

No.

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: 3-26-03

REVISED:

1. Purpose

The Board recognizes the importance of public records as the records of the acts of the School and the repository of information about the School. The public has the right under law to inspect and procure copies of public records, with certain exceptions, subject to Board policy. At the same time, the Board has an obligation to maintain the confidentiality of certain information, such as student records and personnel records, and to protect individuals' rights to privacy.

2. Definition

A "public record" of the School shall mean (1) any account, voucher or contract dealing with the receipt or disbursement of funds or the acquisition, use or disposal of services, supplies, materials, equipment or other property; and (2) any minute, order or decision by the School fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group, including documents that are an essential component of the School's decision.

A public record does not include the following:

1. Any report, communication or other paper whose publication would disclose the institution, progress or result of an investigation undertaken by the School in the performance of official duties.
2. Any record, document, material, exhibit, pleading, report, memorandum or other paper to which access or publication is prohibited, restricted or forbidden by law, regulation, or court order or decree; would operate to the prejudice or impairment of a person's reputation or personal security; or would result in the loss of federal funds, except the record of a conviction for any criminal act.
3. Any record, document, material, or other paper on the basis of which no action has been taken by order, motion or resolution of the School.
4. Any record, document, material, or other paper that would disclose personal information in violation of the individual's right to privacy. Unless

the requester shows the employee's personal information (names, home addresses, home telephone numbers and social security numbers) is essential to a School's decision, this information must be redacted.

5. Education records concerning individual students, in accordance with federal and state laws, including Family Educational Rights and Privacy Act ("FERPA") and Individuals with Disabilities Education Act ("IDEA"). The Board exempts from public inspection any material whose disclosure would constitute an invasion of privacy, unless the individual concerned or the parent/guardian of a minor student, consents in writing to the public disclosure of the materials.

6. Personnel files, in compliance with applicable laws.

3. Authority

As required by the Right to Know Act, the Board shall make the School's public records available for inspection and duplication to any Pennsylvania resident, in accordance with Board policy and School procedures, with the exception of records exempted by law.

4. Guidelines

The public may inspect and procure copies of the public records of the School during the regular business hours of the School offices.

A public record shall be provided in the medium, *i.e.* paper or electronic, requested if the public record exists in that format; otherwise it will be provided in the medium in which it exists.

The School is not required to create a public record that does not exist nor to compile, maintain, format or organize a public record in a manner different from that currently maintained by the School. If a public record is maintained only in an electronic or other nonpaper format, the School shall duplicate the record on paper upon request, subject to applicable duplication charges.

Public records shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.

No public record shall be removed from the control or supervision of the designated official.

Request for Access

A request for access to a public record shall be submitted to the office of Principal.

Requests must be submitted in writing in person, by mail or by facsimile. [Requesters may use the form provided in the office of Principal or made available on the School's website.]

Each request must include the following information:

1. Identification of the requested record in sufficient specificity to assist the School in determining what record is requested.
2. Medium in which the record is requested.
3. Name and address of the person to receive the School's response.

Verbal requests and anonymous requests will not be accepted.

Response to Request

The Principal or his or her designee shall review the request and respond within five (5) business days of receiving the request. If the request is submitted to an individual or office other than Principal, the five-day period will not begin to run until the request is received by the Principal.

If the School determines that the request will be granted, a response shall be sent within five (5) business days. The response shall include the regular business hours of the School office, the medium in which the record is provided, and the fees.

If the School determines that more than five (5) days are required to respond to the request, due to one of the following exceptions in the law:

- (1) the request for access requires redaction of a public record;
- (2) the request for access requires the retrieval of a public record stored in a remote location;
- (3) a timely response to the request for access cannot be provided due to bona fide and specified staffing limitations;
- (4) a legal review is necessary to determine whether the record is a public record subject to access under the Act;
- (5) the requester has not complied with the School's policies regarding access to public records; or
- (6) the requester refuses to pay applicable fees

notice shall be sent indicating that the request is being reviewed, the reason for the review, and a date when the response will be provided. If the date of

the response is greater than 30 days following the five (5) business days allowed for a response, the request for access shall be deemed denied.

If the School fails to respond to a request within five (5) business days, the request for access will be deemed denied.

If the School determines that a public record contains both information that is subject to access and information that is not subject to access, the School shall grant access only to the information which is subject to access. If the information subject to access cannot be separated from that which is not, the School will redact from the public record anything not subject to access. In its response, the agency will grant access to the information that is subject to access and deny the request to access the information that is not subject to access.

Denial of Request

If the School denies a request for access to a public record, its response shall be sent within five (5) business days of receiving the request. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation to supporting legal authority. If the denial is a result of a determination that the record requested is not a public record, the School shall provide an explanation of its determination.
3. Name, title, business address, telephone number and signature of the employee who denied the request.
4. Date of the response.
5. Procedure to appeal denial of access.

The School shall not deny access to a public record based on the intended use by the recipient.

The School shall not limit the number of public records that may be requested.

Appeal of Denial

If a request for access to a public record is denied or deemed denied, the requester may file with the Principal a written exception within 15 business days of the mailing date of the response or of the deemed denial stating the grounds on which the requester contends the record is a public record and addressing the School's grounds for delaying or denying the request.

Upon receipt of the exception, the Principal or his or her designee shall make a final determination of the request within 30 days of the mailing date. Prior to making his or her determination, the Principal may conduct a hearing. Whether to conduct a hearing and the scope and nature of any hearing are at the sole discretion of the Principal. If the exceptions are denied, a written explanation will be provided.

The final determination of the Principal shall be the final order of the School.

The requester may appeal the School's denial or its final determination within thirty (30) days to the Court of Common Pleas of [] County or to the local magisterial district, in accordance with the provisions of the Right to Know Law.

Fees

The fee schedule shall be annually reviewed and approved by the Board.

Duplicates of records shall be provided by the School upon payment of applicable fees.

A list of fees that may apply shall be provided to each requester, posted in each School building [and on the School's website.]

The School shall not charge any fees for staff time or resources used to evaluate a request for access to public records.

The School may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

5. Delegation of Responsibility

The Principal or his or her designee shall ensure that a one-page summary of the Board policy governing access to public records and the list of applicable fees are posted in each building.

The Principal or his or her designee shall administer and implement this policy by:

1. Preparing a retention schedule that conforms to law; requires permanent safeguarding of Board minutes, annual audit reports and permanent student records; and mandates retention of all fiscal records required for audit until the audit has been received and approved.
2. Preparing a list of reasonable fees applicable to all requests for inspection and duplication of public records, in accordance with law.

3. Insuring the confidentiality of records exempted from access as public records.
4. Training appropriate staff regarding public access to public records and confidentiality of certain records.
5. Posting on the website a schedule of fees and posting in each school a summary in plain English of the essential points of the policy and an explanation of how to obtain the complete policy.

Statutory Citations:

Right-to-Know-Act: 65 P.S § 66.1 et seq., as amended by Act 100 of 2002

Public School Code of 1949, as amended, §§ 408 and 518

22 Pa. Code § 12.33

Individuals with Disabilities Education Act, 20 U.S.C. §§1401-1487 and
implementing regulations at 34 C.F.R. §§300.560 - .577, 300.509(c)

Family Educational Rights and Privacy Act, 20 U.S.C. §1232(g) and
implementing regulations at 34 C.F.R. §99.1 - 99.67