

BENSALEM TOWNSHIP SCHOOL DISTRICT

SECTION: OPERATIONS
TITLE: PUBLIC RECORDS
ADOPTED: September 22, 2004
REVISED:

| 801. PUBLIC RECORDS | |
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| <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 this 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>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.</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. |
| <p>Pol. 216</p> | <ol style="list-style-type: none"> 3. Education records concerning individual students, in accordance with federal and state laws. |
| <p>Pol. 324, 424, 524</p> | <ol style="list-style-type: none"> 4. Personnel files, in compliance with applicable laws. |
| <p>3. Authority 65 P.S. Sec. 66.1 et seq SC 408, 518</p> | <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> |

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| <p>4. Guidelines</p> <p>42 U.S.C. Sec. 12101 et seq</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> <p>The public may inspect and procure copies of the public records of the district during the regular business hours of the district offices.</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.</p> <p>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.</p> <p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p> <p>No public record shall be removed from the control or supervision of the designated official.</p> <p><u>Request For Access</u></p> <p>All requests for public records shall be in writing, and shall be set forth on the Bensalem Township School District Record Request Form. Requests may be submitted in person, by mail, or fax.</p> <p>Each request must include the following information:</p> <ol style="list-style-type: none">1. Identification of the requested record, in sufficient detail enough for the school district to determine what records are needed.2. Medium in which the record is requested.3. Name and address of the person to receive the district's response.4. The date received. |
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Response To Request

Upon receipt of a written request for access to a record, the school district shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five (5) business days from the date the written request is received by the school district. Except as set forth below, if the school district fails to send the response within five (5) business days of receipt of the written request for access, the written request for access shall be deemed denied.

Exception

Upon receipt of a written request for access, if the school district determines that one (1) of the following applies:

1. The request for access requires redaction of a public record.
2. The request for access requires the retrieval of a record stored in a remote location.
3. A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
4. A legal review is necessary to determine whether the record is a public record.
5. The requestor has not complied with the school district's policy regarding access to public records.
6. The requestor refuses to pay applicable fees set forth in this policy.

The district shall send written notice to the requestor within five (5) business days of the school district's receipt of the request notifying the requestor 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. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed above the request for access shall be deemed denied.

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. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the district's determination that the record is not a public record shall be included.
4. Name, title, business address and telephone number, and signature of the employee who denied the request.
5. Date of the response.
6. Procedure to appeal denial of access.

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

Redaction

If the school district determines that a public record contains information which is subject to access, as well as information which is not subject to access, the district's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access.

If the information which is not subject to access is an integral part of the public record and cannot be separated, the school district shall redact from the public record the information which is not subject to access, and the response shall grant access to the information which is subject to access.

The district may not deny access to the public record if the information which is not subject to public access is able to be redacted. Information which the school district redacts in accordance with this section shall be deemed a denial under this policy.

The district shall not ask for or require a purpose or motive for requesting a particular record and shall not limit the number of public records that may be requested.

Appeal Of Denial

If a written request for access is denied or deemed denied, the requestor may file exceptions with the Superintendent within fifteen (15) business days of the mailing date of the district's response or within fifteen (15) days of a deemed denial. The exceptions shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the school district for delaying or denying the request.

Unless the requestor agrees otherwise, the Superintendent or designee shall make a final determination regarding the exceptions within thirty (30) days of the mailing date of the exceptions.

Prior to issuing the final determination regarding the exceptions, the Superintendent or designee may conduct a hearing. The determination shall be the final order of the district. If the Superintendent or designee determines that the district correctly denied the request for access, the Superintendent or designee shall provide a written explanation to the requestor of the reason for the denial.

Judicial Appeal

Within thirty (30) days of a denial by the district in accordance with this policy, or of the mailing date of a final determination of the district affirming the denial of access, a requestor may file a Petition for Review or other document as might be required by Rule of Court with the Court of Common Pleas of Bucks County, Pennsylvania or bring an action in the local magisterial district. A requestor is entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached.

The district shall be served notice of actions commenced in accordance with the above and shall have an opportunity to respond in accordance with applicable court rules.

Fees

The district may charge the following fees for requests made for access to public records:

1. Postage

Fees for postage shall be the actual cost of mailing.

2. Copying

Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be the same as the per copy fee set forth in the Bensalem Township School District Fee Schedule, as amended from time to time by the Board.

3. Certification

The fee for official certification of copies, if an official certification is requested by the requestor for the purpose of legally verifying the public record, shall be \$15.00.

4. Conversion to paper

If a public record is only maintained electronically or in other non-paper media, duplication fees shall be those imposed by the above section.

The district may waive the fees for duplication of a public record including, but not limited to, when:

1. The requestor duplicates the public record.
2. The district deems it is in the public interest to do so.

A list of fees that may apply shall be provided to each requester, posted in the district office, and be available electronically.

Except as otherwise provided by statute, no other fees may be imposed unless the district necessarily incurs costs for complying with the request and such fees must be reasonable.

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| <p>5. Delegation of Responsibility</p> <p>SC 518 Title 22 Sec. 12.33 et seq Pol. 216</p> <p>65 P.S. Sec. 66.1</p> | <p>The district shall not assess any fees for staff time or resources used to evaluate a request for access to public records.</p> <p>The district may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</p> <p><u>School District Contact</u></p> <p>The person at the Bensalem Township School District to whom all record requests should be addressed shall be the Superintendent.</p> <p>The Superintendent or designee shall ensure that the Board policy governing access to public records and the list of applicable fees are posted at the district office.</p> <p>The Superintendent or designee shall develop procedures to implement this policy, which include:</p> <ol style="list-style-type: none">1. Preparation of a retention schedule that: conforms to law; requires permanent safeguarding of Board 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.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. |
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School Code
408, 518

PA Code
Title 22
Sec. 12.33 et seq

PA Statute
65 P.S.
Sec. 66.1 et seq

42 U.S.C.
Sec. 12101 et seq

Board Policy
216, 324, 424, 524