

WEST MIFFLIN AREA SCHOOL DISTRICT

SECTION: OPERATIONS
 TITLE: PUBLIC RECORDS
 ADOPTED: September 1992
 REVISED: May 27, 2003

801. PUBLIC RECORDS	
<p>1. Purpose</p>	<p>The Board recognizes the importance of public records as the record of the district's actions and the repository of information about the West Mifflin Area School District. The public has the right under law to inspect and to procure copies of public records, with certain exceptions, subject to Board policy. The Board also recognizes its obligation to maintain the confidentiality of student records and personnel records.</p> <p>It is the policy of the Board to provide public records in accordance with the Right-to-Know Act, codified at 65 P.S. § 66.1 et seq, as well as all other applicable state and federal laws, as may be amended from time to time.</p>
<p>2. Definition 65 P.S. Sec. 66.1</p>	<p>The public records 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 of persons.</p> <p>Public records shall not include the following:</p> <ol style="list-style-type: none"> 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. 3. Education records concerning individual students, in accordance with federal and state laws. 4. Personnel files, in compliance with applicable laws.
<p>Pol. 216</p>	
<p>Pol. 324, 424, 524</p>	

<p>3. Authority 65 P.S. Sec. 66.1 et seq SC 408, 518</p>	<p>Exceptions to Public Records per Act 3 of 2008 include:</p> <ol style="list-style-type: none">1. Records that, if disclosed, create a reasonable likelihood of endangering the life, safety or the physical security of a building or facility, including building plans or infrastructure records that expose the location, configuration or security of critical systems.2. Records relating to any agency employee such as a performance rating, workplace support services program information, written criticism of an employee or grievance material and information regarding discipline, demotion or discharge, except a record reflecting final disciplinary action, including the reasons for such action.3. A record pertaining to strategy or negotiations relating to labor relations or collective bargaining, except for the final contract agreement between the parties or arbitration award.4. Deliberative records that reflect the internal predecisional deliberations of an agency.5. Notes and working papers, including telephone message slips, routing slips and other materials that do not have an official purpose.6. Academic transcripts, examination questions, scoring keys or answers to an examination.7. Minutes of or notes from an executive session.8. Purchase proposals and bid offers prior to the award of a contract.9. Open Records Officers and State Clearinghouse. <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>
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<p>4. Delegation of Responsibility 65 P.S. Sec. 67.502</p> <p>65 P.S. Sec. 67.502, 67.901, 67.1101</p>	<p>The Board shall designate an Open Records Officer, who shall be responsible to:</p> <ol style="list-style-type: none"> 1. Receive written requests for access to records submitted to the district. 2. Review and respond to written requests in accordance with law, Board policy and administrative regulations. 3. Direct requests to other appropriate individuals in the district or in another agency. 4. Track the district's progress in responding to requests. 5. Issue interim and final responses to submitted requests. 6. Maintain a log of all record requests and their disposition. 7. Ensure district staff is trained to perform assigned job functions relative to requests for access to records. <p>Upon receiving a request for access to a record, the Open Records Officer shall:</p> <ol style="list-style-type: none"> 1. Note the date of receipt on the written request. 2. Compute and note on the written request the day on which the five-day period for response will expire. 3. Maintain an electronic or paper copy of the written request, including all documents submitted with the request, until the request has been fulfilled. 4. If the written request is denied, maintain the written request for thirty (30) days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.
<p>5. Guidelines 65 P.S. Sec. 67.701</p> <p>65 P.S. Sec. 67.302</p>	<p>Requesters may access and procure copies of the public records of the district during the regular business hours of the administration offices.</p> <p>A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.</p> <p>The district shall not limit the number of records requested.</p>

<p>65 P.S. Sec. 67.705</p>	<p>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.</p>
<p>42 U.S.C. Sec. 12132 28 CFR Sec. 35.160, 35.164</p>	<p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p>
<p>65 P.S. Sec. 67.504, 67.505</p>	<p>The district shall post at the administration office and on the district's web site, the following information:</p>
	<ol style="list-style-type: none">1. Contact information for the Open Records Officer.2. Contact information for the state's Office of Open Records or other applicable appeals officer.3. The form to be used to file a request.4. Board policy, administrative regulations and procedures governing requests for access to the district's public records.
	<p><u>Request For Access</u></p>
<p>65 P.S. Sec. 67.504, 67.505, 67.703</p>	<p>A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.</p>
	<p>Written requests may be submitted to the district in person, by mail, to a designated facsimile machine, and to a designated e-mail address.</p>
<p>65 P.S. Sec. 67.701, 67.703</p>	<p>Each request must include the following information:</p>
	<ol style="list-style-type: none">1. Identification or description of the requested record, in sufficient detail.2. Medium in which the record is requested.3. Name and address of the individual to receive the district's response.

<p>65 P.S. Sec. 67.502, 67.702</p> <p>65 P.S. Sec. 67.901</p> <p>65 P.S. Sec. 67.901</p> <p>65 P.S. Sec. 67.901</p> <p>65 P.S. Sec. 67.901, 67.902</p>	<p><u>Response To Request</u></p> <p>District employees shall be directed to forward requests for access to public records to the Open Records Officer.</p> <p>Upon receipt of a written request for access to a record, the Open Records Officer shall determine if the requested record is a public record and if the district has possession, custody or control of that record.</p> <p>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.</p> <p>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, or notify the requester of the need for an extension of time to fully respond.</p> <p>If the district fails to respond to a request within five (5) business days of receipt, the request for access shall be deemed denied.</p> <p><u>Extension Of Time</u></p> <p>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.</p> <p>Up to a thirty (30) day extension for one (1) of the listed reasons does not require the consent of the requester:</p> <ol style="list-style-type: none"> 1. To edit the document. 2. To retrieve records that are stored in a remote location. 3. To determine whether the record requested is a public record. 4. Due to a bona fide staffing shortage. 5. Because the request does not comply with policy. 6. Because the requester refuses to pay applicable fees. <p>Notice of the extension shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided.</p>
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	<p><u>Granting Of Request</u></p> <p>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 publically accessible site. The response shall include a copy of the fee schedule in effect, a statement that prepayment of fees is required in a specified amount if access to the records will cost in excess of one hundred dollars (\$100.00), and the medium in which the records will be provided.</p> <p>65 P.S. Sec. 67.701</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. However, the district is not required to permit use of its computers.</p> <p>65 P.S. Sec. 67.701, 67.704</p> <p>The Open Records Officer may respond to a records request by notifying the requester that the record is available through publicly accessible electronic means or that the district shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the district’s notice, submits a written request to have the record converted to paper, the district shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.</p> <p>65 P.S. Sec. 67.506</p> <p>A public record that the district does not possess but is possessed by a third party with whom the district has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the district. When the district contracts with such a third party, the district shall require the contractor to agree in writing to comply with requests for such records and to provide the district with the requested record in a timely manner to allow the district to comply with law.</p> <p>65 P.S. Sec. 67.706</p> <p>If the Open Records Officer determines that a public record contains information both subject to and not subject to access, the Open Records Officer shall grant access to the information subject to access and deny access to the information not subject to access. The Open Records Officer shall redact from the record the information that is not subject to access. The Open Records Officer shall not deny access to a record if information is able to be redacted.</p> <p>65 P.S. Sec. 67.905</p> <p>If the Open Records Officer responds to a requester that a copy of the requested record is available for delivery at the administration office and the requester does not retrieve the record within sixty (60) days of the district’s response, the district shall dispose of the copy and retain any fees paid to date.</p>
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	<p><u>Notification To Third Parties</u></p> <p>65 P.S. Sec. 67.707</p> <p>When the district produces a record that is not a public record in response to a request, the Open Records Officer shall notify any third party that provided the record to the district, the person that is the subject of the record, and the requester.</p> <p>65 P.S. Sec. 67.707</p> <p>The Open Records Officer shall notify a third party of a record request if the requested record contains a trade secret or confidential proprietary information, in accordance with law and administrative regulations.</p> <p><u>Denial Of Request</u></p> <p>65 P.S. Sec. 67.901, 67.903</p> <p>If the Open Records Officer denies a request for access to a record, whether in whole or in part, a written response shall be sent within five (5) business days of receipt of the request. The response denying the request shall include the following:</p> <ol style="list-style-type: none"> 1. Description of the record requested. 2. Specific reasons for denial, including a citation of supporting legal authority. 3. Name, title, business address, business telephone number, and signature of the Open Records Officer on whose authority the denial is issued. 4. Date of the response. 5. Procedure for the requester to appeal a denial of access. <p>65 P.S. Sec. 67.506</p> <p>The Open Records Officer may deny a request for access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the district.</p> <p>65 P.S. Sec. 67.506</p> <p>The Open Records Officer may deny a request for access to a record when timely access is not possible due to a disaster, or when access may cause physical damage or irreparable harm to the record. To the extent possible, a record's contents shall be made accessible even when the record is physically unavailable.</p> <p>65 P.S. Sec. 67.706, 67.903</p> <p>Information that is not subject to access and is redacted from a public record shall be deemed a denial.</p> <p>65 P.S. Sec. 67.1101</p> <p>If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the state's Office of Open Records within fifteen (15) business days of the mailing date of the Open Records Officer's response or deemed denial.</p>
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65 P.S.
Sec. 67.1307

Fees

The Board shall approve and the district shall keep current a list of reasonable fees relative to the requests for public records. The current list is included in the Request for Access to Public Records application (see attachment). No fee will be imposed for review of a record to determine whether the record is subject to access under law

If a public record is maintained only electronically or in other non-paper media, the duplication fee shall be the lesser of the fee for duplication on paper or the fee for duplication in the native media unless the requester specifically requests for the public record to be duplicated in the more expensive medium.

The district may, in its sole discretion, waive duplication fees in situations including, but not limited to, those in which:

1. The requester duplicates the record himself/herself.
2. The district deems it is in the public interest to waive the fee(s).

If the district anticipates that the fees required to fulfill a request may exceed one hundred dollars (\$100.00), the requester shall prepay an estimate of the fees authorized by this policy. Such prepayment must be received by the district before the district will grant a request for access.

BDD Records

The district will charge the Department of Labor & Industry, Bureau of Disability Determination, the maximum fee set by state law, as updated annually, for submission of student records as requested by BDD.

References:

References

School Code – 24 P.S. Sec. 408, 518

Right-to-Know Law – 65 P.S. Sec. 67.101 et seq.

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

Accessibility to Communications, Title 28, Code of Federal Regulations – 28 CFR Sec. 35.160, 35.164

Board Policy – 800

WEST MIFFLIN AREA SCHOOL DISTRICT
REQUEST FOR ACCESS TO PUBLIC RECORDS
POLICY #801

Under the Right-to-Know Act, codified at 65 P.S. §66.1 et seq, citizens of the Commonwealth of Pennsylvania may inspect the public records of agencies at reasonable times and may make photographs or copies of the records while the records are in the possession, custody and control of the lawful custodian of the records. The records custodian has the right to adopt and enforce reasonable rules governing the making of the copies. The records custodian is the Open Records Officer.

Name of Requester: _____

Address: _____

Telephone Number: _____

Are you a citizen of the Commonwealth of Pennsylvania? Yes ___ No ___

Documents Requested: _____

Preferred Method To Receive Request:

Pickup ___ Mail ___ E-Mail ___ Facsimile ___

Describe documents requested (attach written request to this form if necessary). All requests must be specific. Please note whether you would like to view the requested documents during regular business hours at the district office, have copies mailed to the address above, or receive the requested documents through electronic transfer. Also, note whether you would like the copies of the requested document to be certified.

Fees:	Copies (8 x 11 and 8 x 14): black and white	\$0.25 per copy
	Copies onto electronic media	\$5.00
	Facsimile Transmissions (limit of 25 pages)	\$1.00
	Certification of copies	\$5.00
	Postage:	Actual Cost of Postal Fees

If the estimated cost exceeds One Hundred Dollars (\$100.00), the district may require prepayment.

OFFICIAL DISTRICT USE ONLY

Date Request Received: _____

Date of Response To Request: _____

Granted _____ Denied _____ Partial Grant/Denied _____

Method Used To Provide Response:

Pickup _____ Mail _____ E Mail _____ Facsimile _____

Reason For The Denial or Partial Denial: _____

Number of Copies _____

Fees:

Number of Copies @ .25/copy _____

Postage Amount _____

Facsimile Transmission _____

Certification _____

Other Fees _____

Total _____

Amount Paid _____

Date Paid _____

Open Records Officer Signature

