



Book	Policy Manual
Section	800 Operations
Title	Public Records
Code	801
Status	Active
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### **Purpose**

The Board recognizes the importance of public records as the record of the district's actions and the repository of information about this district. The public has the right under law to inspect and to procure copies of public records, with certain exceptions, subject to Board policy. The Board also recognizes its obligation to maintain the confidentiality of student records and personnel records.

### **Definition**

The **public records** of this district shall mean any account, voucher or contract dealing with the receipt or disbursement of funds; acquisition, use or any minutes, orders or decisions fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group.[1]

**Public records** shall **not** include the following:

1. Any report, communication or other paper whose publication would disclose the institution, progress or result of an investigation undertaken 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, court order or decree of court; 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. Education records concerning individual students, in accordance with federal and state laws.[2]
4. Personnel files, in compliance with applicable laws.[3][4][5]

### **Authority**

The Board shall make the district's public records available for inspection and duplication to any state resident, in accordance with Board policy and district procedures, with the exception of records exempted by law.[6][Z][8]

### **Guidelines**

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

A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium.

The district 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 district. If a public record is maintained only in an electronic format, the district shall duplicate the record on paper, upon request.

Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.[9]

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 the Superintendent.

Requests may be submitted verbally, in writing, in person, by mail, by facsimile or by e-mail. However, in the event the requester wishes to pursue the relief and remedies provided for in this policy, the requester must initiate such relief with a written request.

Each request must include the following information:

1. Identification of the requested record, in sufficient detail.
2. Medium in which the record is requested.
3. Name and address of the person to receive the district's response.

#### Response to Request

The Superintendent or designee shall review the request and respond promptly, within five (5) business days of receiving the request.

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

If the district 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 district office, the medium in which the record is provided, and the assessed fees.

#### Denial of Request

If the district denies a request for access to a public record, a 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 of supporting authority. Specific reasons for denial include that the request:
  - a. Requires redaction of the public record.
  - b. Requires retrieval of the record from a remote location.
  - c. Cannot be responded to in a timely manner due to bona fide and specified staffing limitations.
  - d. Requires a legal review to determine whether the record is a public record subject to access.
  - e. Has not been honored because the requester refuses to pay applicable fees.
  - f. Has not been honored because the requester has not complied with the school district's policies regarding access to public records.
3. Name, title, business address and telephone number, and signature of the employee who denied the request.
4. Date of the response.
5. Procedure to appeal denial of access.

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

#### Appeal of Denial

If a written request for access to a public record is denied or deemed denied, the requester may file a written exception with the school district within fifteen (15) days of the mailing date of the school district's written response or a deemed denial.

The exceptions must state the grounds upon which the requester asserts that the record is a "public record," and shall address any grounds stated by the Authority for delaying or denying the request.

Upon receipt of the exception, the School Board or designee shall make a final determination of the request within thirty (30) days of the mailing date of the exceptions. The School Board may conduct a hearing within this thirty (30) day time period. If denied, a written explanation shall be provided which sets forth the rationale for the decision.

The final determination shall be the final order of the school district.

The requester may appeal the district's final order, in accordance with the provisions of law.

#### Fees

A citizen may obtain copies of public records of the district upon payment of the cost of copying. Fees for duplication are as follows:

Photocopy - 20 cents – single side copy

- 30 cents – double sided copy

Facsimile - \$1.00 per page

Electronic mail - \$1.00 per page

Fees for postage will not exceed actual cost of mailing.

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

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

### **Delegation of Responsibility**

The Superintendent or designee shall ensure that the Board policy governing access to public records and the list of applicable fees are posted at the district office.

The Superintendent or designee shall develop procedures to implement this policy, which include:

1. Preparation of 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.[8][10][2]
2. A list of reasonable fees applicable to all requests for inspection and duplication of public records, in accordance with law. [1]
3. Provisions to guard the confidentiality of records exempted from the availability of public records.
4. Training of appropriate staff regarding public access to public records.

Legal	1. 65 P.S. 66.1
	2. Pol. 216
	3. Pol. 324
	4. Pol. 424
	5. Pol. 524
	6. 65 P.S. 66.1 et seq
	7. 24 P.S. 408
	8. 24 P.S. 518
	9. 42 U.S.C. 12101 et seq
	10. 22 PA Code 12.33 et seq

Last Modified by Peg Nailor on January 28, 2016