

A.W. BEATTIE CAREER CENTER

SECTION: OPERATIONS
 TITLE: PUBLIC RECORDS
 RIGHT TO KNOW (RTKL)
 ADOPTED: JUNE 24, 1999
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 APPROVED: MAY 26, 2011
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 APPROVED: JUNE 20, 2024

<p>1. Purpose</p> <p>2. Definitions 65 P.S. Sec. 67.102</p>	<p style="text-align: center;">801. PUBLIC RECORDS RIGHT TO KNOW</p> <p>The A.W. Beattie Career Center Joint Operating Committee (JOC) recognizes the importance of public records as the record of the Career Center's actions and the repository of information about A.W. Beattie Career Center. The public has the right to access and procure copies of public records, with certain exceptions, subject to law, JOC policy and administrative regulations.</p> <p>Financial Record – to include:</p> <ol style="list-style-type: none"> 1. Any account, voucher or contract dealing with: <ol style="list-style-type: none"> a. the receipt or disbursement of funds; or b. acquisition, use or disposal of services, supplies, materials, equipment or property. 2. The salary or other payments or expenses paid to an officer or employee, including the name and title of the officer or employee. 3. A financial audit report. (Excluding the audits underlying work papers.) <p>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.</p> <p>Record - information, regardless of physical form or characteristics, that documents a Career Center transaction or activity and is created, received or retained pursuant to law or in connection with a Career Center 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.</p> <p>Response – The Career Center's notice informing a requester of a granting of access to a record or the Career Center's written notice to a requester granting, denying, or partially granting and partially denying access to a requested record.</p> <p>Requester - a legal resident or agency of the United States, who requests access to a record. A.W. Beattie does not accept anonymous RTKL requests.</p>
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<p>3. Authority 65 P.S. Sec. 67.302, 67.305, 67.504, 67.701</p>	<p>The JOC shall make Career Center public records available for access and duplication to a requester, in accordance with law, JOC policy and administrative regulations.</p>
<p>4. Delegation of Responsibility 65 P.S. Sec. 67.502</p>	<p>The Joint Operating Committee designates the Executive Director or designee as the Open Records Officer, who shall be responsible to:</p> <ol style="list-style-type: none"> 1. Receive written requests for access to records submitted to the Career Center. 2. Review and respond to written requests in accordance with law, JOC policy and administrative regulations. 3. Direct requests to other appropriate individuals at the Career Center or in another agency. 4. Track the Career Center's progress in responding to requests. 5. Issue interim and final responses to submitted requests. 6. Maintain a log of all record requests and their disposition. 7. Ensure Career Center staff are trained to perform assigned job functions relative to requests for access to records.
<p>65 P.S. Sec. 67.502, 67.901, 67.1101</p>	<p>Upon receiving a request for access to a record, the Open Records Officer shall:</p> <ol style="list-style-type: none"> 1. Note the date of receipt on the written request. 2. Compute and note on the written request 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.
<p>5. Guidelines 65 P.S. Sec. 67.701 Sec. 67.504 Sec. 67.505</p>	<p>Requesters may access and procure copies of the public records of the Career Center during the regular business hours of the administration offices.</p> <p>A written request for records shall be submitted on the Career Center's form or on the uniform form promulgated by the Office of Open Records.</p>

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<p>65 P.S. Sec. 67.302</p>	<p>A requester's right of access does not include the right to remove a record from the control or supervision of the Open Records Officer.</p> <p>The Career Center shall not limit the number of records requested.</p>
<p>65 P.S. Sec. 67.705</p>	<p>When responding to a request for access, the Career Center 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 Career Center does not currently use.</p>
<p>42 U.S.C. Sec. 12132 28 CFR Sec. 35.160, 35.164</p>	<p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p>
<p>65 P.S. Sec. 67.504, 67.505</p>	<p>The Career Center shall post at the administration office and on the Career Center's web site the following information:</p> <ol style="list-style-type: none">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 Career Center decides not to create its own form.4. The JOC policy, administrative guidelines and procedures governing requests for access to the Career Center's public records. <p><u>Request For Access</u></p>
<p>65 P.S. Sec. 67.504, 67.505, 67.703</p>	<p>A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.</p> <p>Written requests may be submitted to the Career Center in person, by mail, to a designated facsimile machine, or to a designated e-mail address.</p>
<p>65 P.S. Sec. 67.701, 67.703</p>	<p>Each request must include the following information:</p>

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	<ol style="list-style-type: none">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 Career Center's response.
65 P.S. Sec. 67.703	<p>The Career Center shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.</p> <p><u>Fees</u></p>
65 P.S. Sec. 67.1307	<p>Except for the fees established by the state, the JOC shall approve a list of reasonable fees relative to requests for public records. The Career Center shall maintain a list of applicable fees and disseminate the list to requesters.</p>
65 P.S. Sec. 67.1307	<p>No fee may be imposed for review of a record to determine whether the record is subject to access under law.</p>
65 P.S. Sec. 67.1307	<p>Prior to granting access, the Career Center may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.00.</p>
65 P.S. Sec. 67.1307	<p>The Executive Director may waive duplication fees when the requester duplicates the record or the Executive Director deems it is in the public interest to do so.</p> <p><u>Response To Request</u></p>
65 P.S. Sec. 67.502, 67.702	<p>Career Center employees shall be directed to immediately forward requests for access to public records to the Open Records Officer.</p>
65 P.S. Sec. 67.901	<p>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 Career Center has possession, custody or control of that record.</p>
65 P.S. Sec. 67.901	<p>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.</p> <p>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; notify the requester of the need for an extension of time to fully respond; or request more detail from the requester to clearly identify the requested material.</p>

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<p>65 P.S. Section 67.901, 67.902</p> <p>65 P.S. Sec. 67.701</p> <p>65 P.S. Sec. 67.701, 67.704</p>	<p><u>Extension of Time</u></p> <p>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.</p> <p>Up to a thirty (30) day extension of time for factors stated in law 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.</p> <p>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.</p> <p><u>Granting Of Request</u></p> <p>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. 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.</p> <p>A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium. However, the Career Center is not required to permit use of its computers.</p> <p>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 Career Center shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the Career Center's notice, submits a written request to have the record converted to paper, the Career Center shall provide access in printed form within five (5) days of receipt of the request for conversion to paper.</p>
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65 P.S. Sec. 67.506	A public record that the Career Center does not possess but is possessed by a third party with whom the Career Center has contracted to perform a governmental function and which directly relates to that governmental function shall be considered a public record of the Career Center. When the Career Center contracts with such a third party, the Career Center shall require the contractor to agree in writing to comply with requests for such records and to provide the Career Center with the requested record in a timely manner to allow the Career Center to comply with law.
65 P.S. Sec. 67.706	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 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.
65 P.S. Sec. 67.905	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 Career Center's response, the Career Center shall dispose of the copy and retain any fees paid to date.
	<u>Notification To Third Parties</u>
65 P.S. Sec. 67.707	When the Career Center 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 Career Center, the person that is the subject of the record, and the requester.
65 P.S. Sec. 67.707	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.
	<u>Denial Of Request</u>
65 P.S. Sec. 67.901, 67.903	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: <ol style="list-style-type: none">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.

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<p>65 P.S. Sec. 67.506</p> <p>65 P.S. Sec. 67.506</p> <p>65 P.S. Sec. 67.706, 67.903</p> <p>65 P.S. Sec. 67.1101</p>	<p>4. Date of the response.</p> <p>5. Procedure for the requester to appeal a denial of access.</p> <p>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 Career Center.</p> <p>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.</p> <p>Information that is not subject to access and is redacted from a public record shall be considered a denial.</p> <p>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.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 408, 518</p> <p>Right-to-Know Law – 65 P.S. Sec. 67.101 et seq.</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Accessibility to Communications, Title 28, Code of Federal Regulations – 28 CFR Sec. 35.160, 35.164</p> <p>Board Policy - 802</p>
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A.W. Beattie Career Center Right to Know Procedures



The public has the right under law to access and to procure copies of public records, with certain exceptions, subject to law, Board policy, and administrative guidelines.

The Mission of the Office of Open Records is to enforce the state's Right-to-Know law and to serve as a resource for citizens, public officials and members of the media in obtaining public records for government.

The Right-to-Know (RTK) officer will distribute the request to the appropriate personnel and the Solicitor when information requested is questioned. All requests will be honored with the RTK law timeframes, unless an extension is requested.

- Upon receipt of a written request, A.W. Beattie Career Center will make a good faith effort to determine if the requested record is a public record and to respond as promptly as possible under the circumstances existing at the time of the request. This time shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.
- A.W. Beattie Career Center may inform the requestor of the need for additional time to comply with a specific request, in accordance with provisions of the Act. Such an extension may not exceed thirty (30) calendar days unless agreed to by the requestor. The Open Records Officer shall send written notice to the requestor within five (5) business days of the need for an extension. The notice shall include a statement notifying the requestor that the request is expected to be provided, and an estimate of applicable fees owed when the record becomes available.
- For purposes of determining the 5-business-day period:
 - A business day shall be any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of the agency are closed for all or part of a day due to a state holiday, or severe weather (such as a blizzard or ice storm), or natural or other disaster, or at the request or direction of local, state or federal law enforcement agencies or officials.
 - Requests may be submitted during regular business hours, which are 7:00 a.m. to 3:00 p.m. Requests made after 3:00 p.m. will be deemed to have been received on the following business day.
 - For purposes of determining the end of the 5-business-day period, the day that a request is received (or deemed to be received) is not counted; the first day of the 5-business-day period is the agency's next business day.

Initial Review by the Right-to-Know Official

- Upon receiving a Right-to-Know request, the Open Records Officer shall promptly review it. The purpose of this review is to determine the following:
 - Whether the request possesses an obvious defect that permits it to be rejected without consideration. Such defects include the following:
 - The documents sought by the requestor are not identified with sufficient particularity.
 - The identified records unquestionably fall outside either of the two parts of the Act's general definition of "public records."
 - The Open Records Officer has personal knowledge that the records do not exist.
 - The Open Records Officer has personal knowledge that the identified records are not in possession or control of the agency.
 - Whether the request can be granted without further consideration. For example, if the Open Records Officer knows that the requested documents exist and are public records and that they are immediately accessible, no further analysis is necessary.
 - Whether the request implicates a right protected by the Pennsylvania or U.S. Constitution, including but not limited to, the constitutional right to privacy. If the Open Records Officer

concludes that the request implicates such a right, s/he shall consult with counsel regarding the balancing of the requestor's interest in access to the records versus constitutionality protected interests.

- In conducting this initial review, the Open Records Officer may contact (or attempt to contact) the requestor in order to obtain clarification or additional information.
- If the Open Records Officer determines that the request should be refused for any of the grounds set forth above, s/he shall immediately draft a proposed refusal letter. This draft should set forth each and every ground that the Right-to-Know Official believes is the proper ground for refusal.

Responses (in general)

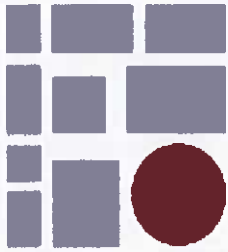
- The act of providing a requestor with physical access to a document in the offices of the agency is a "response" for purposes of the Right-to-Know Law.
- A record will be provided, whenever available, in the medium requested by the requestor (i.e. an electronic file if the information is already available in this form.) A record does not have to be converted to a media other than that in which it is maintained.
- A requestor may either view original records by making an appointment during regular business hours with the Open Records Officer, or may request written copies, which will be provided for a fee as established by the Office of Open Records. The fee can be waived at the discretion of the Open Records Officer.
- A.W. Beattie Career Center will not create a public record that does not already exist, nor will it compile, maintain, format, or organize a public record in a manner in which the agency does not currently do so.

Responses

- Types of Responses
 - The request is granted.
 - The request is refused in its entirety.
 - The request is partially granted.
- Deemed denials. The failure to make a timely response is deemed a denial.
- Final responses granting requests.
 - A written request for a record will be granted if the record requested is within the statutory definition of a "public record."
 - Written responses granting requests may be provided in any format (mail, facsimile, electronic mail, etc.) permitted by law.
- Final responses that deny requests, either in whole or in part.
 - A response that denies a request must list the entire specific reasons relied on for denying the request.
 - If a request is denied all or in part, the response must also contain a notice informing the requestor of his or her right to file an appeal with the Office of Open Records.
 - Any final response that sets forth a denial, whether in whole or part, must contain the following:
 - The name, title, business address, business telephone number and signature of the public official or employee on whose authority the denial is issued.
 - The word "Mailing Date" followed by the date that is the mailing date of the response.
 - A statement of that procedure that the requestor may follow in order to file an appeal contesting the denial.

Redaction

- Redaction means the eradication of a portion of a document while retaining the remainder. Redaction must be performed in such a way as to prevent the requestor from having access to the redacted information.
- If it is determined that a public record contains information subject to access, as well as information not subject to access, the Right-to-Know Law requires that the response must grant access to the information subject to access, but deny access to the information not subject to access.
- The Career Center Solicitor, or designee, before delivery of the response, will review any response that includes information that must be redacted.



A.W. Beattie Career Center
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POLICY 801 – PUBLIC RECORDS
RIGHT TO KNOW FEES

<u>RECORD TYPE REQUESTED</u>	<u>AMOUNT DUE</u>
<u>Copies</u>	<u>\$.25 per page</u>
<u>Certification of Record</u>	<u>\$5.00</u>
<u>Specialized Documents</u>	<u>Actual Cost of the Documents</u>
<u>Facsimile/Other Media</u>	<u>Actual Cost of the Facsimile/Media</u>
<u>Redaction</u>	<u>No Cost</u>
<u>Conversion to Paper</u>	<u>\$.25 per page</u>
<u>Postage</u>	<u>Actual Cost of the Postage</u>
<u>Other Media</u>	<u>Up to Actual Cost</u>
<u>Flash Drive</u>	<u>Up to Actual Cost</u>