

3310	Public Access to District Records
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Section I: Designation of Officers

The following officers are designated for the purpose of this regulation.

- a. Records Access Officer. The Records Access Officer shall be the Assistant Superintendent for Business, whose office is located at 70 Malta Avenue, Ballston Spa, NY 12020.
- b. The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

1. Maintain an up-to-date subject matter list.
2. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
3. 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.
4. Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
5. Upon request for copies of records
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.

3310	Public Access to District Records
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6. Upon request, certify that a record is a true copy; and
7. Upon failure to locate records, certify that
 - (i) The District is not the custodian for such records, or
 - (ii) The records of which the District is a custodian cannot be found after diligent search.

Section II: Location for Submission of Request for Inspection or Copies of Records

The following office is designated to receive requests for inspection and copies of records of the District:

Records Access Officer
Business Office
70 Malta Avenue
Ballston Spa, NY 12020

Section III: Times When Records are Available

Requests to inspect or secure copies of District records may be made at the office set forth in Section II of this regulation on any District business day between the hours of 9:00 a.m. and 12 noon, and the hours of 1:00 p.m., and 4:00 p.m.

Section IV: Procedures

The following procedures shall be followed in connection with requests to inspect or secure copies of District records inclusive of student records:

- a. Requests to inspect or secure copies of records shall be submitted to the Records Access Officer on a form prescribed by the Access Officer, copies of which are available in the office of the Records Access Officer. Requests may also be made electronically.
- b. The Records Access Officer will determine and advise the requester whether the records specified in the request are available for inspection and copying.
- c. With respect to records which are determined to be available, the Records Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation of copies upon tender of the required fee.

3310	Public Access to District Records
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- d. With respect to records which are determined not to be available, the Records Access Officer will note the reason for unavailability on the request form and return one copy of the form to the requester.
- e. Place of Inspection. Records may be inspected only at the office or location where they are regularly maintained.
- f. Requests by Mail or E-Mail. Requests by mail for copies of available records may be addressed to the Records Access Officer, and will be honored, upon payment of the required fee, provided the requester and the records of which a copy is requested are sufficiently identified to make compliance practicable. E-mail requests will be honored electronically whenever possible.
- g. The District Shall Respond Promptly to a Request for Records. Except under extraordinary circumstances, the response shall be made no more than 5 working days after receipt of the request by the District, whether the request is oral or in writing.
 - 1. A response shall be given by:
 - (i) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (ii) granting or denying access to records in whole or in part;
 - (iii) acknowledging the 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 be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty (20) business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time 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; 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

3310	Public Access to District Records
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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.

2. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

Section V: Subject Matter List

- a. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- b. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- c. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list

Section VI: Appeals

- a. Appeals shall be directed to the Superintendent of Schools on forms prescribed by him/her, copies of which are available at the offices of the Records Access Officer.
- b. All such appeals, shall be delivered to the Records Access Officer within thirty days after the denial from which such appeal is taken.
- c. Appeals will be determined by the Superintendent of Schools or his/her authorized representative within seven business days of the receipt of the appeal. All appeal decisions shall be forwarded to the Committee on Open Government at the following address: 1 Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

3310	Public Access to District Records
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Section VII: Fees

- a. The fees for copies of available records shall be as follows:
1. Pages not larger than 8 1/2 inches by 11 inches: \$.25 per page.
 2. Pages not larger than 8 1/2 inches by 14 inches: \$.25 per page.
 3. Any other record: the actual cost thereof to the District.
 4. Certifications: no additional charge.
 5. Documents sent electronically: no charge.

Fees shall be paid by check or money order payable to the Ballston Spa Central School District.

*Education Law Section 2116
Public Officers Law Sections 87 and 89
21 NYCRR Parts 1401 and 9760*

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