

This Notice is hereby adopted by the Cooperative Educational Service Agency #9. CESA #9 is made up of twenty-two school districts in north central Wisconsin. CESA #9 is governed by a Board of Control that consists of eleven board of education members from districts within the CESA #9 boundaries. Board members are elected to three-year terms at the CESA #9 Annual Convention.

The Board of Control recognizes and designates all of its records as defined by Wisconsin Statutes as public records and documents. The release inspection and reproduction of such records will take into account the presumption in favor of public access and any decision will then be based upon a balance between the public's right to access and an individual's right to confidentiality.

The Board of Control designates the Agency Administrator as the official legal custodian of the public records of CESA #9. It shall be the responsibility of this individual to execute all duties and responsibilities of the CESA pursuant to Wisconsin's Public Records and Property Law and other state and federal mandates, including but not limited to 118.125 (pupil records) and 103.13 (records open to employee).

The custodian shall be solely responsible for the release of the public records of the CESA, the conditions under which records may be inspected, and the collection of costs for the location or reproduction of such records.

The official legal custodian is hereby vested with full legal power to make all necessary decisions relative to release, inspection, and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this policy.

The normal, regular business hours of the office of CESA #9 are as follows:

CESA #9  
304 Kaphaem Road  
Tomahawk, WI 54487  
7:30 a.m. to ~~4:30 p.m.~~ 4:00 p.m.  
Monday through Friday (except for holidays)

The methods by which the public may obtain information and access to records in its custody, make requests for records, and obtain copies of records shall include the following:

- a. A request to inspect or copy a record shall be made to the legal custodian or designee. The request shall reasonably describe the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private

residence or if security reasons or federal law so dictate, identification may be required.

- b. The legal custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requestor of the determination to deny the request in whole or in part and the reasons thereof.
- c. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court by mandamus under 19.37(1) of the Statutes or upon application to the attorney general or a district attorney.

Some of the records of CESA #9 may be in off-site storage, archived, not on-line on the CESA's computer or otherwise not immediately available. In these cases where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed \$50.00, the legal custodian will seek prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required to provide an estimate of the total anticipated costs for locating the record.

Costs of copying and reproduction of records where equipment is available is as follows:

- a. \$0.15/page for each page.
- b. The actual cost to CESA of the tapes or other medium used for reproduction shall also be paid by the person making the request.
- c. If mailing or shipping is necessary, the actual, necessary and direct cost thereof may be charged.
- d. There shall be no charge for locating a record unless the actual, necessary and direct cost therefore exceeds \$50.00 in which case the actual cost, including cost of employees' time, may be determined by the legal custodian and billed to the requester.
- e. The legal custodian may require prepayment by a requester of any fee imposed if the total amount exceeds \$5.00.

Necessary and direct costs of reproduction of records where equipment is not available within CESA #9 are as follows:

- a. If equipment necessary for any reproduction is not available within the CESA, then the CESA will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charged will be the actual necessary and direct costs paid by the CESA to the third party vendor.
- b. Items in such a situation would include but would not be limited to audio or video tape reproduction equipment, microfilm, or fiche or

ultra fiche reproduction equipment, assorted computer hardware and software.

- c. The actual cost to the CESA of the tape or other medium for reproduction shall also be paid by the person making the request.

The official legal custodian of the records of CESA #9 shall report any disputes which arise under this fee schedule to the Board of Control and shall recommend to the Board of Control such modifications and revisions deemed necessary.

The official legal custodian of the records of CESA #9 may, in his/her sole discretion, elect to waive imposition of the costs provided herein.

The records of CESA #9 shall be retained and preserved by the official legal custodian as required by all applicable laws and no records shall be destroyed without the prior written approval of the custodian.

No record of CESA #9 shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

Any cost of fees incurred by the official legal custodian of the records of CESA #9 shall be directly reimbursed by the CESA to the custodian and shall not be treated as the personal liability of the custodian.

#### LOCAL PUBLIC OFFICES

In accordance with Wis. Stat. §19.34(1), the following is a list of the positions of the authority that constitute "local public offices," as defined by the Public Records Law, as amended.

- a. Board of Control members
- b. Agency Administrator or Administrative Designee

#### NOTICE TO EMPLOYEES OF LEGAL CUSTODIAN

In accordance with Wis. Stat. §19.33(2), please note that the Board of Control has designated the Agency Administrator or his/her designee as the legal custodian of the public records and property of CESA #9. The Agency Administrator and his/her designee are vested with full legal power to render decisions and carry out the duties under the public records law. The Agency Administrator and his/her designee are authorized to consult with legal counsel regarding custodian responsibilities.

LEGAL REF.: Sections 19.31 - 19.39                      Wisconsin Statutes

Tentative Approval: January 6, 1988

FINAL APPROVAL: July 6, 1988

Revised and Approved: January 8, 2003

Revised and Approved: June 4, 2014

Revised and Approved: May 4, 2015