



SECTION: 129

TITLE: OPEN RECORDS

NESHAMINY SCHOOL DISTRICT

1	I. PURPOSE	The Board recognizes the importance of public records as the record of the	1
2		School District's actions and the repository of information about the School	2
3		District. The public has the right to access and procure copies of public	3
4		records, with certain exceptions, subject to law, Board policy and	4
5		administrative regulations.	5
6			6
7	II. DEFINITIONS	The following words and phrases when used in this Resolution shall have the	7
8		meaning given them in this section unless the context clearly indicates	8
9		otherwise:	9
10		(a) Financial record – any account, voucher or contract dealing with the	10
11		receipt or disbursement of funds or acquisitions, use or disposal of	11
12		services, supplies, materials, equipment or property; or the salary or other	12
13		payments or expenses paid to an officer or employee, including the	13
14		individual's name and title; and a financial audit report, excluding the	14
15		audit's underlying work paper.	15
16		(b) Public record – a record, including a financial record that is not protected	16
17		by a defined privilege or is not exempt from being disclosed under one of	17
18		the exemptions in Pennsylvania's Right-to-Know Law or under other	18
19		federal or state law or regulation, or judicial decree or order.	19
20		(c) Record – information, regardless of physical form or characteristics, that	20
21		documents a School District transaction or activity and is created, received	21
22		or retained pursuant to law or in connection with a School District	22
23		transaction, business or activity, including: a document; paper; letter;	23
24		map; book; tape; photograph; film or sound recording; information stored	24
25		or maintained electronically; and a data-processed or image-processed	25
26		document.	26
27		(d) Response – the School District's notice informing a requester of a granting	27
28		of access to a record or the School District's written notice to a requester	28
29		granting, denying, or partially granting and partially denying access to a	29
30		requested record.	30
31		(e) Requester – a legal resident of the United States, or an agency, who	31
32		requests access to a record.	32
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1		POLICY 129 (continued)	1
2	III. GENERAL	The School District shall make all public records as defined by the	2
3	RULE	Pennsylvania Open Records Law accessible for inspection and duplication by	3
4		a requester in accordance with Act 3 of 2008. The public records shall be	4
5		provided to requester, in the medium requested, if the public record exists in	5
6		that medium; otherwise, it shall be provided in the medium in which it exists.	6
7		The public record shall be available for access during the regular business	7
8		hours of the School District. Nothing in this Policy shall provide for access to	8
9		a record which is not a public record.	9
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11	IV.	The Board shall designate an Open Records Officer, who shall be responsible	11
12	DELEGATION	to:	12
13	OF	(a) receive written requests for access to records submitted to the School	13
14	RESPONSIBILITY	District;	14
15		(b) review and respond to written requests in accordance with law, Board	15
16		Policy and administrative regulations;	16
17		(c) direct requests to other appropriate individuals in the School District or in	17
18		another agency;	18
19		(d) track the School District's progress in responding to requests;	19
20		(e) issue interim and final responses to submitted requests;	20
21		(f) maintain a log of all record requests and their disposition; and	21
22		(g) ensure School District's staff is trained to perform assigned job functions	22
23		relative to requests for access to records.	23
24			24
25		Upon receiving a request for access to a record, the Open Records Officer shall:	25
26		(a) note the date of receipt on the written request;	26
27		(b) compute and note on the written request the day on which the five-day	27
28		period for response will expire;	28
29		(c) maintain an electronic or paper copy of the written request, including all	29
30		documents submitted with the request, until the request has been fulfilled;	30
31		and	31
32		(d) if the written request is denied, maintain the written request for thirty (30)	32
33		days or, if an appeal is filed, until a final determination is issued or the	33
34		appeal is deemed denied.	34
35			35
36	V. GUIDELINES	Requesters may access and procure copies of the public records of the School	36
37		District during the regular business hours of the administrative offices of the	37
38		School District at Maple Point Middle School, 2250 Langhorne-Yardley Road,	38
39		Langhorne, Pennsylvania 19047.	39
40		(a) A requestor's right of access does not include the right to remove a record	40
41		from the control or supervision of the Open Records Officer;	41
42		(b) The School District shall not limit the number of records requested;	42
43		(c) When responding to a request for access, the School District is not required	43
44		to create a record that does not exist nor to compile, maintain, format or	44

POLICY 129 (continued)

organize a record in a manner which the School District does not currently use;

(d) Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice; and

(e) The School District shall post at the administrative offices of the School District and on the School District's website, if the School District maintains a website, 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 School District decides to create its own form; and

(4) Board policy, administrative regulations and procedures governing requests for access to the School District's public records.

VI. REQUEST FOR ACCESS

A written request for access to a public record shall be submitted on the required form(s) and addressed to the Open Records Officer.

(a) Written requests may be submitted to the School District in person, by mail, to a designated facsimile machine, and to a designated e-mail address;

(b) 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; and

(3) Name and address of the individual to receive the School District's response.

(c) The School District shall not require an explanation of the reason for the request or the intended use of the requested record, unless otherwise required by law.

VII. FEES

Except for the duplication fee established by the state, the School District shall approve a list of reasonable fees relative to requests for public records. The School District shall maintain a list of applicable fees and disseminate the list to requesters.

(a) No fee may be imposed for review of a record to determine whether the record is subject to access under law;

(b) Prior to granting access, the School District may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100; and

(c) The Superintendent may waive duplication fees when the requester duplicates the record or the Superintendent deems it is in the public interest to do so.

1		POLICY 129 (continued)	1
2	VIII. RESPONSE	School District employees shall be directed to immediately forward requests	2
3	TO REQUEST	for access to public records to the Open Records Officer.	3
4		(a) Upon receipt of a written request for access to a record, the Open Records	4
5		Officer shall determine if the requested record is a public record and if the	5
6		School District has possession, custody or control of that record;	6
7		(b) The Open Records Officer shall respond as promptly as possible under the	7
8		existing circumstances, and the initial response time shall not exceed five	8
9		(5) business days from the date the written request is received by the Open	9
10		Records Officer;	10
11		(c) The initial response shall grant access to the requested record; deny access	11
12		to the request record; partially grant and partially deny access to the	12
13		requested record; notify the requester of the need for an extension of time	13
14		to fully respond; or request more detail from the requester to clearly	14
15		identify the requested material; and	15
16		(d) If the School District fails to respond to a request within five (5) business	16
17		days of receipt, the request for access shall be deemed denied.	17
18			18
19	IX. EXTENSION	If the Open Records Officer determines that an extension of time is required to	19
20	OF TIME	respond to a request, in accordance with the factors stated in law, written	20
21		notice shall be sent within five (5) business days of receipt of request. The	21
22		notice shall indicate that the request for access is being reviewed, the reason	22
23		that the review requires an extension, a reasonable date when the response is	23
24		expected, and an estimate of applicable fees owed when the record becomes	24
25		available.	25
26		(a) Up to a thirty (30) day extension for one (1) of the listed reasons does not	26
27		require the consent of the requester. If the response is not given by the	27
28		specified date, it shall be deemed denied on the day following that date.	28
29		(b) A requester may consent in writing to an extension that exceeds thirty (30)	29
30		days, in which case the request shall be deemed denied on the day	30
31		following the date specified in the notice if the Open Records Officer has	31
32		not provided a response by that date.	32
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34	X. GRANTING	If the Open Records Officer determines that the request will be granted, the	34
35	OF REQUEST	response shall inform the requester that access is granted and either include	35
36		information on the regular business hours of the administration office, provide	36
37		electronic access, or state where the requester may go to inspect the records or	37
38		information electronically at a publicly accessible site. The response shall	38
39		include a copy of the fee schedule in effect, a statement that prepayment of	39
40		fees is required in a specified amount if access to the records will cost in excess	40
41		of \$100, and the medium in which the records will be provided.	41
42		(a) A public record shall be provided to the requester in the medium requested	42
43		if it exists in that form; otherwise; it shall be provided in its existing	43
44		medium.	44

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However, the School District is not required to permit use of its computers.

(b) 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 School District shall provide access to inspect the record electronically. If the requester, within thirty (30) days following receipt of the School District's notice, submits a written request to have the record converted to paper, the School District shall provide access in printed form within five (5) days of receipt of the request for conversion to paper;

(c) A public record that the School District does not possess but is possessed by a third party with whom the School District has contracted to perform a governmental function and which directly related to that governmental function shall be considered a public record of the School District. When the School District contracts with such a third party, the School District shall require the contractor to agree in writing to comply with requests for such records and to provide the School District with the requested record in a timely manner to allow the School District to comply with law;

(d) 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; and

(e) If the Open Records Officer responds to a request 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 School District's response, the School District shall dispose of the copy and retain any fees paid to date.

**XI.
NOTIFICATION
OF THIRD
PARTIES**

When the School 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 School District, the person that is the subject of the record, and the requester.

(a) 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.

**XII. DENIAL OF
REQUEST**

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.

(a) The written response denying the request shall include the following:
(1) description of the record requested;

1		POLICY 129 (continued)	1
2		(2) specific reasons for denial, including a citation of supporting legal	2
3		authority;	3
4		(3) name, title, business address, business telephone number, and	4
5		signature of the Open Records Officer on whose authority the denial is	5
6		issued;	6
7		(4) date of the response; and	7
8		(5) procedure for the requester to appeal a denial of access.	8
9		(b) The Open Records Officer may deny a request for access to a record if the	9
10		requester has made repeated requests for that same record and the	10
11		repeated requests have placed an unreasonable burden on the School	11
12		District;	12
13		(c) The Open Records Officer may deny a request for access to a record when	13
14		timely access is not possible due to a disaster, or when access may cause	14
15		physical damage or irreparable harm to the record. To the extent possible,	15
16		a record's contents shall be made accessible even when the record is	16
17		physically unavailable.	17
18		(d) Information that is not subject to access and is redacted from a public	18
19		record shall be deemed a denial.	19
20			20
21	XIII. APPEAL	If a written request for access to a record is denied or deemed denied, the	21
22		requester may file an appeal with the states' Office of Open Records within	22
23		fifteen (15) business days of the mailing date of the Open Records Officer's	23
24		response or deemed denial.	24
25			25
26	XIV. OPEN	All record requests should be addressed to Business Administrator,	26
27	RECORDS	Neshaminy School District, 2001 Old Lincoln Highway, Langhorne,	27
28	OFFICER	Pennsylvania 19047.	28
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30	XV. REGULAR	The regular business hours of the School District are 8:00 a.m. to 4:00 p.m.,	30
31	BUSINESS HOURS	Monday through Friday.	31
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33	XVI.	(a) The School District shall not ask for or require a purpose or motive for	33
34	MISCELLANEOUS	requesting a particular record and shall not limit the number of public	34
35		records that may be requested;	35
36		(b) If a record is only kept in electronic form, the School District shall make it	36
37		available in paper on request;	37
38		(c) The School District will not create a record that does not exist or to put a	38
39		document into a format that does not exist; and	39
40		(d) This policy shall be posted prominently at the administrative office of the	40
41		Neshaminy School District, Maple Point Middle School, 2250 Langhorne -	41
42		Yardley Road, Langhorne, Pennsylvania 19047.	42
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XVII. REPEALER

Approved: 2/25/03
Revised/App: 11/25/08
Reviewed/App: 11/2010

JR/sab

POLICY 129 (continued)

All resolutions of School District pertaining to access to public records and open records policies are hereby repealed in their entirety.

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