

PENNSYLVANIA DISTANCE LEARNING CHARTER SCHOOL

Book: Policy Manual
Section: Administration
Title: Right to Know Policy
Reference: 65 P.S. 66.1 et seq
Adopted: June 30, 2009
Revised: February 20, 2014, May 6, 2016

PURPOSE: The purpose of this policy is to ensure compliance by PDLCS with the requirements of the Pennsylvania Right-to-Know Act, 65 P.S. 66.1 et seq, as amended, which allows Requestors to inspect and obtain copies of Public Records.

SCOPE: This policy applies to staff of PDLCS and any entity seeking access to a public record.

POLICY AUTHORITY: Policy draft is reviewed by the CEO of PDLCS; then (1) sent to the Board of Trustees, and (2) presented at the next formal, public Board Meeting for review, public comments and approval.

DEFINITIONS:

BUSINESS DAY: shall mean a calendar day in which the PDLCS administrative office is open for business and does not include any school day where the administrative offices are closed due to inclement weather, holidays, planned closures and emergencies.

FINANCIAL RECORD: shall mean 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 of PDLCS, including the individual’s name and title; and a financial audit report excluding the audit’s underlying work papers.

PUBLIC RECORD: shall mean a record, including a financial record of PDLCS that:

- Is not exempt from disclosure under Pennsylvania’s Right-to-Know Act.
- Is not exempt from being disclosed under any other federal or state law, regulation, judicial order or decree; and
- Is not protected by a privilege.

RECORD: shall mean information, regardless of physical form or a characteristic, that documents a transaction or activity of the school and that is created, received, or retained pursuant to law or in connection with a transaction, business or activity of the school. The term “record” includes a

document, paper, letter, map, book, tape, photograph, email, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

REQUESTOR: shall mean any person who is a resident of the United States and requests access to a record pursuant to the Right-to-Know Act.

RESPONSE: shall mean access to a record or written notice from the district granting, denying or partially granting and partially denying access to a record.

DETAILED POLICY STATEMENT: PDLCS Board of Trustees appoints an Open Records Officer. The Open Records Officer shall be responsible for the following duties in order to implement the requirements of this Policy:

- Receive all written requests for access to records submitted to the school.
- Direct requests to other appropriate persons within the school or the school's program contractor for a response.
- Track the school's progress in responding to requests for access to records.
- Issue interim and final responses to submitted requests.
- Maintain a log of all record requests and the school's responses.
- Ensure appropriate PDLCS staff is trained to perform assigned job functions relative to requests for access to records.

After receiving the written request for access to a public record, the Open Records Officer shall take the following steps in order to track the ongoing status of and final disposition of the school's response:

- Note the date that the written request was received by PDLCS.
- Compute the day on which the five business day period for the school's response will elapse and make a notation of that date on the written request.
- Maintain an electronic or paper copy of the written request, including all documents submitted with the request at least until the request has been fulfilled.
- If the written request is denied, in full or in part, maintain the written request for at least thirty days or, if an appeal is filed to challenge the denial, until a final determination is issued regarding the appeal.

PDLCS shall post the following information on its official website to implement this policy and comply with the Right-to-Know Act:

- Contact information for the PDLCS Open Records Officer;
- Contact information for the State Office of Open Records;
- A copy of the school's form which may be used to file a request;
- A copy of this policy, its administrative regulations and the school's request form;

REQUESTS FOR ACCESS TO PUBLIC RECORDS: Any person seeking access to or duplication of a public record must submit a written request addressed to the Open Records Officer. All PDLCS employees are

directed to forward written requests for access to public records to the Open Records Officer, if they are inadvertently directed to them.

A requestor must complete the Right-to-Know Request Form created by either the school or the State Office of Open Records which submitting a written request. Copies of the school's form may be obtained at www.padistance.org. The written request must identify or describe the public record sought with sufficient specificity to allow the Open Records Officer to determine which record is being requested, and the name and address to which the school should send its response.

PDLCS may, in its sole discretion, honor verbal requests for public records in cases where access can be allowed immediately. However, a verbal request shall not be considered an official request requiring a school response under this policy.

PDLCS will not respond to verbal requests or any written request that does not identify the requestor.

Any requestor may submit a written request to the Open Records Officer using one of the prescribed Right-to-Know forms in the following manner.

- **In Person:** At the school's office located at 2100 Corporate Drive, Suite 500, Wexford, PA 15090 on any business day during regular business hours. Regular business hours are 7:30 a.m. to 4:00 p.m. EST
- **By Regular Mail:** Send to the attention of the Open Records Officer at the school office at: 2100 Corporate Drive, Suite 500, Wexford, PA 15090.
- **By Facsimile:** Send to the attention of the Open Records Officer at the following facsimile number (866.977.3527). A written request sent via facsimile will not be considered submitted until a complete and legible copy of the facsimile is received by the Open Records Officer.
- **By Email:** Send to the attention of the Open Records Officer. An email not be considered submitted until a complete accessible copy of that email is received by the Open Records Officer.

The School reserves the right to deny a requestor access to a public record if the requestor has made repeated requests for the same record, the record has already been provided to the requestor, or the request has been denied and the same has been communicated to the requestor in writing, and the repeated requests have placed an unreasonable burden on the school.

SCHOOL RESPONSE TO A WRITTEN REQUEST: The Open Records Officer will respond to a written request within five business days after its receipt. During that period, the Open Records Officer will make a good faith effort to located the requested record, determine if it constitutes a public record, redact any confidential portions to allow for disclosure and prepare an appropriate response. The school response may take any of the following forms:

- A decision that the requested record is a public record and allowing the requestor to inspect and obtain a copy of the public record, in whole or in part. If the requested record is on the school's

official public website, the response should also explain how to access such information. Alternatively, the requested record may be provided with the response.

- A written denial explaining why the requested document is not a public record thus resulting in the denial of the request, in whole or in part.
- A written notice explaining the request is under review and a final determination can be expected within thirty calendar days from the date of the notice.

A denial of a request shall be in writing and shall set forth the following information:

- The description of the record requested;
- The specific reason for the denial, including a citation of supporting legal authority;
- The name, title, address, telephone number and signature of the Open Records Officer on whose authority the denial is issued;
- The date of the response;
- An explanation of the procedure to appeal the denial.

A written notice explaining a request is under review shall set forth the reasons for the review and advise when a final response can be expected, which date shall be within 30 calendar days from the date of the notice. The school may advise that the request is under review if any of the following applies:

- The requested record requires redaction;
- The request requires the district to retrieve records that are stored in a remote location;
- The school cannot timely respond due to a bona fide and specified staffing limitations;
- A legal review is necessary to determine if the record is a public record;
- The request does not comply with the school's policies regarding access to records;
- The requestor has failed to pay applicable fees;
- The extent of nature of the request precludes a response within the required time period.

The Open Records Officer shall render a final determination regarding a written request within thirty days from the date of written notice explaining a request is under review. If the Open Records Officer does not provide the requestor with a written response within the designated time period, the written request may be deemed denied and the requestor may file an appeal within fifteen business days of the expiration of the designated time period.

The Open Records Officer may consult with the school's solicitor or the Program Contractor's House Counsel to address the School's response to a Right-to-Know Act request.

REDACTING RECORDS TO ALLOW FOR PUBLIC ACCESS: If a requestor seeks access to a record determined to contain both public and confidential information, PD LCS shall grant access to the public information contained in that record and delete the confidential information; if it is possible to redact the confidential information. PD LCS, in its sole discretion, may provide public information contained in a redacted record in a format of its choice, which will allow for timely disclosure of public information while simultaneously protecting against the release of confidential information which is not required to

be disclosed under the Act. If the confidential information is an integral part of the record and cannot be separated, the School shall deny access to the record.

Personal identification numbers, financial information, home, cellular or personal telephone numbers, personal email addresses, spouse and/or dependent information, and Social Security number of individuals are generally not subject to public disclosure, and therefore will normally be redacted from a record otherwise considered a public record.

The Open Records Officer shall consult the school's administrative guidelines under this Policy when deciding what information may be redacted from a public record. If the School redacts information from any record, the redaction will be treated as a partial denial of the record request, and the Open Records Officer will provide the requestor with a written response regarding the partial denial.

DENIAL OF PUBLIC ACCESS TO CERTAIN RECORDS: In certain instances, a record will be exempt from the public disclosure requirements of the Right-to-Know Act. The Open Records Officer shall consult with the School's administrative guidelines under this policy when deciding whether or not a record constitutes a public record that must be available to the public. If the record is denied, the Open Records Officer will provide the requestor with a written response regarding the denial.

ELECTRONIC ACCESS TO PUBLIC RECORDS: The School shall make public records available through publicly accessible electronic means when they exist in that medium. When electronic access is sought for a public record, the school will notify a requestor when a requested record is available through publicly accessible electronic means and advise where the public record may be reviewed or downloaded. If the public record is only maintained electronically and is not publicly available, the school will make a paper copy available for inspection upon request subject to payment of the applicable fee.

The School will permit electronic access to a public record if it is routinely available only by electronic means, or if the requestor requests electronic access and the record exists in electronic form. A public record will not be considered "routinely available only by electronic means: if the School maintains a readily available paper copy of that record for the requestor to review. If a requestor makes a written request to access a public record in electronic form, and the public record exists in that medium, PDLCS will provide access to the record in one of the following manners:

- Provide a computer disk containing the record in electronic form;
- Respond with an email containing an attachment or electronic link to the record; or
- Provide a paper copy of an electronically stored public record, if confidential information must be redacted from that record to permit access to the public information.

INSPECTION OF PUBLIC RECORDS: After determining that the record requested is a public record, the school will allow inspection and duplication. PDLCS will provide access in the medium requested if the record exists in that medium. PDLCS need not create documents, but will provide access to public records in the formats in which they exist. The School shall not charge a fee if a requestor only seeks to inspect a public record, except where conversion from electronic to paper form is required.

The inspection of a public record by a requestor shall take place at the PDLCS administrative offices during regular business hours; unless an alternative location is designated in advance by the school. Except for copies made and delivered to a requestor pursuant to this Policy, no public record shall be removed from the control or supervision of the School. In order to preserve the integrity of its public records and the school facilities, PDLCS will take reasonable steps to ensure that a requestor does not alter, deface or otherwise damage public records or school facilities. Such reasonable steps may include, but are not limited to: the prohibition of eating and drinking when inspecting public records; employee monitoring of a requestor while inspecting public records; and the immediate termination of the inspection of public records if PDLCS reasonably believes the requestor's conduct would result in damage to its public records or school facilities.

A requestor is required to comply with all school rules and procedures to the public when present at school facilities. PDLCS may demand that the requestor immediately leave its school facilities if the requestor engages in conduct which materially disrupts the operations of school facilities or records, or threatens, harasses, or intimidates the PDCLC staff or students.

DUPLICATION AND FEES: A public record will be duplicated for the requestor, if duplication is requested. Generally, a requestor seeking to obtain a duplicate of a public record is required to appear in person to do so. In appropriate cases, the school may decide, at its sole discretion, to mail or otherwise duplicate copies of public records to a requestor. The fees set forth in this policy shall not exceed the maximum charges established by any duly promulgated regulations of the State Office of Open Records. PDLCS reserves the right to revise these fees from time to time to ensure they comply with the maximum charges allowed by law.

PDLCS will charge the following fees when a requestor seeks to obtain a copy and for conversion of an electronic record to paper:

- Printing copy on non-paper record: \$0.10 per page
- Photocopying: &0.25 per page
- Certified copy: \$5.00 flat fee
- Electronic copy of record: Electronic copies will be provided by means of a computer disk. For transfer of an electronic file to a computer disk, the charge is \$1.00 for the disk.
- Redaction: No fee
- Specialized documents: Actual cost
- Mailing copy of record: If a request is made for mailing and the School chooses to mail the copy instead of personal pickup, the requestor will pay the actual cost of shipping or postage.
- Facsimile transmission: Actual cost

The check or money order used to pay for fees hereunder shall be payable to: The Pennsylvania Distance Learning Charter School.

STATUTORY FEES: If a separate statute authorizes the Pennsylvania Distance Learning Charter School to charge a set amount for certain types of record, the School may charge no more than the statutory amount.

INSPECTION OF REDACTED RECORDS: If a requestor wishes to inspect rather than receive a copy of a record, and the record contains both public and non-public information, the School shall redact the non-public information. The School will not charge the requestor for the redaction. However, the School may charge for the copies it must make in order to appropriately redact the confidential material.

The Board of Trustees hereby appoints the following employee as the School's Open Records Officer:

Dr. Darla Posney

2100 Corporate Drive, Suite 500

Wexford, PA 15090

888.997.3352

Rtkofficer@padistance.org