

Kimberly School District #414
REGULAR BOARD MEETING FY23

THURSDAY, FEBRUARY 16, 2023

ITEM# 9-2 2ND READING RETIRE 1401 RECORDS AVAILABLE TO PUBLIC AND 4340 PUBLIC ACCESS TO DISTRICT
RECORDS, ADOPT 4340 AND 4340F RECORDS AVAILABLE TO THE PUBLIC

Currently, there are two KSD Board Policies regarding public record requests. I would recommend that we retire both policies and adopt one policy that is aligned with current law. Utilizing the ISBA model policy, I have created policy 4340 and 4340F Records Available to the Public which outlines the procedure to attain records that are *not exempt* from public inspection.

Last month a concern was brought up regarding the exception for "Test questions, scoring keys, and other examination data used to administer academic tests." After looking into this matter further, I discovered Idaho Code 74-108(6) that states: "Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected."

Also, I consulted with Amy White, KSD legal counsel, to validate that the above statute applies to K-12 public education, and she indicated it does. Regardless if the exception is in the policy or not, we are required to follow Idaho Code. I have added the verbiage "before the examination is given if the examination is going to be used again" to the policy.

Recommendation: Approve the 2nd Reading Retire 1401 Records Available to Public and 4340 Public Access to District Records, adopt 4340 and 4340F Records Available to the Public.