

Lower Merion School District

Policy No.: 801
Section: OPERATIONS
Title: PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS
Date Adopted: 1/18/88
Date Last Revised: 4/20/2020; 12/15/08; 1/17/08; 6/20/05; 12/16/02

801 PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

The Board recognizes that the public has the right to access and procure copies of certain records of the District in accordance with applicable law. The Board shall make the District's public records available for access and duplication to a requester, in accordance with law, Board Policy and applicable Administrative Regulations.

Definitions

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

To the extent any provision of this Policy or the accompanying Administrative Regulation is or becomes inconsistent with the requirements of the Pennsylvania Right-To-Know Law, it shall be interpreted to incorporate such requirements without need of further Board action.

The Board designates the Board Secretary as the District's Open Records Officer, who shall be responsible to:

1. Receive written requests for access to public records submitted to the District.
2. Review and respond to written requests in accordance with law, Board Policy, and applicable Administrative Regulations.
3. Direct requests to other appropriate individuals in the District or in another agency, where appropriate.
4. Track the District's progress in responding to requests.
5. Issue interim and final responses to submitted requests.

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6. Maintain a log of all record requests and their disposition.
7. Ensure District 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 or designee shall:

1. Note the date of receipt on the written request.
2. Compute and note 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.

The Superintendent or designee shall develop Administrative Regulations implementing this Policy in accordance with applicable law and the general guidelines listed below.

Guidelines

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.

The District shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law. The District shall not limit the number of records requested, except in accordance with applicable law.

Original District records shall not be removed from District property or from the control or supervision of the Open Records Officer or designee.

Fees for duplication will be charged according to the fee schedule contemplated herein. No fee may be imposed for review of a record to determine whether the record is subject to access under applicable law. Prior to granting access, the District may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.

The determination of whether records requested are “public records” will be made by the Open Records Officer, in consultation as needed with the Solicitor’s office.

Legal Citations:

65 P.S. 67.101 et seq (Pennsylvania Right to Know Law)