

11200 PUBLIC INFORMATION

11201 Public's Right to Know/Freedom of Information

~~The Board is a public servant, and its meetings and records will be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute, or by pertinent court rulings.~~

~~The public records of the District shall mean any account, voucher or contract dealing with the receipt or disbursement of funds; acquisition, use or disposal of services or of 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 of persons.~~

~~The Secretary of the Board or his/her designee is hereby appointed as custodian of the District's public records and is authorized to respond to records requests. The Secretary is directed to make the public records of the District available for inspection; however, no records will be released for inspection if such disclosure is exempted by or would be in violation of the law, as described in state law or is in violation of the policies of this Board.~~

~~The Board wishes to support the right of the people to know about the programs and services of their schools and will make every effort to disseminate information. Each principal is authorized to use all reasonable means available to keep parents and others of his/her particular school's community informed about his/her school's programs and activities.~~

~~The right of the public under law to inspect and to procure copies of public records are subject to the following rules:~~

- ~~1. Requests for access to public records of the District shall be made in writing to the Secretary of the Board of Education, Warren County School District, 185 Hospital Drive, Warren, PA 16365-4885.~~
- ~~2. The request to inspect or copy a record shall give a clear, specific description of the records sought and shall include the name and address to which the District should address its response. The written request shall be on a form provided by the District.~~

3. ~~Once a request has been approved, the requester may inspect or procure copies of public records of the District, by appointment with the Secretary of the Board, between the hours of 8:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:00 p.m. on regular business days of the District.~~
4. ~~A requester shall be permitted to use District facilities to inspect, copy or abstract a record. Fees for duplication are as follows: Photocopying—25 cents per page; facsimile—50 cents per page; computer disk of a prepared document—\$1.00 per disk; fees for postage will not exceed actual cost of mailing. If “True and Correct” Certification is requested, the fee is \$2.00. There will be no charge to send information electronically. The Secretary of the Board shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$100.00. No record shall be relinquished until all applicable fees are paid. The District may provide copies of a record without charge or at a reduced charge where it determines that a waiver or reduction of the fee is in the public interest.~~
5. ~~Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for proper performance of their official duties.~~
6. ~~The Secretary of the Board may require supervision of the requester during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original record may be removed from the control or supervision of the Secretary of the Board.~~
7. ~~The District will not create public records which do not currently exist, nor is it required to compile, maintain, format or organize a public record in a manner in which it does not currently compile, maintain, format or organize the public record.~~

Upon receipt of a written request for any record:

1. ~~The District will review the request and determine if the requested record is a “public record” and will respond to the requester within five (5) business days from the date the request is received in a manner that is consistent with Right to Know Law as amended, June 2002. Failure of the District to respond to the request within five (5) business days will result in the request being deemed “denied.”~~

2. ~~If a written request is denied in whole or in part, the District will send a written response with the description of the requested record, the specific reasons for the denial (including a citation of supporting legal authority), the name, address, telephone number and signature of the public official or designee on whose authority the denial is issued, date of response, and the procedure to appeal the denial of access as set forth in this policy.~~

~~Appeal process for denied access to District records:~~

1. ~~If the District denies a written request, the requester may file exceptions with the Superintendent or his/her designee within fifteen (15) business days of the mailing date of the District's response or within 15 days of a deemed denial. The Superintendent or his designee shall make a final determination regarding the exceptions within thirty (30) days of the mailing date of the exceptions and may hold a hearing to make that determination. The written determination shall set forth the rationale for the decision and shall be the final order of the agency.~~

2. ~~The requester may appeal a final determination to Common Pleas Court or District Justice with thirty (30) days of the final determination.~~

~~This policy shall be posted in the lobby of the Central Administration Office.~~

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 to access and procure copies of public records, with certain exceptions, subject to law, Board policy and administrative regulations. In accordance with this purpose, the Board shall make the District's public records available for access and duplication to the public, in accordance with law, Board policy and administrative regulations.

Definitions

Financial record - any account, voucher or contract dealing with the receipt or disbursement of funds or 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.

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.

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.

Open Records Officer

The Board designates the Board Secretary as the Open Records Officer with responsibilities including, but not limited to:

1. Receiving and processing written requests for access to records in accordance with law, Board policy and any relevant administrative regulations.
2. Directing requests to other appropriate individuals in the District or in another agency.
3. Tracking the District's progress in responding to requests.
4. Issuing interim and final responses to submitted requests in accordance with the law, Board Policy, and any relevant administrative regulation.

Request for Access

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer/Board Secretary at the Warren County School District, 185 Hospital Drive, Warren, PA 16365-4885.

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

Each request must include the following information:

1. Identification or description of the requested record, in sufficient detail to enable the Open Records Officer to ascertain which record is being requested
2. Medium in which the record is requested.

3. Name and address of the individual to receive the District's response.
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.

Response To Request

Upon receipt of a written request for access to a record, 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.

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; notify the requester of the need for an extension of time to fully respond as permitted by law; or request more detail from the requester to clearly identify the requested material.

If the District fails to send a response to a request within five (5) business days of receipt of the request, the request for access shall be deemed denied.

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 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 applicable fees owed when the record becomes available.

Up to a thirty (30) day extension for one 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.

When responding to a request for access, the District 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.

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 administration office, provide electronic access, or state where the requester may go to inspect the records or information electronically at a publicly accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of

1 fees is required in a specified amount if access to the records will cost in
2 excess of \$100, and the medium in which the records will be provided.

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4 A public record shall be provided to the requester in the medium requested if
5 it exists in that form; otherwise, it shall be provided in its existing medium.
6 However, the District is not required to, and will not, permit use of its
7 computers.

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

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

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

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22 Denial Of Request

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24 If the Open Records Officer denies a request for access to a record, whether in
25 whole or in part, the written response shall include the following:

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27 1. Description of the record requested.
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29 2. Specific reasons for denial, including a citation of supporting legal
30 authority.
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32 3. Name, title, business address, business telephone number, and signature of
33 the Open Records Officer on whose authority the denial is issued.
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35 4. Date of the response.
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37 5. Procedure for the requester to appeal a denial of access.

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39 Availability of Information

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41 The District shall post at the administration office and on the District's web
42 site, the following information:

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44 1. Contact information for the Open Records Officer.
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46 2. Contact information for the state's Office of Open Records or other
47 applicable appeals officer.
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3. The form to be used to file a request, with a notation that the state Office of Open Records form may also be used if the District decides to create its own form.

4. Board Policy 11201 and any administrative regulations and/or procedures governing requests for access to the District's public records.

Fees

Except for the duplication fee established by the state, the administration shall implement a list of reasonable fees relative to requests for public records. The District shall maintain a list of applicable fees and disseminate the list to requesters as necessary.

Prior to granting access, the District may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100. The District may provide copies of a record without charge or at a reduced charge where it determines that a waiver or reduction of the fee is in the public interest.

Adoption Date	-	Second Reading – January 13, 2003
Revision Date	-	Second Reading -
Practice	-	
Legal Reference	-	Right-to- Know Act, Sunshine Act
		65 P.S. § 271
		65 P.S. § 66.3
		65 P.S. § 66.1