

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**Community Relations
ACCESS TO RECORDS**

This administrative regulation is a non-exhaustive list of records that may be defined as either public or exempt and/or confidential. Other records which fall into these definitions may exist and may be identified in the future.

Definitions

Public records include any writing containing information relating to the conduct of the County Superintendent's and/or County Board's business prepared, owned, used, or retained by the County Superintendent and/or County Board regardless of physical form or characteristics. (Government Code 7920.530)

Writing means any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 7920.545)

Member of the public includes any person, except a County Board member or an agent of the County Board, the County Superintendent or an agent, officer, or employee of the County Superintendent, or a member, an agent, an officer, or an employee of a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment. (Government Code 7920.515)

Public Records

Unless otherwise exempt from disclosure, public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved budgets and annual audits. (Education Code 41020, 42103)
2. Statistical compilations.
3. Reports and memoranda.
4. Notices and bulletins.
5. Minutes of public meetings.
6. Meeting agendas. (Government Code 54957.5)
7. Official communications between the County Superintendent and/or County Board and other governmental agencies.

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8. School plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law.
9. Initial proposals of exclusive employee representatives and of the County Superintendent. (Government Code 3547)
10. Records pertaining to claims and litigation against the County Superintendent and/or County Board that have been adjudicated or settled. (Government Code 7927.200, 7927.205)
11. Statements of economic interests required by the Conflict of Interest Code. (Government Code 81008)
12. Documents containing names, salaries, and pension benefits of County Superintendent employees.
13. Contracts of employment and settlement agreements. (Government Code 53262)
14. Instructional materials including, but not limited to, textbooks. (Education Code 49091.10)
15. Executed contracts for the purchase of goods or services, even if the contract contains provisions specifying that the contract is confidential or a proprietary record of the vendor (Government Code 7928.801)

Access to public records of the County Superintendent or County Board shall be granted to County Board members on the same basis as any other member of the public. When County Board members are authorized to access public records in the administration of their duties, the County Superintendent or designee shall not discriminate among any of the County Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 7921.305, 7921.310)

Exempt and Confidential Public Records

Records exempt from disclosure under the California Public Records Act (CPRA) include, but are not limited to:

1. Preliminary drafts, notes, and memoranda that are not retained by the County Superintendent or County Board in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure. (Government Code 7927.500)
2. Records specifically generated in connection with or prepared for use in litigation to which the County Superintendent or County Board is a party or to respond to claims made against the County Superintendent or County Board pursuant to the Government Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law. (Government Code 7927.200, 7927.205)

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3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code 7927.700)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of County Superintendent employees may be disclosed only as follows (Government Code 7928.300):

- a. To an agent or a family member of the employee.
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties.
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed.

Upon written request of any employee, the County Superintendent shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the County Superintendent shall remove this information from any County Superintendent mailing list except a list used exclusively to contact the employee.

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to County Superintendent employees and their enrolled dependents, for the purpose of providing the health services or administering claims for County Superintendent employees and their enrolled dependents.
4. The home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official, except with the written permission of the elected or appointed official. (Government Code 7928.205)
 5. Student records, except directory information and other records to the extent permitted under the law and County Superintendent and County Board policy. (Education Code 49073, 49076; 20 USC 1232g; 34 CFR 99.1-99.8)
 6. Test questions, scoring keys, and other examination data except as provided by law. (Government Code 7929.605)
 7. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the County Superintendent or County Board relative to the acquisition of

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- property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code 7928.705)
8. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information. (Government Code 7925.000)
 9. Library circulation and patron use records of a borrower or patron, including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library; to persons authorized in writing, by the individual to whom the records pertain, to inspect the records; or by court order. (Government Code 7927.100, 7927.105)
 10. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Government Code 7927.705)
 11. Documents prepared by or for the County Superintendent and/or County Board to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt operations and that are for distribution or consideration in closed session. (Government Code 7929.200)
 12. Information security record if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system. (Government Code 7929.210)
 13. Recall petitions or petitions for special elections to fill County Board vacancies, or petitions for the reorganization of school districts and community college districts. (Government Code 7924.110)
 14. Minutes of County Board meetings held in closed session. (Government Code 54957.2)
 15. Computer software developed by the County Superintendent. (Government Code 7922.585)
 16. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act. (Government Code 7926.400, 7930.000-7930.215)
 17. Tribal financial information as a condition of or requirement for receiving financial assistance. (Government Code 7930.205, 8450)

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18. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes.
19. Any other records for which the County Superintendent or County Board can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code 7922.000)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the County Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 7922.200, 7928.300)

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed. (Education Code 234.7; Government Code 8310.3)

Additionally, an individual's immigration status shall only be disclosed in accordance with Superintendent and Board Policy 1445 and Superintendent Administrative Regulation 1445 - Response to Immigration Enforcement.

Inspection of Records, Requests for Copies, and Recovery of Costs

Any person may request a copy or inspection of any record of the County Superintendent or County Board that is not exempt from disclosure. (Government Code 7922.530)

Within 10 days of receiving any request to inspect or copy any record, the County Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the County Superintendent's possession. The County Superintendent or designee shall promptly inform the person making the request of the determination and reasons for the decision. (Government Code 7922.535)

In unusual circumstances, the County Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request (Government Code 7922.535):

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or school district) having a substantial interest in the determination of the request or among two or more components of

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the County Superintendent (e.g., two different programs) with substantial interest in the request.

4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data.
5. In the case of electronic records, the inability to access its electronic servers or systems due to a cyberattack in order to search for and obtain a record that the County Superintendent or designee believes is responsive to a request and is maintained on the servers or systems in an electronic format, and only until the County Superintendent regains the ability to access its electronic servers or systems and search for and obtain electronic records that may be responsive to a request.
6. The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor pursuant to the California Emergency Services Act in the jurisdiction where the district is located when the state of emergency currently affects, due to the state of emergency, the County Superintendent's ability to timely respond to staffing shortages or closure of facilities where the requested records are located. (Government Code 8567)

If the County Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 7922.535)

Public records are open to inspection at all times during County Superintendent business hours. If a portion of the requested record(s) is exempt from disclosure, any non-exempt, reasonably segregable portion of a record shall be made available for inspection after deletion of the portions that are exempted by law. (Government Code 7922.525)

Upon request for a copy that reasonably describes an identifiable, non-exempt record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 7922.530)

If only a portion of the identified record is exempt from disclosure, the record's exempt material shall be redacted prior to disclosure.

The County Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication in accordance with law. Written requests to waive the fee shall be submitted to the County Superintendent or designee.

Without charging any fees or costs, the County Superintendent or designee shall allow members of the public to use their own equipment on County Superintendent/County Board premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 7922.530)

1. Do not require the equipment to make physical contact with the record

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2. Will not result in damage to the record
3. Will not result in unauthorized access to the County Superintendent's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the County Superintendent's electronic records

County Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records, or to prevent the copying of records from being an unreasonable burden to the orderly function of the office of the County Superintendent and its employees. The County Superintendent or designee may also impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. (Government Code 7922.530)

In addition to maintaining public records for public inspection during County Superintendent business hours, the County Superintendent and County Board may comply with public records requests by posting any public record on the website maintained by the County Superintendent and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the records from the website, the County Superintendent or designee shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 7922.545)

If any person requests a public record be provided in an electronic format, the County Superintendent or designee shall make that record available in any electronic format in which it holds the information. A copy of the electronic record in the format requested shall be provided as long as the requested format is one that has been used to create copies for the County Superintendent's or County Board's own use or for use by other agencies. (Government Code 7922.570)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances (Government Code 7922.575):

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the County Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes

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an identifiable record. To the extent reasonable under the circumstances, the County Superintendent or designee shall do all of the following (Government Code 7922.600):

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified. If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the County Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.
2. Describe the information technology and physical location in which the records exist.
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Provisions of the CPRA shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 7922.500, 7922.540)

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