

IROQUOIS SCHOOL DISTRICT

Right To Know Policy

(Adopted: 02/18/2003)

PURPOSE:

The Iroquois School District Board of Directors recognizes the importance of public records as the record of the acts of the District and the repository of information about the District. The public has the right under law to inspect and to procure copies of such records with certain exceptions subject to the following guidelines. This policy shall be posted at the District and may be available by electronic means.

DEFINITION:

Public record: 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, order or decisions fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group.

GUIDELINES:

1. Public records available for inspection upon request.
The Board shall make the public records of the District available for inspection, and copies thereof in accordance with these guidelines, with the exception of those records exempted from such inspection and copying by law and the rules of this Board. Requests to inspect public records may be oral, but written requests are necessary in order for the requester to be eligible to pursue the appeal process should the request be denied. Written requests must be addressed to the Superintendent of the District and must identify or describe the records sought with sufficient specificity to enable the District to ascertain which records are being requested and shall include the name and address to which the District should address its response.

Requests for access to public records of the District shall be addressed to: Superintendent, Iroquois School District, 4231 Morse Street, Erie, PA 16511.

2. Exceptions to records which are "public records."
Records exempted by law include

- a. reports, communications or other items the publication of which would disclose the institution, progress or result of an investigation undertaken in the performance of official duties;
- b. any record, document, material, exhibit, report, memorandum or other paper access to which or publication of which is prohibited, restricted or forbidden by law or court order or decree; or which would operate to the prejudice or impairment of a person's reputation or personal security; or result in the loss of Federal funds, except the record of a conviction for any criminal act;
- c. records concerning individual pupils.

3. Inspection and copying of public records.

The public may inspect and procure copies of the public records of the District, except exempted records enumerated above, during the regular business hours of the office of the Superintendent. The District is not required to create public records which do not presently exist, nor is it required to compile, maintain, format or organize a public records in a manner in which it does not currently compile, maintain, format or organize the public record. However, if confidential information is contained in a public record which is otherwise accessible to the public, the District must redact from the record all of the information which is not subject to access.

A citizen may obtain copies of the public record of the District upon payment of the cost of copying. Fees for duplication are as follows:

Photocopy	\$0.25 per page
Facsimile	\$1.00 per page
Electronic mail	\$1.00 per page
Certified copies	\$0.50 per page

Fees for postage will not exceed actual cost of mailing.

No public record may be removed from the control or supervision of the designated custodian.

Nothing in this policy shall be construed as preventing a Board member from inspection of any record of the District in the performance of official duties.

4. Response to written requests for public records.

Upon receipt of a written request for access, the District must determine if the requested record is a "public record" and must respond to the requester within five (5) business days from the date the written request is received.

Failure of the District to respond to the request within five business days will result in the request being deemed "denied." However, if the District determines that the request either

- a. requires redaction of the public record;
- b. requires retrieval of the record from a remote location;
- c. cannot be responded to in a timely manner due to bona fide and specified staffing limitations;
- d. requires a legal review to determine whether the record is a public record subject to access;
- e. has not been honored because the requester refuses to pay applicable fees; or
- f. has not been honored because the requester has not complied with the District's policies regarding access to public records, then, the District must send written notice to the requester within five business days of the receipt of the request that the request is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided. This response must be expected within thirty (30) days following the five (5)-business day limit or will result in the written request to be deemed "denied."

5. Denial of a written request for access.

If the District denies a written request, whether in whole or in part, it must draft a written response to the requester. This written denial must contain the following information:

- a. A description of the requested record.
- b. The specific reasons for the denial, including a citation of supporting legal authority.
- c. The name business address and telephone number and signature of the public official or employee on whose authority the denial is issued.
- d. The date of the response.
- e. The procedure to appeal the denial of access as set forth in this policy.

6. Appeal of a denial of access to public records.

If the District denies a written request, the requester has the right to file exceptions with the Board. These exceptions must be filed within 15 business days of the mailing date of the District's written response or the District's deemed denial. The exceptions must state the grounds upon which the requester asserts that the record is a "public record," and shall

address any grounds stated by the District for delaying or denying the request.

After receipt of the exceptions, the Board must make a final determination regarding the exceptions. This determination must be made within 30 days of the mailing date of the exceptions. The Board may conduct a hearing within this 30-day time period. The written determination of the Board, which shall set forth the rationale for the decision, shall be the final order of the agency, which is appealable before the court of common pleas.

7. Development of further procedures.

The Superintendent shall develop procedures to implement this policy which include

- a. preparation of a retention schedule which shall conform to law; as a minimum require the permanent safeguarding of Board minutes, annual audit reports and permanent pupil records; and the retention of all fiscal records required for audit until said audit has been received and approved.
- b. provisions to guard the confidentiality of records exempted from the availability of public records.