

PUBLIC RECORDS POLICY
OF IMAGINE AT BROWARD, INC.,
d/b/a IMAGINE SCHOOL AT BROWARD
Adopted and Effective: March 18, 2019

A. Introduction.

Imagine At Broward, Inc., d/b/a Imagine School at Broward (“School”) and its Board of Directors recognize their responsibility to maintain the public records of the school and to make such records available for inspection and reproduction upon request. Accordingly, the School and its Board of Directors hereby adopt the policy outlined below with respect to public records. Said policy is an expression by the School and its Board of Directions regarding their duties and obligations under the public records laws of the State of Florida, and is not meant as a limitation of, but rather an extension of, the public records laws of this state.

B. Purpose.

This Policy sets forth the procedures by which public records of the School shall be requested and provided for inspection and copying and also how the School will maintain such public records, all in accordance with laws pertaining to charter schools. It is the policy of the School that all records, with the exception of exempt or confidential records identified by state or federal law, shall be open for personal inspection and copying by any person.

C. Definition of Public Records and Exemptions

Section 119.011(12), Florida Statutes, defines “*public records*” as “*all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.*” Exemptions from public records are defined and set forth in Section 119.071, Florida Statutes. “Public records” do not include student records, medical records, trial preparation records, confidential law enforcement investigatory records, and any other exceptions set forth in Florida Law. The School may consult legal counsel if it is uncertain whether a particular document qualifies as a public record.

D. Responsibilities and Designation of Records Custodian.

1. **Designation of Records Custodian.** The Principal shall be the Records Custodian for the School.
2. **Notice of Records Custodian.** In accordance with section 119.12, Florida Statutes, the School shall prominently display the name and contact information of the Records Custodian in the School’s main office and on the School’s website.

3. **Responsibilities of Records Custodian.** The Records Custodian is responsible for the School's compliance with Florida's Public Records Act ("Act"), including responding to all public records requests and causing all School records that constitute public records to be maintained in accordance with the Act. The Records Custodian shall respond fully to all public records requests within a reasonable time period based on the size, scope and nature of the public records request. Time of year of a request may impact the reasonable response time. For example, there may be a longer reasonable response time for requests made at the very beginning or end of the school year or during administration of mandatory testing.

E. Procedures.

1. **Forwarding requests.** All school personnel and members of the School's Board shall immediately forward any public records requests they receive to the Records Custodian.
2. **Processing public records requests:**
 - a) **Response Time.** Responses to public records requests will be provided within a timeframe that is reasonable under the circumstances. This includes consideration of the nature and volume of the request, as well as the time of the school year that the request is made.
 - b) **Acknowledgement of request.** As soon as reasonably possible after the receipt of a public records request, the Records Custodian will acknowledge the request in writing, which may be by email, and the estimated amount of retrieval time to fulfill the request. If necessary, the Records Custodian may seek to clarify the request. The Records Custodian will note the acknowledgment in the public records log and keep a copy of the acknowledgment. The written acknowledgment will be in substantially the following form:

Imagine at Broward acknowledges your public records request received by
[form of request] on _[Date]_. At this time, Imagine at Broward
anticipates providing a response to your request in approximately _____
days.
 - c) **Consultation with legal counsel.** The Records Custodian will review Public Records resources, including the most current version of the Government-in-the-Sunshine Manual in connection with public records requests. If the Records Custodian has any questions regarding a public records request, the Records Custodian may consult the School's legal counsel.
 - d) **Notification of charges.** The Records Custodian shall notify the requestor of the estimated charges, including applicable special service and copying charges as set forth in paragraph (E)(3), below. For all requests which are estimated to cost more than \$50.00 but less than \$100.00 (including photocopying and labor charges), the School shall require a 50% advance deposit prior to beginning retrieval. For all requests which are estimated to cost more than \$100.00 (including photocopying and

labor charges), the School shall require a 100% advance deposit prior to beginning retrieval.

- e) **Payment in Full.** Copies of public records will only be provided after payment in full. If a special service charge is required in order to produce records for inspection, as set forth in Section (E)(3)(b) below, such inspection will not be permitted until the special service charge is paid in full.
- f) **Withholding and Redacting Exempt Records.** Requests for documents which may contain information which is exempt from disclosure or confidential in accordance with Florida law will be withheld until the records can be reviewed and redacted as necessary. Exempt or confidential portions of the records shall be redacted, and the remainder of the record produced in response to the request.
- g) **Written Statement Explaining Exemption of Records.** If the Records Custodian determines that all or a portion of the records requested are exempt from disclosure or confidential, the Records Custodian shall provide a written statement to the requestor *indicating the specific statutory reference making such record confidential or providing for such exemption.*
- h) **Outstanding Invoices.** In accordance with Florida law, the Records Custodian will not process public records requests from anyone requesting public records who has not paid outstanding invoices for public records.

3. **Charges for public records requests.**

- a) **General.** Copies of public records will be provided in the format in which they are maintained, if possible.
 - 1) The charge for duplication of a one-sided letter, legal or other size document capable of being produced on existing School equipment, shall be fifteen cents (\$.15) per copy. Duplication of two-sided pages shall be twenty cents (\$.20) per copy.
 - 2) For any documents not covered by paragraph (E)(3)(a)(1), above, the charge shall be the actual cost to the School for outside reproduction.
 - 3) The charge for copies of any cassette tape, DVD, CD-ROM, video tape or other such media shall be the actual cost to the School.
 - 4) The charge for paper copies printed from a computer system shall be in accordance with paragraph (E)(3)(a)(1), above.
 - 5) There will be no charge for duplication of records maintained electronically that are produced electronically through e-mail. However, special service charges for time spent gathering and sending the documents may be charged, if applicable.
- b) **Special Service Charges for Extensive Use of Resources.** In accordance with Section 119.07(4)(d), Florida Statutes, the School may charge a requestor a reasonable special service charge if the nature or volume of the public records to be

inspected or copied requires the extensive use of information technology resources or extensive use of clerical or supervisory assistance, or both.

- 1) The term “extensive use” for purposes of this Policy means any time longer than fifteen (15) minutes needed to complete all related public records requests from the requestor.
 - 2) This service charge shall be based on the cost actually incurred by the School for such extensive use of information technology resources or personnel. This may include overtime pay if such personnel must work more than forty (40) hours in any given work week in order to complete the public records request and such personnel are entitled to overtime pay pursuant to the Fair Labor Standards Act.
 - 3) School personnel or consultants with the lowest rate of pay, who are also competent and qualified to complete the request, shall be used to complete the request.
 - 4) If supervisory assistance is required for inspection of records, no fee shall be charged unless the employee providing the supervisory assistance is not performing any other of their regular duties while providing supervisory assistance.
- c) **De Minimis Charges.** Public records charges below \$5.00 will be waived. However, public records requests cannot be separated in order to be considered de minimis.
4. **Tracking and Reporting of Public Records Requests.** The Records Custodian shall maintain a log of all public records requests. Such log shall include, but may not be limited to, the date of the request, the name and address of the requestor (if provided), the date of compliance, and the method by which the requestor was provided the records. At each meeting of the School’s Board, the Records Custodian shall provide a report on the status of any public records requests fulfilled or in process since the prior meeting of the School’s Board.

F. General Guidance

1. **Encourage a Written Request.** All requestors should be encouraged, but not required, to put their public records requests in writing. This will assist the Records Custodian in clarifying the exact scope of the request. Requestors should specify whether they wish to inspect the records or obtain photocopies or both.
2. **Requests from Media.** Requests from the media for public records shall be handled consistently with this policy. If the School receives a public records request from the media, the Records Custodian shall inform the Board as soon as practicable.
4. **Access During Reasonable Hours.** Requestors shall be provided access to public records during reasonable hours. For the purposes of this policy, “reasonable” shall be

normal hours of School operation. At all times, public records will be inspected, reviewed and/or copied under supervision of the Records Custodian or the Records Custodian's designee.

5. **Do Not Ask the Reason for the Request.** At no time will requestors be asked the reason for their request. By law, requestors are not required to state their reason for their public records request.
6. **Records Available Online.** If records are available on the School's website, requestors will be asked if they would like to obtain the records from the School's website on their own. If they are not willing to do this, such requests will be fulfilled in the same manner as all other public records requests.

G. Maintenance and Retention

1. **Destruction and Disposal of Records.** Public records may only be destroyed in accordance with the schedules set forth in Section (G)(2), below. However, in no event shall any School personnel or members of the School's Board destroy records that are the subject of a current public records request or records that are currently at issue in pending litigation.
2. **Retention of Records.** All public records shall be retained at a minimum in accordance with the General Records Schedules for Public Schools (GS7), State and Local Government Agencies (GS1-SL), and for Public Libraries (GS15), as applicable, all as published by the Florida Department of State, Division of Library and Information Services, Bureau of Archives and Records Management. The School's Board may modify retention schedules at its discretion; however, no modification shall provide for the School to retain a public record for a period of time less than that prescribed by the above publications.
3. **Procedures for Retention.** The Records Custodian shall establish procedures by which public records are maintained by School personnel in accordance with the schedules set forth in Section (G)(2), above.
4. **Governing Board Records.** The Records Custodian shall also work with the School's Board to ensure that public records created by the Board are maintained in accordance with Florida law. At a minimum, all electronic correspondence by the Board on matters relating to the School shall be conducted through their School e-mail addresses or copied to their School e-mail addresses. No member of the Board will communicate on matters pertaining to the School by text without sending a copy of such text to their School e-mail.

H. Contracting with Vendors

1. **Cannot Avoid Public Records Act.** The Public Records Act cannot be avoided by contracting with an outside vendor. If a contractor will be performing a duty that is ordinarily conducted by the School or that would otherwise subject the vendor's records to the Public Records Act, the provisions of this subsection must be followed.
2. **Specific Language in Vendor Contracts.** All such vendor contracts must contain the following statement in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

3. **Requirements of Vendors.** All such vendor contracts must also contain provisions requiring the vendor to do the following:
 - a) Keep and maintain public records required by the School to perform the service.
 - b) Upon request from the School's Records Custodian, provide the School with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at no charge to the School.
 - c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the School.
 - d) Upon completion of the contract, transfer, at no cost, to the School all public records in possession of the contractor or keep and maintain public records required by the School to perform the service. If the contractor transfers all public records to the School upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the School, upon request from the School's Records Custodian, in a format that is compatible with the information technology systems of the School.
 - e) Violation of the foregoing provisions by the contractor will constitute a breach of the contract and will also be actionable under the Public Records Act.