

CHESTER COUNTY FAMILY ACADEMY
RIGHT-TO-KNOW/PUBLIC RECORDS POLICY

Purpose

The Board of Trustees (Board) recognizes the importance of public records as the record of the Chester County Family Academy's (Charter School) actions and the repository of information about this Charter School. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, Board Policy and administrative procedures.

Definitions

All of the definitions set forth in the Right to Know Law ("RTKL") are incorporated herein by reference. See 65 P.S. §67.102.

Business day - the regular business hours of the School are Monday through Friday 7:00 a.m. to 4:30 p.m. Business days exclude Saturday and Sunday and any weekday on which the School is closed for business.

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 Charter School transaction or activity and is created, received or retained pursuant to law or in connection with a Charter School 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.

Response - the Charter School's notice informing a requester of a granting of access to a record or the Charter School's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.

Requester - a legal resident of the United States, or an agency, who requests access to a record.

Authority

The Board shall make the Charter School's public records available for access and duplication to a requester, in accordance with law, Board Policy and administrative procedures.

Delegation of Responsibility

The Board shall designate an Open Records Officer, who shall be responsible to:

1. Receive written requests for access to records submitted to the Charter School.
2. Review and respond, after consultation with the Charter School Solicitor, where necessary, to written requests in accordance with law, Board Policy and administrative procedures.
3. Direct requests to other appropriate individuals in the Charter School or in another agency.
4. Track the Charter School'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 Charter School staff are trained to perform assigned job functions relative to requests for access to records.

Upon receiving a request for access to a record, the Open Records Officer shall:

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.

Guidelines

Requesters may access and procure copies of the public records of the Charter School during the regular business hours of the administration office. For the purpose of

calculating the response deadline, the School is deemed to have received the request on the business day that the Open Records Officer receives the request. Any request that is received by the School after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a School employee other than the Open Records Officer, the request will be forwarded to the Open Records Officer as soon as practical.

The School may respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

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.

The Charter School shall not limit the number of records requested.

When responding to a request for access, the Charter School 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 Charter School does not currently use.

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

The Charter School shall post the following information at the administration office and on the Charter School's website:

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, with a notation that the state Office of Open Records form may also be used if the Charter School decides to create its own form.
4. Board policy and administrative procedures governing requests for access to the Charter School's public records.

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.

Written requests may be submitted to the Charter School in person, by mail, to a designated facsimile machine, and to a designated email address.

Each request must include the following information:

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 Charter School's response.

The Charter School shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

Fees

Fees assessed for duplication of public records shall be consistent with the Official RTK Fee Schedule as established by the Office of Open Records, pursuant to §1307 of the RTKL.

No fee may be imposed for review of a record to determine whether the record is subject to access under law.

Prior to granting access, the Charter School may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

The Chief Executive Officer or designee may waive duplication fees when the requester duplicates the record or the Chief Executive Officer or designee deems it is in the public interest to do so.

Response to Request

Charter School employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.

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 Charter School has possession, custody or control of that 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; or request more detail from the requester to clearly identify the requested material.

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

Extension of Time

If the request for access requires further review, the Open Records Officer is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in §902 of the RTKL. The Open Records Officer shall inform the requester in writing that it is invoking the extension, the reason for the extension, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. An extension is limited to situations where:

- (1) The record requested requires redaction in accordance with §706 of the RTKL;
- (2) The record requested requires retrieval from a remote location;
- (3) A timely response to the request for access cannot be accomplished due to staffing limitations;
- (4) A legal review is necessary to determine whether the record requested is a public record;
- (5) The requester has not complied with the School's policies regarding access to records;
- (6) The requester refuses to pay applicable fees; or
- (7) The extent or nature of the request precludes a response within the required time period.

Up to a thirty-day extension for one (1) 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.

A requester may consent in writing to an extension that exceeds thirty (30) days, in which case the request shall be deemed denied on the day following the date specified in the notice if the Open Records Officer has not provided a response by that date.

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

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 Charter School is not required to permit use of its computers.

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 Charter School shall provide access to inspect the record electronically. If the requester,

within thirty (30) days following receipt of the Charter School's notice, submits a written request to have the record converted to paper, the Charter School shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.

A public record that the Charter School does not possess but is possessed by a third party with whom the Charter School has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the Charter School. When the Charter School contracts with such a third party, the Charter School shall require the contractor to agree in writing to comply with requests for such records and to provide the Charter School with the requested record in a timely manner to allow the Charter School to comply with law.

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.

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 Charter School's response, the Charter School shall dispose of the copy and retain any fees paid to date.

Notification to Third Parties

When the Charter School 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 Charter School, the person that is the subject of the record, and the requester.

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 procedures.

Denial of Request

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:

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.

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 Charter School.

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.

Information that is not subject to access and is redacted from a public record shall be deemed a denial.

Appeals

If a written request is denied, the requester may file an appeal in writing within 15 business days of the mailing date of the Open Records Officer's response or within 15 business days of a deemed denial to Executive Director, Office of Open Records, Commonwealth Keystone Building, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234 or openrecords@pa.gov.

To challenge the denial of a request or portion of a request on the basis that records were withheld because they are related to criminal investigative records, an appeal should be filed by contacting the appeals officer designated by the Chester County District Attorney.

All appeals must be in writing, must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Open Records Officer for denying the request; and must include a copy of the request and the Open Records Officer's response, if any.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER SHALL CONTROL.

ADOPTED this the ____ day of September, 2020.



Board President



Board Secretary