

PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

It is the policy of the Mercer County Board of Education that all public records and writings shall be made available for inspection by the Mercer County Board of Education for any interested person, corporation, partnership, firm or association.

The following are exceptions from the right to inspect the records of the Mercer County Board of Education.

1. Any information of a personal nature having to do with any employee of the Mercer County Board of Education if the disclosure thereof would constitute an unreasonable invasion of privacy.
 - A. Any employee of the Mercer County Board of Education shall have the right to inspect or copy his own personnel, medical or similar file provide the copying rates as hereinafter set forth are paid.
 - B. Any individual other than the employee may, on proper application, inspect the personnel file of an employee of the Mercer County Board of Education provided that the employee appears before the Superintendent of the Mercer County Schools, or his designated agent, and executes a proper authorization duly notarized permitting said person to inspect the employee's personal records.
2. Any and all test questions, scoring keys and other data used by the Board of Education in administering an examination or used in an examination for employment or academic purposes.
3. Any and all records supplied to the Mercer County Board of Education by any law-enforcement official or agency pertaining to law-enforcement matters.
4. Internal memoranda or letters received or prepared by the Mercer County Board of Education, or any employee thereof.
5. The academic records of an individual student or ex-student unless an authorization is executed by the parent or guardian of the said student or ex-student or the student or ex-student himself if over the age of 18 and duly notarized before the Superintendent of Mercer County Schools, or his designated agent, permitting the inspection of said records by the person requesting same.

PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS (Continued)

Within five (5) after receiving the written request, the Superintendent of Schools must do one of the following:

- a. Furnish copies of the requested information;
- b. Advise the person making the request of the time and place at which he may inspect and copy the material; or
- c. Deny the request stating in writing the reasons for such denial.

In the event the Superintendent of Schools denies the request, he shall advise the requesting party that proceedings for injunctive or declaratory relief can be instituted by the requesting party in the Mercer County Circuit Court. In the event the requesting party desires to reproduce the records, a reasonable charge for each page reproduced (which charge shall be determined annually by the Administration) must be paid in cash or by certified check delivered to either the Treasurer or the Business Manager of the Mercer County Schools following a calculation of the number of pages to be reproduced, but prior to the actual reproduction thereof.

Those records which may require staff research, extensive reproduction or construction of the report in its entirety will be provided within a time frame and cost mutually agreed upon by both the requesting party and the school system. In the unusual circumstance where a particular request cannot be granted because the information does not exist in the form requested or the volume of the request(s) is overwhelming, the Superintendent should prepare an estimate of the overtime necessary to respond and present such cost to the requesting party prior to fulfilling the request. If the requesting party elects not to pay such costs, said party may appeal, in writing and in person, at the next regularly scheduled meeting of the Board of Education.

Refusal to pay the herein above stated copy or other costs by the person requesting same shall give the superintendent of the Mercer County Schools the right to refuse delivery of said reproduced documents until the said costs are paid. The revenue derived from the payment by the party requesting reproduced documents shall go to the general fund of Mercer County.

No record under the control of the Mercer County Board of Education shall be removed from its designated location by any person, corporation, partnership, firm, or association unless said records are ordered or subpoenaed by any Court of record.

Source: Board of Education Minutes

Dates: 9/14/78, 1/24/80, 12/8/83

Legal Reference: School Laws of West Virginia: 29B-1-1-6