

Lower Merion School District

ADMINISTRATIVE REGULATIONS

No.: 801
Section: OPERATIONS
Title: PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS
Date Last Revised: 4/3/2020; 12/15/08

R801 PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS

Posting

The District shall post at its administrative offices and on the District's web site the following information:

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 District decides to create its own form.
4. Board Policies, Administrative Regulations and other procedures governing requests for access to the District's public records.

Procedure for Requesting Records

A written request for access to a public record shall be submitted on the required form(s) attached to this Administrative Regulation as Attachment "A" and addressed to the Open Records Officer.

Written requests may be submitted to the District in person, by mail, to a designated facsimile machine, or to a designated e-mail 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 District's response.

Response to Request

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

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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.

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, or notify the requester of the need for an extension of time to fully respond.

Normally, records are available at the District from 8:30 a.m. to 4:00 p.m. Monday through Friday each week except for certain holidays.

Extension of Time

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.

Up to a thirty (30) 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 publically accessible site.

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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.

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.

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 or designee 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

Denial of Request

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.

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.

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.

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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.

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.

Documents Not Qualifying As Public Records

- Internal predecisional deliberations of administrators, employees and Board members
 - Unless presented to a quorum for deliberation at a public meeting
 - Includes real estate appraisals until decision made to proceed with lease, sale or acquisition of property
- Draft minutes of meetings
- Executive Session minutes or record of discussion.
- Bid proposals
- Communication with insurance carriers
- Privileged communications:
 - Communications with District Solicitor or other attorneys
 - Doctor-patient communications; and
 - Speech and debate privilege – applicable to legislative functions
- Records which, if disclosed, would
 - Result in loss of Federal or State funds;
 - Likely lead to physical harm or personal security of a person;
 - Jeopardize safety of the public, a building, infrastructure, information storage system, or resource; or

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- Jeopardize computer security
- Records of child (17 or under):
 - Name;
 - Address; or
 - Date of birth
 - NOTE: Other confidentiality restrictions may apply to student records under other laws
- Records of individuals
 - Confidential personal health information;
 - Applications for social services; and
 - Confidential personal information such as social security number, driver's license, financial information, email address and personal phone numbers
- Records of employees:
 - Reference letters and written criticisms
 - Employment application (if not hired);
 - Employee assistance program information;
 - Grievances and complaints of discrimination
 - Discipline, demotion and discharge (except for final action of discharge or discipline
 - Academic transcript
 - NOTE: Other confidentiality restrictions may apply to employee records under other laws.
- Certain records relating to criminal and non-criminal investigations
- Transcripts and exhibits of arbitration hearings (final decision is public however)
- Drafts of policies, resolutions or administrative regulations
- Results of public opinion surveys
- Trade secrets or other confidential proprietary information
- Personal notes and working papers of an individual, includes message slips
- Donor lists and makers of donations (unless donation benefits specific Board member or specific employee)
- Records which, if released, would violate the right to informational privacy
- Records otherwise protected by state or federal law

Third Parties

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

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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.

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.

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. When individual staff information is requested, a communication to that individual staff member will be made, when required by law, including the requester's name and the information requested.

Fees

Fees for duplication and, where applicable, document retrieval will be charged according to the following fee schedule which shall be periodically updated.

Postage	Actual cost to District
Certification costs	\$1 per record not per page
Duplication costs	
Paper copying charge	\$0.25 per page
Facsimile charge	Actual cost to District
Electronic records copied to native media	Actual cost to District
Electronic records copied to paper	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or fee for duplication in the original media unless the requester specifically request for the record to be duplicated in the more expensive medium.
Enhanced electronic access	To be determined if and when offered
Complex and extensive data sets	Reasonable Market Value

LOWER MERION SCHOOL DISTRICT

REQUEST FOR ACCESS TO SCHOOL DISTRICT RECORDS

Information Requested (information to be provided by the Requestor)

1. Name of requestor _____
2. Address of requestor _____
3. Information requested _____

4. Manner of submission (circle one)
In person

By mail

By facsimile

By electronic means

Other _____
5. Nature of request (circle one)
Inspection

Duplication

Both
6. Medium requested for release (circle one)

Paper
Electronic

Other _____

For Office Use Only

Date of receipt _____

Date on which five day period for response will expire _____

RESPONSE TO REQUEST

I. Description of Record Requested and Name of Requestor

II. Date of Response (Within 5 days of date of request)

Date request was granted _____

OR

Date form with Section III completed sent to requestor _____

III. Basis for Review (Circle all applicable reasons and fill in additional information in space provided)

1. Request requires redaction of public record
2. Request for access requires retrieval of record stored in remote location (identify location)
3. Timely response cannot be made due to bona fide and specified staffing limitation (state specific staffing limitations)

4. Legal review required to determine whether record is a public record
5. Requestor failed to comply with Policy 801 in the following respect:

6. Requestor refused to pay applicable fees. Amount owed: _____
7. The extent or nature of the request precludes a response within the required time period.

IV. Basis for Denial of Request

Request denied by:

Name _____

Title _____

Business Telephone Number _____

Business Address _____

Date of Denial _____

Citation of Supporting Legal Authority _____

V. Appeal

If requestor chooses to appeal denial of access, the requestor may appeal to the State’s Office of Open Records by filing exceptions within fifteen business days of the mailing date of the date set forth in IV or within fifteen business days of deemed denial. The exceptions shall state 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.

Signature of Opens Records Officer