

# FERNDALE AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: DECEMBER 6, 1989

REVISED: FEBRUARY 21, 2007

<p>1. Purpose</p> <p>2. Definition <b>65 P.S. Sec. 66.1</b></p> <p><b>Pol. 216</b></p> <p><b>Pol. 324, 424, 524</b></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 under law to inspect and to procure copies of <b>public</b> records, with certain exceptions, subject to <b>Board policy. The Board also recognizes its obligation to maintain the confidentiality of student records and personnel records.</b></p> <p>The <b>public records</b> of this district shall mean any account, voucher or contract dealing with the receipt or disbursement of funds; acquisition, use or disposal of services, supplies, materials, equipment or other property; or any minutes, orders or decisions fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group.</p> <p><b>Public records shall not include the following:</b></p> <ol style="list-style-type: none"> <li>1. Any report, communication or other <b>paper whose</b> publication would disclose the institution, progress or result of an investigation <b>undertaken in the performance of official duties.</b></li> <li>2. Any record, document, material, exhibit, <b>pleading</b>, report, memorandum, or other paper to which access or publication is prohibited, restricted or forbidden by law, <b>regulation</b>, court order or decree <b>of court;</b> 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.</li> <li>3. <b>Education</b> records concerning individual <b>students, in accordance with federal and state laws.</b></li> <li>4. <b>Personnel files, in compliance with applicable laws.</b></li> </ol>
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<p>3. Authority  <b>65 P.S.          Sec. 66.1 et seq          SC 408, 518</b></p> <p>4. Guidelines</p> <p><b>42 U.S.C.          Sec. 12101 et seq</b></p>	<p>The Board shall make the district's public records available for inspection and <b>duplication to any state resident</b>, in accordance with <b>Board policy and district procedures</b>, 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 <b>parent/guardian</b> of a minor <b>student, consents</b> in writing to public disclosure <b>of the materials</b>.</p> <p>The public may inspect and procure copies of the public records of the district in the office in which such records are maintained. The records may be reviewed between the hours of 1:00 p.m. and 4:00 p.m. unless another time is more suitable to both parties.</p> <p><b>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.</b></p> <p><b>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.</b></p> <p><b>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</b></p> <p>No public record shall be removed from the control or supervision of the designated <b>official</b>.</p> <p><b><u>Request For Access</u></b></p> <p><b>A request for access to a public record shall be submitted to the office of the Superintendent.</b></p> <p><b>Requests may be submitted verbally, in writing, in person, by mail, by facsimile, or by e-mail.</b></p> <p><b>Each request must include the following information:</b></p> <ol style="list-style-type: none"> <li><b>1. Identification of the requested record, in sufficient detail.</b></li> <li><b>2. Medium in which the record is requested.</b></li> </ol>
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**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.**

**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, the reason for the review, 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.**
- 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><b><u>Appeal Of Denial</u></b></p> <p><b>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.</b></p> <p><b>Upon receipt of the exception, the Superintendent 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.</b></p> <p><b>The final determination shall be the final order of the school district.</b></p> <p><b>The requester may appeal the district's final order, in accordance with the provisions of law.</b></p> <p><b><u>Fees</u></b></p> <p><b>Duplicates of public records shall be provided (by the district upon payment, in advance,) of applicable fees, including the following:</b></p> <ol style="list-style-type: none"><li>1. Hourly wages for the time involved of employees who search for the requested public records.</li><li>2. Copying fees at the cost per page rate charged by the United States Postal Service, plus hourly wages of the employee who does the copying.</li></ol> <p><b>A list of fees that may apply shall be provided to each requester, posted in the district office, and be available electronically.</b></p> <p><b>The district shall not assess any fees for staff time or resources used to evaluate a request for access to public records.</b></p> <p><b>The district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</b></p> <p>The Superintendent <b>or designee</b> shall develop procedures to implement this policy, which include:</p> <ol style="list-style-type: none"><li>1. Preparation of a retention schedule that: conforms to law; requires permanent safeguarding of Board minutes, annual audit reports and permanent <b>student</b> records; and <b>mandates</b> retention of all fiscal records required for audit until the audit has been received and approved.</li></ol>
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<p><b>65 P.S. Sec. 66.1</b></p> <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>	<ol style="list-style-type: none"><li><b>2. A list of reasonable fees applicable to all requests for inspection and duplication of public records, in accordance with law.</b></li><li>3. Provisions to guard the confidentiality of records exempted from the availability of public records.</li><li><b>4. Training of appropriate staff regarding public access to public records.</b></li></ol>
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