



**Bronx Charter School for Excellence
FREEDOM OF INFORMATION POLICY**

This policy provides information concerning the procedures by which records may be obtained. Personnel shall furnish to the public the information and records by the Freedom of Information Law.

1. Designation of Records Access Officer

- (a) The Board of Trustees is responsible for insuring compliance with the Freedom of Information Law, and designates the following person(s) as records access officer(s):

Jacques Michel
Chief Operating Officer
2090 Seventh Avenue, Suite 605
New York, NY 10027

- (b) The Records Access Officer shall insure that School personnel maintain:

- i. Maintain an up-to-date subject matter list;
- ii. Assist persons seeking records to identify the records sought;
- iii. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested;
- iv. Upon locating the records, take one of the following actions:
 - a. Make records available for inspection; or,
 - b. Deny access to the records in whole or in part and explain in writing.
- v. Upon request for copies of records:
 - a. Make a copy available upon payment or offer to pay established fees, if any, in **accordance with Section 8; or,**
 - b. Permit the requester to copy those records.
- vi. Upon request, certify that a record is a true copy; and
- vii. Upon failure to locate records, certify that:
 - a. (School's name) is not the custodian for such records, or
 - b. The records of which (School's name) is a custodian cannot be found after diligent search.

2. Location and Hours

Records shall be available during all regular school hours for public inspection and copying at:

1804 Holland Avenue
Bronx, NY 10462

3. Definition of Records

- (a) A record is defined as any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, **reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.**

- (b) The School will maintain
 - i. a record of the final vote of each trustee in every proceeding in which the trustees vote;
 - ii. a record setting forth the name, public office address, title and salary of every officer or employee of the education corporation; and
 - iii. a reasonable detailed current list, by subject matter, of all records in the School's custody or possession.
4. *Availability of Records:* The School may deny access to request records or portions thereof that:
- (a) are specifically exempted from disclosure by state or federal statute, like certain student records;
 - (b) if disclosed would constitute an unwarranted invasion of personal privacy;
 - (c) if disclosed would impair present or imminent contract awards or collective bargaining **negotiations;**
 - (d) are trade secrets or are submitted to the School by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the School;
 - (e) such records are compiled for law enforcement purposes
 - (f) such records, if disclosed, would endanger the life or safety of any person;
 - (g) are inter-agency or intra-agency materials which are not statistical or factual tabulations, instructions to staff that affect the public, final agency policy or external audits;
 - (h) such records are examination questions or answers which are requested prior to the final **administration of such questions; or**
 - (i) such records, if disclosed, would jeopardize the School's ability to guarantee the security of its information technology assets.
5. *Fees*
- (a) Fees for copies may be charged, provided that:
 - i. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;
 - ii. the fee for all other records shall not exceed the actual reproduction cost.
6. *Requests for public access to records*
- (a) Requests to inspect or secure copies of records shall be submitted to the Records Access Officer on a form prescribed by the Records Access Officer. The request shall reasonably describe the records or records sought.
 - (b) A response shall be given within five (5) business days of receipt of a request by:
 - i. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought;
 - ii. granting or denying access to records in whole or in part;
 - iii. acknowledging tile receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall not be more than twenty (20) business days; or
 - iv. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

7. *Denial of access to records*

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the Board of Trustees.
- (b) If requested records are not provided promptly, as required in Section 6, such failure shall also be deemed a denial of access.
- (c) The Board of Trustees shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Kathy Lathen
Board Chair, BCSE Board of Trustees
2090 Seventh Avenue, Suite 605
New York, NY 10027

- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal shall commence upon receipt of a written appeal identifying:
 - i. the date and location of requests for records;
 - ii. a description, to the extent possible, of the records that were denied; and
 - iii. the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The Board of Trustees shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
41 State Street
Albany, NY 12231

- (h) The Board of Trustees shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

8. *Public notice:* A notice containing the title or name and business address of the records access officers and the Board of Trustees and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

9. *Family Education Rights and Privacy Act:* The School will not disclose any information from a student's permanent record except as authorized pursuant to the Federal Education Rights and Privacy Act or in response to a subpoena as required by law. The parents or guardians of a student under the age of 18 years of age, or 18 years of age or older, are entitled to access to the student's school records by submitting a written request to the school leader.

**Bronx Charter School for Excellence
FREEDOM OF INFORMATION
PUBLIC NOTICE**

The Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

Bronx Charter School for Excellence has adopted a policy governing when, where, and how you can see public records.

The policy can be seen at all places where records are kept. According to this policy, records can be seen and copied at:

1804 Holland Avenue
Bronx, NY 10462

The Records Access Officer will help you to exercise your right to access these public records. The Records Access Officer is:

Jacques Michel
Chief Operating Officer

If you are denied access to a record, you may appeal to the following person(s) or body:

Charlene Reid
Executive Director
Bronx Charter School for Excellence
2090 Seventh Avenue, Suite 605
New York, NY 10466