

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES
SECTION: VI. OFFICE OF THE STATE BOARD OF EDUCATION
Subsection: B. Public Records Requests

December ~~2008~~2026

1. Purpose: This policy outlines how the Office of the State Board of Education will process public records requests in accordance with Idaho Code Title 74, Chapter 1, Idaho Public Records Act.

2. Definitions

- a. PRR Coordinator: the staff member designated as the custodian of public records who is responsible for tracking all public records requests and implementing the process outlined in this policy.

3. Custodian of Public Records

The Office of the State Board of Education (OSBE) chief of communications and legislative affairs Officer~~Manager~~ of the Office of the State Board of Education is designated the public records requests custodian of public records and will be referred to as the Public Records Requests (PRR) Coordinator. ~~for the purposes of the Open Records Law, Title, 74, Chapter 1, Idaho Code.~~ In the event the public affairs officer~~PRR Administrator~~ Coordinator is absent from the office for more than three (3) regular working days, the Executive Director or Deputy Director may designate a temporary ~~custodian of records~~PRR Coordinator.

- ~~4~~2. General Subject Matter of Records

The Office of the State Board of Education receives and maintains ~~various~~ documents and information created by OSBE and from the agencies and institutions under the jurisdiction-governance of the Board, including, but not limited to: ~~budget, audit, and other~~

- State Board of Education meeting materials and meeting minutes;
- Board Policy and Administrative Code amendments;
- Fiscal information and audits;
- Higher education facilities information;
- Program information;
- Student applications to OSBE-managed scholarships; and
- Data regarding students including enrollment, performance outcomes, and high school and higher education completion. ~~enrollment data, proposals for academic and vocational programs, agendas for Board meetings, and financial aid reports. The office receives student applications for certain scholarships and exchange programs. The office also maintains records pertaining to its staff employees.~~

- ~~5~~3. Location of Records

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The public records ~~mentioned above~~ are located in the files and computers of the Office of the State Board of Education, Third Floor, Len B. Jordan Building, 650 West State Street, Boise, Idaho.

64. Submitting Public Records Requests Submissions

~~Information on how to submit public record requests is posted at:~~
~~<https://boardofed.idaho.gov/resources/request-for-public-information-form/>.~~

a. Request Format

Public records requests must be submitted in writing and must include all of the following information:

- requester's full name;
- requester's mailing address;
- requester's e-mail address;
- requester's phone number;
- attestation of state of residency;
- attestation that the records request is not being used for a mailing or telephone list;
- specific description(s) of the records sought, including the date range if applicable.

b. Submission Options

An individual may submit a public records request by:

- Filling out and submitting the public records request form on the State Board of Education website (<https://boardofed.idaho.gov/board-of-education/public-information-request/>).
- Submitting a hard copy of a request via U.S. mail or hand delivery to the Idaho State Board of Education.

7. Public Records Request Timeline

a. Timeline

OSBE will complete records requests according to the timelines for responses established in Idaho Code § 74-103, for Idaho residents versus non-residents.

b. Impact of Fees on the Timeline

If it is determined that fees are required for copying or labor pursuant to section 9, the time limit to respond is paused on the date the requester is notified of the fee due. The requester has 30 days to pay the fee. The time limit to respond resumes

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on the day after the requester pays the fee. If no payment is received, the request is considered withdrawn.

8. Fulfilling the Request

a. Response Format and Scope

- i. Documents will be provided electronically in PDF unless a hard copy is specifically requested.
- ii. The PRR Coordinator may provide the requester with information to help the requester narrow the scope of the request.
- iii. If a request is made for research purposes for data that has not been released as a report, the request will be treated as a public records request if it is for data in aggregated form including applicable masking. If the request is for disaggregated data, it will not be considered a public records request and shall be referred to the Data Management Council for consideration as a research request.

b. Legal Counsel

The Executive Director, Deputy Director, or PRR Coordinator may determine if a public records request warrants legal counsel review. If a matter within the scope of a request has been or is likely to be the source of litigation, the request shall be reviewed by legal counsel.

9. Fees

Pursuant to Idaho Code § 74-102(10), OSBE may charge fees for the fulfillment of a records request that exceeds the non-fee work described in 9.a.

a. Non-Fee Work

- i. Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee will be charged for the first 2 hours of labor in responding to a request for public records, or for copying or scanning the first 100 pages of paper records that are requested.

b. Records for which Fees May Apply

Fees may be established to recover the actual labor and copying costs associated with locating and copying documents if:

- The request is for more than 100 pages of paper records; or
- The request includes records from which nonpublic information must be redacted; or

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- The actual labor associated with responding to requests for public records exceeds 2 hours.

c. Fee Formula

- OSBE shall maintain a fee formula approved by the Executive Director or Deputy Director. The formula shall reflect the personnel and quantity of work time reasonably necessary to process a request. Fees for labor costs shall be charged at the per hour pay rate of the staff and/or legal counsel needed to process the request.
- If there is reason to believe that a requester or group is attempting to separate a request into a series of requests for the purpose of avoiding fees, OSBE may aggregate such requests to determine the total fee and will charge accordingly.

d. Fee Waivers

The Executive Director or Deputy Director may authorize the PRR Coordinator to waive fees associated with a public records request. Idaho Code § 74-102 establishes circumstances for a requester who is an Idaho resident to demonstrate that they should not be charged fees for a records request that exceeds the first 2 hours of labor or 100 pages of paper records. The following factors may be considered when evaluating fee waiver requests:

- The extent to which the requester will receive economic benefit through use of the requested information.
- Whether the subject of the requested records concerns government operations or activities.
- Whether the requested records would contribute to the public's interest or understanding of government operations or activities.
- Whether the requester will disseminate the information to the public.
- Whether the requested records are already in the public domain.

10. Retention of Public Records Requests

- OSBE will retain records in accordance with Idaho's records retention policies.
- If a records request is denied in part or in whole, the records request and associated documentation and communications shall be retained for 180 days to allow for an appeal of the denial as provided in Idaho Code § 74-115.