



**BRANDYWINE
HEIGHTS**
AREA
SCHOOL
DISTRICT

Book	BHASD Policies
Section	800 Operations
Title	Public Records
Code	801
Status	Active
Adopted	June 28, 2004
Last Revised	February 7, 2017
Last Reviewed	March 6, 2017

Purpose

The Brandywine Heights Area School District (collectively referred to as the "School District") recognizes the importance of public records as the records of the acts of the School District and the repository of information about them. The public has the right under Pennsylvania law to inspect and to procure copies of such records, with certain exceptions, subject to the following guidelines.

Definitions

Public Record. The public records of the School District shall mean any document that satisfies the general definition of "public record" set forth in the Open Records Law, Act 3 of 2008, and does not fall within any of the exceptions set forth therein, as the definition and exceptions are amended from time to time and as the definition and exceptions are interpreted by state, federal and/or local courts.

Act and/or Open Records Law. The Act of June 21, 1957 (P.L. 390, No. 212), as amended by Act 2002-50, 65 P.S. §§66.1-66.9, commonly known as the "Right to Know Act," and Act 3 of 2008, commonly known as the Open Records Law.

Business Day. Monday through Friday during scheduled business hours, except those days when the School District administrative office is closed for all or part of the day: due to a federal/state/city holiday; due to natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

Open Records Officer. Any official or employee of the Brandywine Heights Area School District who is officially assigned responsibility for receiving, tracking and responding to requests for information under the Act or Open Records Law.

Requester. A person who requests a record under the Open Records Act.

State Office of Open Records. The State Office, under the Department of Economic and Community Development, as explained in Section 1310 of the Open Records Act. The Office of Open Records shall be responsible for many duties, which include (but are not limited to): issuing advisory opinions, training agencies and public employees, assigning appeals officers to review decisions and conducting a biannual review of fees allowed under the Open Records Act.

Authority

The School District shall make their public records available for inspection and copying during regular business hours of the School District. A requester may obtain copies of the public record(s) upon payment to the School District of the approved fee. No public record may be removed from the control or supervision of the designated Open Records Officer or custodian.

Open-Records Officer

Pursuant to the Open Records Act, the School District shall designate an official or employee of the district as the Open Records Officer responsible for receiving, tracking, and responding to Open Records Requests. In the absence or unavailability of the Open Records Officer, an official or employee of the district may act as the Deputy Open Records Officer.

The Office of The Superintendent is the office designated by the School District as the recipient of all Open Records Requests addressed to the School District. All Open Records Requests shall be addressed to:

Office of the Superintendent
Brandywine Heights Area School District
200 West Weis Street
Topton PA 19562
610-682-5100 (telephone)
610-682-5136 (facsimile)

The School District shall post this information on its Website and shall post it at other publicly accessible School District locations.

Procedure

The Open Records Act does not require the School District to respond to oral requests. Each School District office and the Open Records Office shall refuse to accept any oral request.

The Open Records Act does not require the School District to respond to anonymous requests. Each School District office and the Open Records Office shall refuse to accept any written request that does not identify the Requester.

The Open Records Act requires the School District to act upon each non- anonymous written request when such request is submitted in person, by regular mail, facsimile, or electronic mail.

The Open Records Act sets forth the various specifications for the contents of a written request. The request must include the name of the requester and the address to which the School District should address its response. The request should identify or describe the records sought with sufficient specificity to enable the School District to ascertain the records being requested.

The Open Records Act does not require the School District 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.

Pursuant to the Open Records Act, the State Office of Open Records has published a standard request form that shall be accepted by the School District to file a request. The uniform form can be accessed on the State Office of Open Record's Website at www.openrecords.state.pa.us.

School District Response to Requests

Upon receipt of a written Open Records Request from an identified requester, the School District must make a good faith effort to determine whether the requested record is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, which time shall not exceed five (5) business days from the date the written request is received by the School District's Open Records Office. If the Open Records Office fails to respond within that time period, the Open Records Request is deemed denied.

The Open Records Act and this Policy contemplates that Requesters will receive a response within the five (5) business day period. However, the Open Records Act also provides the School District with specific exceptions for a single extension of time, which may not exceed thirty (30) calendar days. If an extension is invoked and then there is no response, the Open Records Request is deemed denied. Likewise, if the Open Records Office notifies

the Requester that it needs more than the maximum of thirty (30) days, the request is deemed denied.

Appeal of Denial

If a written request for access to a record is denied or deemed denied, the Requester may file an appeal to the State Office of Open Records within fifteen (15) business days of the mailing date of the School District's denial or of the date the request is deemed denied. The appeal should state the grounds upon which the Requester asserts that the record is a public record or financial record and shall address any grounds stated by the School District for delaying or denying the request.

Unless the Requester agrees otherwise, the State Office of Open Records Appeals Officer shall make a final determination, which shall be mailed to the Requester and the School District within thirty (30) days of receipt of the appeal. If the Appeals Officer fails to issue a final determination within thirty (30) days, the appeal is deemed denied.

The State Office of Open Records Appeals may conduct a hearing before issuing a final determination. The determination by the Appeals Officer shall be a final order. The Appeals Officer shall provide a written explanation of the reasons for the decision to the Requester and the School District.

Within thirty (30) days of the mailing date of the final determination of the Appeals Officer relating to a decision of the School District issued under the Open Records Act or of the date a request for access is deemed denied, a Requester or the School District may seek judicial review by filing a Petition for Review or other document as required by rule of court with the Court of Common Pleas of Philadelphia County.

Fees

Fees for duplication of records by the School District shall be established by the State Office of Open Records.

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.
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.
4. Training of appropriate staff regarding public access to public records.

References:

24 P.S. §§12.6; 12.6(h); 12.7; 1318
Right to know Law: Act 3 of 2008