desires to be considered. [SDCL 1-27-38]

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