

## **ACCESS TO PUBLIC RECORDS**

*\*\*Note: the stricken language will be incorporated into a new administrative regulation.*

The Monterey County Board of Education (County Board) recognizes the right of citizens to have access to public records of the Monterey County Office of Education (MCOE). MCOE shall provide any person reasonable access to the MCOE public records during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

"Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

In response to a public records request, the law requires the Superintendent or designee to make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 9012 - Board Member Electronic Communications)*

MCOE may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Monterey County Superintendent of Schools (County Superintendent) or designee and as specified in administrative regulation.

In order to help maintain the security of MCOE records, members of the public granted access shall examine records in the presence of an MCOE staff member.

### *Legal Reference:*

#### EDUCATION CODE

35145	<i>Public meetings</i>
35170	<i>Authority to secure copyrights</i>
35250	<i>Duty to keep certain records and reports</i>
41020	<i>Requirement for annual audit</i>
42103	<i>Publication of proposed budget; hearing</i>
44031	<i>Personnel file contents and inspections</i>
44839	<i>Medical certificates; periodic medical examination</i>
49060-49079	<i>Student records</i>
49091.10	<i>Parental review of curriculum and instruction</i>

GOVERNMENT CODE

3547            *Proposals relating to representation*  
6250-6270      *California Public Records Act*  
6275-6276.48 *Other exemptions from disclosure*  
53262          *Employment contracts*  
54957.2        *Minute book record of closed sessions*  
54957.5        *Agendas and other writings distributed for discussion or consideration*  
81008          *Political Reform Act, public records; inspection and reproduction*

CALIFORNIA CONSTITUTION

Article 1, Section 3    *Right of access to governmental information*

CODE OF REGULATIONS, TITLE 5

430-438        *Individual student records*

COURT DECISIONS

*City of San Jose v. Superior Court (2017) 2 Cal.5th 608*  
*Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282*  
*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319*  
*Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381*  
*Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324*  
*Fairley v. Superior Court, (1998) 66 Cal.App. 4th 1414*  
*North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App. 4th 144*

ATTORNEY GENERAL OPINIONS

*71 Ops.Cal.Atty.Gen. 235 (1988)*  
*64 Ops.Cal.Atty.Gen. 186 (1981)*

Adopted:        8/04/99

Revised:        2/07/01; 3/20/02; 10/20/04; 01/17/18