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Records Access and Management/ GRAMA Policy

Policy No. 35

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1. PURPOSE AND PHILOSOPHY

This policy provides guidelines to manage, classify, access, preserve, and dispose of School records in compliance with the applicable Utah state laws and regulations, including, but not limited to, the Government Records Access and Management Act (GRAMA) [Utah Code Ann., Section 63G-2-101, et seq](#); and to provide public access to School records in accordance with state laws and regulations while protecting individual rights of privacy.

2. DEFINITIONS

“Record” or “Records” includes a book, letter, document, paper, map, plan, photograph, film, card, tape-recording, electronic data, or other documentary material regardless of physical form of characteristics that is prepared, owned, received, or retained by the School, and the information is reproducible by photocopy or other mechanical or electronic means. Drafts, personal notes, and personally owned documents are not records. [Utah Code Ann., Section 63G-2-103\(22\)](#); and to provide public access to School records in accordance with state laws and regulations while protecting individual rights of privacy.

3. RECORDS MANAGERS

3.1 The Executive Director is the “Records Manager” for all business and financial as well as employee and personnel records of the school.

3.2 The Director of Special Education and Federal Programs is the “Records Manager” for all special education/federal program files and records of the School.

4. RESPONSIBILITIES OF RECORDS MANAGERS

Each Records Manager will perform the duties and responsibilities set forth in [Utah Code Ann., Section 63G-2-101, et seq](#) and review and respond to each request for access to records under their supervision (“GRAMA request”). All GRAMA requests shall be coordinated through the Executive Director and Legal Counsel. Requests will be processed by use of the School’s GRAMA forms.

5. GRAMA REQUESTS

A person may request to inspect or receive copies of the School's records by filing a written GRAMA request. The GRAMA request must contain the necessary information on the requestor and a specific description of the records being requested

6. RECORDS CLASSIFICATIONS

6.1 Records Managers, with the assistance of Legal Counsel, will be responsible to evaluate and classify records under their supervision as set forth in [Utah Code Ann., Section 63G-2-306-307](#)

6.2 A record shall be classified under one of the following categories:

6.2.1 "Public Records" as described in [Utah Code Ann., Section 63G-2-301](#)

6.2.2 "Private Records" as described in [Utah Code Ann., Section 63G-2-302-303](#)

6.2.3 "Controlled Records" as described in [Utah Code Ann., Section 63G-2-304](#)

6.2.4 "Protected Records" as described in [Utah Code Ann., Section 63G-2-305](#)

6.2.5 Or a record to which access is restricted as described in [Utah Code Ann., Section 63G-2-201\(3\)\(b\)](#)

7. RECORDS ACCESS

7.1 All GRAMA requests shall be submitted to the Executive Director. The Executive Director shall delegate responsibility for responding to the GRAMA request in coordination with Legal Counsel.

7.1.1 Any inspection of a "Public Record" shall be during normal business hours in accordance with [Utah Code Ann., Section 63G-2-201](#)

7.1.2 All "Private," "Controlled," and "Protected" records shall be disclosed only in accordance with [Utah Code Ann., Section 63G-2-202](#)

7.2 Approved GRAMA requests shall be provided in a timely manner in accordance with [Utah Code Ann., Section 63G-2-204](#)

7.3 All GRAMA requests shall be responded to and processed by use of the School's GRAMA form.

8. FEES

8.1 A fee shall be charged for the School's actual cost of duplicating a requested record and also for personnel time in compiling and obtaining the record as follows [Utah Code Ann., Section 63G-2-203](#)

8.1.1 A copy fee of ten (10) cents per page for each single sided copy.

8.1.2 A copy fee of fifteen (15) cents per page for each double-sided copy.

8.1.3 An hourly fee for School personnel time shall be charged for searching, formatting, manipulating, tailoring, summarizing, and compiling a record, when such activities exceed fifteen (15) minutes. According to [Utah Code Ann., Section 63G-2-203](#), the fee may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

8.2 The School shall require pre-payment from a requestor if the fees to produce the record are expected to exceed fifty dollars (\$50.00)

8.3 The School may not charge fees for:

8.3.1 reviewing a record to determine whether it is subject to disclosure, except as otherwise permitted by [Utah Code Ann., Section 63G-2-203](#)

8.3.2 the requestor's inspecting the record.

9. APPEALS

9.1 If a requester is dissatisfied with the Records Manager's decision, the requester may submit a written appeal to the Executive Director by use of the School's Notice of Appeal form according to the time limits and provision [Utah Code Ann., Section 63G-2-401](#)

9.1.1 If the requestor dissatisfied with the decision of the Executive Director, the requestor may file an appeal to the State Records Committee in accordance with [Utah Code Ann., Section 63G-2-403](#), or petition for judicial review in the district court as provided by [Utah Code Ann., Section 63G-2-404](#)

9.2 An individual may contest the accuracy or completeness of a record in accordance with [Utah Code Ann., Section 63G-2-603](#)

10. RECORDS RETENTION

The School shall retain record according to the schedule established by the State Records Committee in accordance with [Utah Code Ann., Section 63G-2-604](#)

11. STUDENT RECORDS

All student records are designated as “Education Records” and the disclosure of such education records is not governed under GRAMA but under the Family Education Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. Section 1232(g); 34 C.F.R. Section 99, et seq.; and 34 C.F.R. Section 300, et seq.). The School may not release information related to education records without parental consent, except as otherwise provided in FERPA.

12. COPYRIGHTED OR PATENTED MATERIALS

Any record which is copyrighted, either by formal filing under copyright laws or by informal claim of copyright, or which is covered by a patent, trademark, or other protected designation, shall not be copied or provided to any person without a valid order of a court ordering such disclosure or written permission from the author of the record.

REFERENCE

[Utah Code Ann., Section 63G-2-1-1, et seq.](#)-Government Records Access Management Act (GRAMA)

These policies have been developed and approved by The Freedom Academy Foundation Governing Board for exclusive use within the Freedom Academy Preparatory charter schools. Any use by a person or organization outside of the Freedom Preparatory Academy charter school organization is not authorized. The Freedom Academy Foundation bears no responsibility for such unauthorized use or adaptation of our policies. Any party copying or revising these policies for its own use does so at its own risk and responsibility as to applicability and legal sufficiency.



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GRAMA REQUEST FOR RECORDS

To: Executive Director:

Description of records sought (records must be described with reasonable specificity):

- I would like to inspect the records.
- I would like to receive copies of the records. I understand I will be responsible for copy costs. I authorize costs of up to \$_____. I further understand that the agency will contact me if estimated costs are greater than the amount I have specified, and that the agency will not respond to a request for copies if I have not authorized adequate costs.
- I would like to receive copies of the records. I request a waiver of copy costs. (Please attach information supporting your request; see U.C.A. 63-2-203 (3) for a list of situations under which an agency is encouraged to provide copies without charge.

If applicable, check one of the following and attach necessary documentation.

- I am the subject of the record.
- I am the person who provided the information.
- I am authorized to have access by the subject of the record or by the person who submitted the information.
- Other. Explain _____
- I am requesting expedited response. (Please attach information that shows your status as a member of the media and statement that the records are required for a story for broadcast or publication; or please attach other information that demonstrates that you are entitled to expedited response under U.C.A. 63-2-204(3)).

My name is: _____

My address is: _____

City, state, Zip: _____

My agency is: _____

Phone number (Daytime) _____ (Home) _____

Signature _____ Date _____

Notary Required

State of _____

County of _____

On this _____ day of _____, 20____, before me, a notary public,
personally appeared _____, proved to me on
the basis of satisfactory evidence to be the person whose name is subscribed to this
instrument.

Notary Public

My commission expires _____

(Seal)

Request completed on: _____

Patron notified: _____

Picked up by: _____ Date: _____

Please note: Records requests will be completed as soon as reasonably possible, but no later than ten business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response to the record request benefits the public rather than the person. U.C.A. 63-2-204(3).