

## **440 GRAMA Procedure**

**4-10-17**

George Washington Academy upholds:

- The rights of the public to fair and reasonable access to records of public business.
- Individuals' rights to privacy regarding personal data gathered by government entities.

Accordingly, it is the procedure of GWA to comply with the Government Records Access Management Act (GRAMA) enacted by the state legislature, as well as all federal laws governing the management of, and access to, the schools' records (as defined by Utah Code 63G-2-103). Legal mandates for managing and accessing student records are found in the Family Educational Rights and Privacy Act (FERPA).

### **Records Officer**

The Executive Director of GWA will designate a Records Officer. The Records Officer will be trained and certified as mandated in Utah Code 63A-12-110. The Records Officer works with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records (Utah Code 63G-2-103). The Records Officer works, as necessary, with the Executive Director and the Governing Board in classifying records and in reviewing and responding to GRAMA requests.

### **Classification of School Records**

State law allows classification of a school record to occur prior to or following a request for access to the record, and GWA may reclassify a record or series of records at any time. GWA records will be classified under the following general categories:

- Public records as described in UCA § 63G-2-301;
- Private records as described in UCA § 63G-2-302;
- Controlled records as described in UCA § 63G-2-304;
- Protected records as described in UCA § 63G-2-305; and
- Limited records as described in UCA § 63G-2-201 (3) (b).

### **Access to School Records**

- Every person has the right to inspect a public record free of charge.
- Every person has the right to take a copy of a public record during normal working hours (Sections 63G-2-203 and 63G-2-204).
- GWA will not disclose a record that is private, controlled, or protected to any person except as provided in GRAMA Subsections (5) (b) & (5) (c) or Sections 63G-2-202, 63G-2-206, or 63G-2-303.
- A person may request to inspect or receive copies of the school's records by submitting a written GRAMA request to the Records Officer.
- The Records Officer may, in consultation with the Executive Director and as necessary, delegate to other staff the responsibility for compiling records in the GRAMA request.
- The Records Officer will ensure that records are disclosed as legally allowable within the time

periods set forth in Utah Code 63G-2-204 and 205.

- Denials of access to school records must be approved by the Executive Director. In the event that a GRAMA request is denied in whole or part, the Records Officer will provide to the requester a notice of denial containing the following information:
  1. A description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
  2. Citations to the provisions of state or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information or information exempt from disclosure under Subsection 63G-2-201(3)(b);
  3. A statement that the requester has the right to submit a written appeal to the Governing Board;
  4. The time limits for filing an appeal, and the name contact information of the GWA Governing Board president.

### **Fees**

GWA reserves the right to charge a reasonable fee to cover the actual costs of providing a record as detailed in Sec on 63G-2-203. These costs include, but are not limited to, the cost of staff time (when such costs exceed fifteen minutes) and materials used in providing the record.

- Fees will reflect current market rates (such as hourly wages, copy costs, etc.) at the time of the request .10 per page to cover the actual cost of duplicating a record. A fee of \$20.00 per hour for school personnel time shall be charged for searching, formatting, manipulating, tailoring, summarizing, and compiling a record, when such activities exceed 15 minutes.
- Fees will be approved by the Executive Director.
- GWA may, at the discretion of the Records Officer and Executive Director, require payment of past fees and future estimated fees before beginning to process a request if fees are expected to exceed \$50 or the requester has unpaid fees from previous requests.
- GWA may, at the discretion of the Records Officer and Executive Director, waive fees as allowable under Sec on 63G-2-203 (4).

### **Appeals**

Any person aggrieved by 1) the denial of a GRAMA request, or 2) a fee assessment for a GRAMA request, may appeal the determination within 30 days to the Governing Board by submitting a written notice of appeal under the directives of Sec on 63G-2-401. If the Governing Board denies a records request, the requester may: (a) appeal the denial to the records committee as provided in Sec on 63G-2-403; or (b) petition for judicial review in district court as provided in Sec on 63G-2-404.

In accordance with Sec on 63G-2-603, an individual may contest the accuracy or completeness of any public, or private, or protected record concerning him or her by submitting a written request to the Records Officer to amend the record. The Records Officer will consult with the Executive Director and Governing Board as necessary in the consideration and approval of amending a record.

### **Reference Laws:**

Utah Code 63G-2: Government Records Access Management Act