Forbes Road Career & Technology Center

SECTION: OPERATIONS
TITLE: PUBLIC RECORDS
ADOPTED: 11/16/94
REVISED: 1/22/09
REPLACES: BL, KBA

801. PUBLIC RECORDS

1. Purpose

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

2. Definitions
65 PS
Sec
67,102

Financial Record - 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; the salary or other payments or expenses paid to an officer or employee, including the individual's name and title; and a financial audit report, excluding the audit's underlying work papers

Public Record - a record, including a financial record that is not protected by a defined privilege or is not exempt from being disclosed by the exemptions in Pennsylvania's Right-to-Know Law or under other federal law or state law or regulation, or judicial decree or order

Record - any recorded information, regardless of physical form or characteristics, that documents a transaction of activity of the district and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the district The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and any data-processed or image-processed document

Response - granting of access to a record or the school's written notice to a requester granting, denying, or partially granting or partially denying access to a requested record

Requester - a legal resident of the United States, or an agency, who requests access to a record

3. Authority 65PS Sec.67, 302 67, 305 67, 504 67,701	The Board shall make the school's public records available for access and duplication to resident requester, in accordance with law, Board policy and administrative regulations.	1 2 3 4 5 6
4. Delegation of Responsibility 65 PS Sec 67,502	The Board shall designate an Open Records Officer, who shall be responsible to: 1 Receive written requests for access to records submitted to the school 2 Review and respond to written requests in accordance with law, Board policy and administrative regulations 3 Direct requests to other appropriate individuals in the school or to the appropriate individual in Agency 4 Track the school's progress in responding to requests 5 Issue interim and final responses to submitted requests, 6 Maintain a log of all record requests and their disposition 7 Ensure school staff is trained to perform assigned job functions relative to requests for access to records	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
65 PS Sec 67, 502 67, 901 67,1101	Upon receiving a request for access to a record, the Open Records Officer shall: 1 Note the date of receipt of the written request, 2 Compute when response expires and make notation of the date on the written request 3 Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled 4 If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed keep records until a final determination is issued or the appeal is deem denied,	27 28 29 30 31 32 33 34 35 36 **37** **38** 39 40 41 42
5. Guidelines 65 PS Sec 67,701	Requesters may access and procure copies of the public records of the school during the regular business hours of the administrative/business office.	43 44 45 46 47

A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.

65 PS
Sec 67,302

The school shall not limit the number of records requested.

65 PS
Sec 67,705

When responding to a request for access, the school is not required to create a record that does not exist nor to compile, maintain, format or organize a record in a manner which the district does not currently use.

42 USC
Sec 12132
28 CFR
Sec 35,160
35,164

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

65 PS
Sec 67, 504
67,505

Notices

The school shall post the following information at the school offices and on the district's web site:

1. Contact information for the Open Records Officer

2. Contact information for Pennsylvania's Office of Open Records

3. The form to be used to file a request

4. Copies of this policy and any administrative regulations and procedures governing requests for access to the school's public records

65 PS
Sec 67, 504
67, 505
67, 703

Request for Access

A written request for access to a public record shall be submitted on the required form and addressed to the district's Open Records Officer.

Written requests may be submitted to the school in person, by mail, to a designated facsimile machine or to a designated e-mail address.

65 PS
Sec 67, 701
67, 703

Each request must include the following information:
1. Identification or description 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 school's response

65 PS
67, 703

The district shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

65 PS Sec 67,502 67, 702	**Response To Request**
	District employees shall be directed to forward requests for access to public records to the Open Records Officer.
67 PS Sec 67, 901	Upon receipt of a written request for access to a record, the Opens Records Officer shall determine if the requested record is a public record and if the school has possession, custody, or control of that record.
65 PS Sec 67,901	The Open Records Officer shall respond as promptly as possible under the existing circumstances, and the initial response time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.
65 PS Sec 67,901	The initial response shall grant access to the requested record, deny access to the requested record, partially grant and partially deny access to the requested record, or notify the requester or the need for an extension of time to fully respond.
65 PS Sec 67,901 67, 902	If the school fails to respond to a request within five (5) business days, the request for access shall be deemed denied.
	Extension of Time
	If the Open Records Officer determines that an extension of time is required to respond to a request, in accordance with the factors stated in law, written notice shall be sent within five (5) business days of receipt of the request. The notice shall indicate that the request for access is being reviewed, the reason that the review requires an extension, a reasonable date when the response is expected, and an estimate of the applicable fees owed when the record becomes available.
	Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester. If the response is not given by the specified date, it shall be deemed denied on the day following that date.
	A requester may consent in writing to an extension that exceeds thirty (30) days, in which case, the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

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Granting Of Request

If the Open Records Officer determines that the request will be granted, the response shall inform the requester that access is granted and either include information on the regular business hours of the business office, provide electronic access, or state where the requester may go to inspect the records electronically at a publically accessible site. The response shall also include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of $100.00 and the medium in which the records will be provided.

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 however, the school will not be required to permit use of its computers.

The Open Records Officer may respond to a records request by notifying the requester that the record is available through publically accessible electronic means or that the school shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the school's notice, submits a written request to have the record converted to paper, the school shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.

65 PS Sec 67, 506

A public record that the school does not possess but is possessed by a third party with whom the school has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the school.

65 PS Sec 67, 706

When the School contracts with such a third party, the School shall require the contractor to agree in writing to comply with requests for such records and to provide the School with the requested record in a timely manner to allow the School to comply with law.

65 PS Sec 67, 905

If the Open Records Officer determines that a public record contains information both subject to and not subject to access, s/he shall grant access to the information subject to access and deny access to the information that is not subject to access The Open Records Officer will redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.

If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the business office, and the requester does not retrieve the record within sixty (60) days of the school's response, the district shall dispose of the copy and retain any fees paid to date.

Notification to Third Parities

65 PS
Sec
67, 707

When the school produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the school, the person that is the subject of the record, and the requester.

65 PS
Sec
67, 707

The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and regulations.

Denial of Request

65 PS
Sec
67, 901
67, 903

If the Open Records Officer denies a request for access to a public record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of 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

3   Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial was issued

4,   Date of the response

5   Procedure for the requester to appeal a denial of access

65 PS
Sec
67, 506

The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the school.

The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record to the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.

65 PS
Sec
67, 706
67, 903

Information that is not subject to access and is redacted from a Public Record shall be deemed a denial.

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65 PS Sec 67, 1101	## Appeal of Denial If a written request for access to a public record is denied or deemed denied, the requester may file an appeal with Pennsylvania's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.
65 PS Sec 67,1307	## Fees The school shall establish and keep current a list of reasonable fees relative to requests for public records.
65 PS Sec 67,1307	No fee may be imposed for review of a record to determine whether the record is subject to access under law.
65 PS Sec 67,1307	Prior to granting access, the school may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed $100.00.

Fees for public records are as follows:

Postage-fees for postage shall not exceed the actual cost of mailing

Photocopies-$0.25 cents/page

Printing from electronic media- $0.25 cents/page

Copying onto electronic medium (disk, CD)- fees shall not exceed the actual cost

Facsimile Transmission- fees shall not exceed actual costs

Certification

The school's fee for official certification of copies containing the school seal is $1.00 per copy

References:

School Code – 24 PS Sec 408 , 518

Right-to-Know Law – 65 PS Sec 67 101

American with disabilities Act – 42 USC Sec 12101

Accessibility to Communications, Title 28, Code of Federal Regulations-
28 CFR Sec 35 160 : 35 164

Board Policy - 800

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