

PUBLIC'S RIGHT TO KNOW/FREEDOM OF ACCESS		File: KDB
Section: K School-Community Relations	Adopted: 12/2014	Last Revised: 12/8/2022

The Board recognizes the importance of a well-informed public to the operations of the school unit. The Board will comply with all applicable sections of Maine's Freedom of Access Act.

The Board designates the Executive Director, and to act in the absence of the Executive Director, the Director of Operations as the Public Access Officer for **The Maine Educational Center for the Deaf and Hard of Hearing/Governor Baxter School for the Deaf**. The Public Access Officer is responsible for ensuring compliance in regard to Freedom of Access requests (see 1MRSA § 413(1)).

The Executive Director, The Director of Operations, and any other person(s) designated as a public access officer shall complete the mandated training on the requirements of Maine's Freedom of Access Act.

1MRSA § 413 requires each school administrative unit to designate "an existing employee" as its public access officer. The public access officer is responsible for ensuring compliance in regard to Freedom of Access requests (see 1MRSA § 413(1)). A person designated as a public access officer is required to complete a course of training on the requirements of Maine's Freedom of Access Act (FOAA) as related to public records and proceedings and must do so no later than the 120th day after such designation (see 1 MRSA § 412(1)).

By virtue of their status as (public) "officials" under 1 MRSA § 412, the Executive Director/Director of Operations of a school district, are required to complete FOAA training no later than 120 days after assuming their position.

As with school board members, a person designated as public access officer may meet the training requirement by reviewing all the information made available by the State of Maine on the Frequently Asked Questions portion of its Freedom of Access website, or by completing any other training course that includes all of this information. Certification of completion is also required (see 1MRSA § 412(3)).]

Except as otherwise provided by statute, all Board proceedings shall be open to the public, any person shall be permitted to attend, and any records or minutes of such proceedings that are required by law shall be made promptly and shall be open to public inspection.

Board agendas and minutes, proposed and approved Board policies, annual budget reports, student handbooks and Board member Freedom of Access training documentation/certificates shall be available for immediate inspection and/or copying in

the Executive Director's Office. Requests for all other public records shall be made, preferably in writing, to the Executive Director's, specifying the records desired for inspection/copying. The Executive Director's /designee may request clarification concerning which public record or records are being requested.

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The Executive Director/designee shall acknowledge receipt of a request for inspection and/or copying of public records within five working days of the request.

If the request is denied, the Executive Director/designee shall inform the requestor in writing within five working days of the request and shall state the reason for denial. Otherwise, inspection and/or copying may be scheduled to occur within a reasonable period of time following the request at a time that will not delay or inconvenience the regular activities of the school unit.

The school unit is not required to create a record that does not exist.

ELECTRONICALLY STORED PUBLIC RECORDS

In compliance with the Freedom of Access Act, the school unit will provide access to an electronically stored public record as a printed document or in the medium in which the record is stored, at the requester’s option, except that the school unit is not required to provide access to an electronically stored public record as a computer file if the school unit does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. The school unit is not required to provide access to a computer terminal.

FEES

Except as otherwise provided by law or court order, **The Maine Educational Center for the Deaf and Hard of Hearing/Governor Baxter School for the Deaf** may charge fees as follows:

- A. A fee of 10 cents per page to cover the cost of copying.
- B. A fee of \$25 per hour after the first two hours of staff time per request to cover the actual cost of searching for, retrieving, and compiling the requested public record. Compiling the public record includes reviewing and redacting confidential information.
- C. If conversion of a public record into a form susceptible of visual or aural comprehension or into a usable format is necessary, a fee to cover the actual cost of conversion.
- D. A charge for the actual mailing costs to mail a copy of the record.
- E. No fee shall be charged for inspection of public records, unless the record cannot be inspected without being compiled or converted, in which case paragraph B or C applies.

As required by law, the school unit will provide the person making the request an estimate of the time necessary to complete the request and of the total cost and, if the estimated total cost exceeds \$30.00, will inform the requestor before proceeding. If the estimated total cost is greater than \$100.00 or if the requestor has previously failed to pay a fee assessed for access to The Maine Educational Center for the Deaf and Hard of Hearing/Governor Baxter School for the Deaf records, the requestor may be

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required to pay all or a portion of the estimated cost prior to the search, retrieval, compiling, conversion and copying of the public record.

The Executive Director is directed to develop and implement such administrative procedures as may be necessary to carry out this policy.

Legal Reference: 1 M.R.S.A. § 401 et seq.

Cross Reference: BEC – Executive Sessions
GBJ – Personnel Records and Files

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