

**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.~~

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 are available for public inspection 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.

(1) **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 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) **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 written request to the State Department of Education Office of Legal Services, by fax, email, regular mail or in person.

(A) An Open Records Act request form is provided on the OSDE website, which 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) Fees for record searches and copies of records.** Fees and costs associated with record searches and providing copies of records shall be determined in accordance with the following procedures:

**(A) Fees to recover reasonable and direct costs of record searches.** Requests that are either solely for commercial purposes or requests that cause an excessive disruption of the essential functions of the agency are subject to fees for recovery of the reasonable, direct costs of record searches in accordance with the provisions of 51 O.S. § 24A.5(3), provided that no search fee will be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

**(B) Fees to recover reasonable and direct costs of record copies.** Requests that are either solely for commercial purposes or requests that cause an excessive disruption of the essential functions of the agency are subject to fees for recovery of the reasonable, direct costs of copying records in accordance with the provisions of 51 O.S. § 24A.5(3).

**(i) For purposes of this paragraph, "copying" of a record may include costs of:**

**(I) Mechanical reproduction of a paper record ("hard copy"); or**

**(II) Conversion of a record into an electronic format (e.g., .pdf) as necessary for delivery to the requester.**

**(ii) In no instance shall the fee per page fee for copies of documents exceed the amount set forth in 51 O.S. § 25A.5(3).**

**(C) Periodic review and adjustment of fees and costs.** 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 state 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.

**(D) Payment of fees and costs.** All fees and/or costs shall be paid by the requester prior to delivery of the response to the request. All fees must be paid by check or money order payable to the Oklahoma State Department of Education. No cash will be accepted.

**(4) Processing and response times.** The agency will provide prompt, reasonable access to records in accordance with the requirements of 51 O.S. § 25A.5(5). The period of time considered prompt and reasonable is dependent upon a number of variable factors including, but not limited to:

**(A) The scope and complexity of the request;**

**(B) 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;**

**(C) Whether records requested includes:**

**(i) A sufficiently detailed description of the request by the requestor necessary for the agency to ascertain the existence of records responsive to the request;**

**(ii) 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.**

**(D) Whether the requestor has paid applicable fees and/or costs set forth in (3) of this subsection;**

(E) 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

(F) Whether student data is included within the scope of its request, and if so:

(i) 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

(ii) 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.