BETHLEHEM AREA VOCATIONAL TECHNICAL SCHOOL

SECTION: OPERATIONS

TITLE: PUBLIC RECORDS

ADOPTED: November 5, 2008

REVISED:

801. PUBLIC RECORDS

1. Purpose

The Joint Committee recognizes the importance of public records as the record of the school's actions and the repository of information about the school. The public has the right under law to inspect and to procure copies of public records, with certain exceptions, subject to Joint Committee policy. The Joint Committee also recognizes its obligation to maintain the confidentiality of student records and personnel records.

2. Definition
65 P.S.
Sec. 66.1

The **public records** of this school 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.

Public records shall not include the following:

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.

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.

Pol. 216

3. Education records concerning individual students, in accordance with federal and state laws.

4. Personnel files, in compliance with applicable laws.

3. Authority SC 408, 518, 1850.1 65 P.S. Sec. 66.1 et seq	The Joint Committee shall make the school's public records available for inspection and duplication to any state resident, in accordance with Joint Committee policy and procedures, with the exception of records exempted by law. The Joint Committee 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.
4. Guidelines	The public may inspect and procure copies of the public records of the school during the regular business hours of the administration offices. 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. The school 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 school. If a public record is maintained only in an electronic format, the school shall duplicate the record on paper, upon request.
42 U.S.C. Sec. 12101 et seq	Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice. No public record shall be removed from the control or supervision of the designated official. <u>Request For Access</u> A request for access to a public record shall be submitted to the office of the Business Manager. Requests may be submitted verbally, in writing, in person, by mail, by facsimile, and by e-mail. Each request must include the following information: 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 school's response.

Response To Request

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

If the school fails to respond to a request within five (5) business days, the request for access shall be deemed denied.

If the school 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 administration office, the medium in which the record is provided, and the assessed fees.

If the school 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 school 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 school shall not deny access to a public record based on the intended use by the requester.

Appeal Of Denial

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.

	Upon receipt of the exception, the Business Manager 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. The final determination shall be the final order of the school. The requester may appeal the school's final order, in accordance with the provisions of law. <u>Fees</u> Duplicates of public records shall be provided by the school upon payment of applicable fees. A list of fees that may apply shall be provided to each requester, posted in the administration office, and be available electronically. The school shall not assess any fees for staff time or resources used to evaluate a request for access to public records. The school may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed $100.
5. Delegation of Responsibility	The Business Manager or designee shall ensure that the Joint Committee policy governing access to public records and the list of applicable fees are posted at the administration office. The Business Manager or designee shall develop procedures to implement this policy, which include:
SC 518 Title 22 Sec. 12.33 et seq Pol. 216	1. Preparation of a retention schedule that: conforms to law; requires permanent safeguarding of Joint Committee 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.
65 P.S. Sec. 66.1	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:

School Code – 24 P.S. Sec. 408, 518

Inspection and Copying Records – 65 P.S. Sec. 66.1 et seq.

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

State Board of Education Regulations – 22 PA Code Sec. 12.31 et seq.

Joint Committee Policy – 216