

BRANDYWINE HEIGHTS AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: June 28, 2004

REVISED: November 3, 2008

<p>1. Purpose</p> <p>2. Definition 65 P.S. Sec. 67.102</p>	<p style="text-align: center;">801. PUBLIC RECORDS</p> <p>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 to access law to inspect and to procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations.</p> <p>Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds; acquisition, use or disposal of services, supplies, materials, equipment or property; or 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.</p> <p>Public record – a record, including a financial record, that is not protected by a defined privilege or is not exempt from being disclosed under one of the exemptions in Pennsylvania's Right-to-Know Law or under other federal or state law or regulation, or judicial decree or order.</p> <p>Record – information, regardless of physical form or characteristics, that documents a district transaction or activity and is created, received or retained pursuant to law or in connection with a district transaction, business or activity, including: a document; paper; letter; map; book; tape; photograph; film or sound recording; information stored or maintained electronically; and a data-processed or image-processed document.</p> <p>Response – the district's notice informing a requester of a granting of access to a record or the district's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.</p> <p>Requester – a legal resident of the United States, or an agency, who requests access to a record.</p> <p>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.</p>
---	---

<p>Pol. 216</p>	<p>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.</p>
<p>Pol. 324, 424, 524</p>	<p>3. Education records concerning individual students, in accordance with federal and state laws.</p>
<p>3. Authority 65 P.S. Sec. 66.1 et seq SC 408, 518</p>	<p>4. Personnel files, in compliance with applicable laws.</p> <p>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.</p> <p>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 public disclosure of the materials.</p>
<p>4. Guidelines</p>	<p>The public may inspect by appointment and procure copies for a fee of the public records of the district during the regular business hours of the district offices.</p> <p>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.</p> <p>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.</p>
<p>42 U.S.C. Sec. 12101 et seq</p>	<p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p> <p>No public record shall be removed from the control or supervision of the designated official.</p> <p><u>Request For Access</u></p> <p>A request for access to a public record shall be submitted to the office of the Superintendent or the Financial Business Manager.</p> <p>Requests may be submitted in writing, in person, by mail, by facsimile, or by e-mail.</p> <p>Each request must include the following information:</p>

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, Business Manager or designee shall review the request and respond within five (5) business days of receiving the request.

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.

If the district determines that more than five (5) business days are required to respond to the request, in accordance with the exceptions stated in law, notice shall be sent indicating that the request is being reviewed, and a date when the response will be provided.

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.
3. Name, title, business address and telephone number, and signature of the employee who denied the request, or e-mail reply with heading of designated responder.
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.

<p>5. Delegation of Responsibility</p> <p>SC 518 Title 22 Sec. 12.33 et seq Pol. 216</p> <p>65 P.S. Sec. 66.1</p>	<p><u>Appeal Of Denial</u></p> <p>If a request for access to a public record is denied or deemed denied, the requester may file a written exception within fifteen (15) business days of the mailing date of the response or a deemed denial.</p> <p>Upon receipt of the exception, the School Board President or designee shall make a final determination of the request within thirty (30) days of the mailing date. If denied, a written explanation shall be provided.</p> <p>The final determination shall be the final order of the school district.</p> <p>The requester may appeal the district's final order, in accordance with the provisions of law.</p> <p><u>Fees</u></p> <p>Duplicates of public records shall be provided by the district upon payment of applicable fees.</p> <p>A list of fees that may apply shall be provided to each requester, posted in the district office, and be available electronically.</p> <p>The district shall not assess any fees for staff time or resources used to evaluate a request for access to public records.</p> <p>The district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</p> <p>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.</p> <p>The Superintendent or designee shall develop procedures to implement this policy, which include:</p> <ol style="list-style-type: none"> 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. 2. A list of reasonable fees applicable to all requests for inspection and duplication of public records, in accordance with law. 3. Provisions to guard the confidentiality of records exempted from the availability of public records.
---	--

<p>School Code 408, 518</p> <p>PA Code Title 22 Sec. 12.33 et seq</p> <p>PA Statute 65 P.S. Sec. 66.1 et seq</p> <p>42 U.S.C. Sec. 12101 et seq</p> <p>Board Policy 216, 324, 424, 524</p>	<p>4. Training of appropriate staff regarding public access to public records.</p>
--	--