

# BOARD MEMBER ACCESS TO INFORMATION

161-Rule

Page 1 of 4

It is important for School Board members to be knowledgeable of and to receive sufficient information relating to relevant aspects of the District's programs, operations, and finances.

The District Administrator and Board will work to develop, and refine as needed, their shared understanding regarding the extent, methods, and timing of communication between the Board and the administration. In the absence of any more specific direction from the Board, the District Administrator shall exercise sound professional judgment in identifying issues, incidents, and other information of which all members of the District's leadership team need to be aware, and in deciding when and how to appropriately communicate such information to the Board.

A decision to provide particular records, data, reports, or other information to any member(s) of the Board in their official capacity does not equate to a determination that such information is considered a public record that may be subsequently re-disclosed at the discretion of any individual Board member. Rather, the specific facts, circumstances, and applicable law determine the extent to which District records and other information that Board members receive may be re-disclosed.

## **School Board Requests for District Information**

The District Administrator will also work with the Board to frame and respond to Board requests for particular data, reports, or other information. A Board request is a request that is made by official action of the Board, including by unanimous consent. The District Administrator will assist the Board in framing a request by, for example, explaining what information is readily available, what information would take significant staff resources to prepare, and what information may not be available. Board requests shall be documented in the meeting minutes for purposes of follow-up and subsequent reference. If the District Administrator or any Board member is unclear whether specific discussion at a Board meeting was intended as a Board request, he/she is expected to seek clarification. Once a Board request is made, the District Administrator is expected to communicate with the Board regarding any unexpected delay or other barrier that may arise in responding to the request.

## **Requests for Information Made by Individual Board Members**

At times, individual Board members may ask the administration to provide particular records, data, reports, or other information to themselves or to the full Board. Such requests require a sometimes difficult balancing of rights and interests, including the need for the Board and administration to appropriately prioritize staff work time and the utilization of other District resources. The following guidelines shall apply to such requests:

1. Individual Board members may present requests for District information in varying capacities. Nothing in these guidelines is intended to diminish any rights granted to an individual Board member, acting in any relevant capacity, by applicable law or by Board policy. Similarly, nothing in these guidelines shall be interpreted to grant a Board member a right to receive records or information where applicable law either requires or permits a District to deny such access.
2. To avoid ambiguity and confusion, individual Board members are strongly encouraged to expressly identify for District staff the specific capacity (or capacities) under which a specific

request is being made.

- a. A request that an individual Board member is making in his/her capacity as a local public official, including any applicable role as a Board officer (e.g. President, Clerk, or Treasurer), shall initially be directed *the District Administrator*.
  - b. A request that an individual Board member is making under the Wisconsin Public Records Law shall initially be directed to the District's custodian of records, as specified in Board policy. A Board member requesting records in this capacity is subject to all applicable fees and has no right to expect or demand special treatment of his/her request (such as expedited processing).
  - c. A request that an individual Board member is making in some other capacity (e.g., as the parent of a District student) shall initially be directed to the same person that other similarly-situated individuals would direct the same request.
3. Where there is ambiguity, it is reasonable for District staff to ask an individual Board member to expressly clarify the capacity in which a particular request is being submitted.
  4. In relation to requests for District information that an individual Board member makes in his/her capacity as a local public official:
    - a. Nothing in applicable Board policy gives an individual Board member an unqualified right, in their capacity as an individual local public official, to direct the work of any District employee, including by demanding that one or more District employees respond to all of his/her requests for particular records, data, reports, or other information.
    - b. In the absence of exceptional circumstances (e.g., very routine and/or simplistic requests), it is the Board's expectation that the administration's response to such requests will normally be coordinated through the District Administrator, or that the District Administrator will typically at least be informed of the request and of any other administrator's response to the request.
    - c. Taking all relevant circumstances under considerations, including the staff time it would take to respond to a request, the administration may either (1) provide the requested information; (2) identify and provide the Board member with alternative information that is also relevant to the request; or (3) refer the individual Board member's request to the full Board at the next meeting at which it is practical to include the request on the meeting notice. An individual Board member who is not satisfied with the administration's response to his/her request may also refer the matter to the Board.
    - d. Allowing for exceptional circumstances, the administration will normally process and provide a response to the following types of requests with reasonable promptness and without seeking Board intervention:
      - (1) Straightforward requests for existing records or data for which any expected

- location/compilation time would be negligible; and
- (2) Inquiries for information that require negligible research, investigation, or other staff time (e.g., responding to a telephone call by a Board member who is seeking a brief clarification related to an agenda item at an upcoming meeting).
- e. Allowing for exceptional circumstances, requests for an analysis, report, or other record or information that does not presently exist, or that would otherwise demand significant staff time to create, compile, or locate, will normally be referred to the Board for a decision.
- f. Whenever an individual Board member's request for information is referred to the Board under these guidelines, the Board and administration shall clarify the specific request (if necessary) and the Board shall determine if, when, and to what extent the administration will be directed to respond to the request.
- g. Under otherwise similar circumstances, the Board expects the administration to respond to similar requests submitted by different Board members evenhandedly.
- h. When the administration fulfills an individual Board member's request for information, the administration shall exercise sound judgment in determining whether all Board members should be provided with the information, with a presumption in favor of the dissemination of especially any written information to all Board members.

## Legal References:

### Wisconsin Statutes

<a href="#">Sections 19.21–19.39</a>	[public records law and related statutes]
<a href="#">Section 19.65</a>	[rules of conduct; employee training; and security regarding personally-identifiable information]
<a href="#">Section 48.396</a>	[law enforcement officer records]
<a href="#">Section 115.812(2)</a>	[reporting information regarding specified students with disabilities to appropriate county departments]
<a href="#">Section 118.125</a>	[state student records law]
<a href="#">Section 118.126</a>	[privileged communications related to student alcohol and drug use]
<a href="#">Section 118.127</a>	[law enforcement agency record information]
<a href="#">Section 120.13(28)</a>	[board authority to designate legal custodians of records]
<a href="#">Section 146.82</a>	[confidentiality of patient health care records]
<a href="#">Section 146.83</a>	[access to patient health care records]
<a href="#">Section 252.15</a>	[access to HIV test results]
<a href="#">Section 767.41(7)</a>	[custody and physical placement; parent access to records]
<a href="#">Section 938.396</a>	[access to records; law enforcement and court records]
<a href="#">Section 950.08(2w)</a>	[information provided by district attorney to schools in criminal cases]

### Federal Laws

<a href="#">Family Educational Rights and Privacy Act</a>	[federal student records law]
<a href="#">34 C.F.R. part 99</a>	[U.S. Department of Education FERPA Regulations]

# BOARD MEMBER ACCESS TO INFORMATION

161-Rule

Page 4 of 4

[34 C.F.R. part 300](#) [U.S. Department of Education IDEA regulations; confidentiality and maintenance of records]

[National School Lunch Program](#) [heightened privacy rules for students' eligibility status and other NSLP records]

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