

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 1. STATE BOARD OF EDUCATION**

SUBCHAPTER 3. DEPARTMENTAL PRECEPTS

210:1-3-11. Open Records Act

In recognition of the general public's right to be informed about its government and in accordance with the Oklahoma Open Records Act at 51 O.S. § 24A.1 et seq., the State Board of Education and the State Department of Education adopt the following policy and procedures governing requests for information:

(1) ~~Any document which comes within the statutory definition of a "record" and is not required to be kept confidential by State or Federal law and does not fall within the exemptions recognized in the Open Records Act will be available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except state holidays, at the location where the records are housed which is generally the Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City.~~

(2) ~~Any individual or group seeking access to public records maintained by the Oklahoma State Department of Education shall make a written request, either by mail or in person. Mail requests may be sent to the Oklahoma State Department of Education, 2500 North Lincoln Boulevard, Oklahoma City, 73105. Request for records made in person may be made at the same address.~~

(3) ~~The State Superintendent of Public Instruction is authorized to periodically review and adjust the rates that will be charged for providing copies of records in accordance with the law. Those rates will include costs for record copies, document searches and transcript rates. The rates will be posted at the Oliver Hodge building and filed with the country clerk as required by law~~

(a) **Official records.** All files, records, minutes, proceedings, rules, documents, decisions, opinions, written statements of policy, and written materials of any other nature required by law to be maintained by the State Board of Education or the State Department of Education and not otherwise exempt from public disclosure pursuant to the provisions of state and/or federal law shall be made available promptly for public inspection, copying, or mechanical reproduction upon reasonable notice during regular business hours in accordance with the provisions of the Open Records Act at 51 O.S. § 24A.1 et seq. and the procedures set forth below.

(b) **Records subject to disclosure.** Any document that comes within the statutory definition of a "record" and is not required to be kept confidential by State or federal law, or otherwise exempt from disclosure pursuant to the Open Records Act will be available for inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except state holidays, at the location where the records are housed, which is generally the Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City.

(c) **Procedure for records requests.** Any individual or group seeking access to public records maintained by the State Board of Education or the State Department of Education shall submit a request to the State Department of Education Office of Legal Services, by fax, email, regular mail or in person. In order to provide prompt, reasonable access to records, to ensure that records requests are accurately communicated to the records custodian, and to enable the records custodian to accurately process the request, it is recommended that records requests be submitted in writing. In addition, all records requests must comply with the following provisions:

(1) All records requests must include:

(A) Identification of the individual and/or entity making the request;

- (B) If the Requester is an entity rather than an individual, a name of a contact authorized to communicate with the records custodian on behalf of the Requester;
 - (C) Sufficient contact information at which the Requester may be contacted by the records custodian to comply with the records request procedures set forth in this Section;
 - (D) A description of the records requested with sufficient detail necessary to enable the records custodian to reasonably identify whether records responsive to the request exist;
 - (E) Whether the Requester seeks copies of any or all of the records requested and if so, whether the Requester seeks certified copies of any or all of the records requested; and
 - (F) If the Requester claims the public interest exemption from search fees in accordance with the provisions of (d) of this Section, all information necessary for the records custodian to determine the applicability of the exemption.
- (2) An Open Records Act request form is provided on the OSDE website. The form may be submitted by email, fax, or regular mail via the addresses stated on the form. The form may also be obtained by writing to the Oklahoma State Department of Education Office of Legal Services, Oliver Hodge Education Building, 2500 N. Lincoln Blvd., Room 117, Oklahoma City, OK 73105.
- (3) Requests submitted will not be deemed to have been received unless and until the request has been identified as a request properly filed in accordance with the provisions of the Oklahoma Open Records Act at 51 O.S. § 24A.1 et seq. and the procedures set forth in this Section.
- (4) Within a prompt and reasonable time of the date of receipt of the request, the records custodian shall review the request, seek any additional information from the Requester necessary to clarify the request, and shall ascertain whether any records responsive to the request exist.
- (5) In addition, the records custodian shall promptly notify the Requester of the following:
- (A) Whether the request complies with the provisions of this Section and the provisions of the Open Records Act;
 - (B) Whether records responsive to the request exist, and if so, the records custodian shall instruct the Requester to confirm the record custodian's interpretation of the request;
 - (C) If records responsive to the request exist and require an additional search of data necessary to identify and/or locate individual records of persons, whether the search will incur any fees and costs pursuant to (d) of this Section and if so, an estimate of search fees;
 - (D) If the Requester asks to be provided copies of the requested records in lieu of inspection, an estimate of the costs of copying the records requested as necessary to deliver the responsive records to the Requester;
 - (E) That processing of the request will not begin until any applicable records search fees and costs of copying have been received by the agency; and
 - (F) In the event the actual costs of copying and/or certification of records exceed the estimate provided and the amount of payment actually received from the Requester, that payment of any balance due from the Requester may be required prior to delivery of the requested records.
- (6) All records requests will be deemed to have been received and processing of the request will begin when one of the following conditions is met:
- (A) If payment of search fees or copying costs is required, upon receipt of:
 - (i) The fees and costs due; and

considered prompt and reasonable is dependent upon a number of variable factors including, but not limited to:

- (1) The scope and complexity of the request;
- (2) Whether the workload of the agency or agencies necessary to respond to the request permits a response to the request without excessive disruption of essential services of the agency/agencies;
- (3) Whether the records request includes:
 - (A) A sufficiently detailed description of the request by the requestor necessary for the agency to ascertain the existence of records responsive to the request;
 - (B) Records or portions of records deemed confidential by state and/or federal law which must be removed or redacted in order to permit inspection of the records.
- (4) Whether the Requester requested copies of the records and if so, whether the Requester has paid applicable fees and/or costs set forth in (d) of this Section;
- (5) Whether additional steps by the agency must be taken in order to ensure that inspection, copying, and/or response to the records can be provided without jeopardizing the integrity and organization of the records; and
- (6) Whether student data is included within the scope of its request, and if so:
 - (A) Time necessary to de-identify and aggregate student data in accordance with the requirements of the Federal Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g et seq. and accompanying regulations; the Student Data Accessibility, Transparency and Accountability Act of 2013 at 70 O.S. § 3-168 and accompanying regulations; or any other applicable provisions of state or federal law pertaining to confidentiality of records; or
 - (B) Time necessary to obtain approval of the State Board of Education in accordance with the requirements of the Student Data Accessibility, Transparency and Accountability Act of 2013 at 70 O.S. § 3-168 and accompanying regulations.