

Avon Grove Charter School
110 East State Road
West Grove, PA 19390

Board of Trustees Policy

RIGHT-TO-KNOW LAW POLICY

1. Background

The Board of Trustees of the Avon Grove Charter School recognizes the importance of public records as the record of acts of the Avon Grove Charter School. The public has the right to access and procure copies of public records, with certain exceptions, subject to the Pennsylvania Right-to-Know Act, this policy, and administrative regulations. The Board shall make the public records of Avon Grove Charter School available for access and duplication in accordance therewith and authorizes the Open Records Officer to prepare and adopt procedures for compliance with the Right-to-Know Act.

2. Definitions

Open Records Officer: The Open Records is the individual designated by the Board to receive, review and respond to all requests directed to the Avon Grove Charter School pursuant to this policy and applicable law. The Open Records Officer for the Avon Grove Charter School is the Chief Financial Officer of the Avon Grove Charter School. In the event that a new Chief Financial Officer is named by the Board, that official shall assume the role and duties of the Open Records Officer without the need for further Board action.

Public Record: A record of the Avon Grove Charter School is public provided the record is not:

- (1) exempt under the Right-to-Know Law;
- (2) exempt from being disclosed under any other federal or state law or regulation or judicial order or decree; or
- (3) protected by a privilege.

This Policy shall not be interpreted to require or allow access to any record that is not a public record under the Right-to-Know Law.

Requester: For purposes of this Policy, a Requester is a person that is a legal resident of the United States and requests a record pursuant to the Right-to-Know Law.

Response: Access to a record or written notice to a Requester granting, denying or partially granting and partially denying access to a record.

3. Functions of the Open Records Officer

The Open Records Officer shall receive requests submitted to the Avon Grove Charter School under the Right-to-Know Law, direct requests to other appropriate persons in accordance with the

Right-to-Know Law, track the Avon Grove Charter School's progress in responding to requests, and issue interim and final responses under the Right-to-Know Law and this policy.

4. **Procedures to Obtain Public Records**

Requests. Pursuant to the provisions of the Right-to-Know Law, requests for access to public records must be submitted in writing on the Avon Grove Charter School Right-to-Know request form available on the AGCS website or the official form of the Pennsylvania Office of Open Records. A request, including the requester's name, must be submitted in person, by mail, by fax, or by email to the Charter School's Open Records Officer. The Charter School shall not accept any oral or anonymous requests.

Requests should be directed to the Open Records Officer. Any Charter School employee or Board member who receives a request directed to the Open Records Officer shall immediately forward the request to the Open Records Officer.

The request must be specific enough to enable the Charter School to ascertain which Public Records are being requested and must provide the name and address to which the Response should be addressed.

The Charter School may not require that a Requester provide the reason for the request or the intended use of the Records.

Requests should be submitted to:

Open Records Officer
Avon Grove Charter School
110 East State Road
West Grove, PA 19390
Fax: (610) 869-5892

Email: Consult the Charter School website
for the current email address to use for RTKL requests.

The Charter School shall post this information on its website and at a publicly accessible location.

5. **Response Guidelines**

Exclusive Authority of Open Records Officer. The act of providing a Requester with physical access to a document or a copy of the requested Record in the Open Records Office is a "Response" for purposes of this Open Records Policy. Unless the Avon Grove Charter School issues written policies to the contrary, only the Open Records Officer possesses the authority to permit this access.

Initial Determination. Upon receipt of a written request for access to a Record, the Open Records Officer shall make a good faith effort to determine whether the records requested is a public record and whether the Charter School has possession, custody, or control of the Record.

After receipt of a Request, the Open Records Officer should consult, as necessary, with the Solicitor in preparing a response.

Timeline of Response. The Charter School shall respond within five (5) business days from the time that the request is received by the Open Records Officer. If the Open Records Officer does not provide either a final or interim written response, which may include a request for an extension of up to thirty (30) days in accordance with the terms of the Right-to-Know Law, within five (5) business days of receiving the request, the request is deemed denied.

Procedures. Upon receipt of a written request for access, the Open Records Officer shall determine if one of the following applies:

- a. the request for access requires redaction of a record in accordance with the Right-to-Know Law;
- b. the request for access requires the retrieval of a record stored in a remote location;
- c. a timely response to the request for access cannot be accomplished due to a bona fide and specified staffing limitation;
- d. a legal review is necessary to determine whether the record is a record or subject to access under this act;
- e. the Requester has not complied with the agency's policies regarding access to records;
- f. the Requester refuses to pay applicable fees authorized by this act; or
- g. the extent of nature of the request precludes a response within the required time period.

Upon determination that one of the above factors applies, the Open Records Officer shall send written notice to the Requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the Requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed by the Right-to-Know Law, the request for access shall be deemed denied unless the Requester has agreed in writing to an extension to the date specified in the notice.

If the Requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Avon Grove Charter School has not yet provided a response by that date.

Processing of Requests. Upon receiving an Open Records Request, the Open Records Officer shall, at a minimum, promptly complete the following tasks to the extent required by the Right-to-Know Law:

- a. Date-stamp or otherwise note the date of receipt on the Open Records Request.
- b. Compute the day on which the five (5) business day period will expire and make a notation of that date.
- c. Maintain a paper or electronic copy of the Open Records Request, including all documents submitted with it and the envelope (if any) in which it was received.

- d. Create an official file for the retention of the original Open Records Request.
- e. Make a good faith effort to determine if the record requested is a public record and if the Avon Grove Charter School has possession, custody or control of the record.
- f. Maintain a copy of the Avon Grove Charter School's Response to the request.

For purposes of determining the five (5) business-day period:

- a. A business day shall be from 8:00 a.m. until 4:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of the Avon Grove Charter School are closed for all or part of a day due to a holiday, severe weather (such as a blizzard or ice storm), natural or other disaster or the request or direction of local, state or federal law enforcement officers.
- b. Any Open Records Request received by the Open Records Officer after the close of its regular business hours shall be deemed received by that office on the following business day.
- c. For purposes of determining the end of the five (5) business day period, the day that an Open Records Request is received (or deemed received) is not counted. The first day of the five (5) business day period is the Avon Grove Charter School's next business day.

Written Final Responses.

- a. Types of Final Responses. The Act provides for three types of written final Responses:
 - i. The Avon Grove Charter School grants the entire Open Records Request;
 - ii. The Avon Grove Charter School refuses the entire Open Records Request; or
 - iii. The Avon Grove Charter School grants part of the Open Records Request and refuses the remainder.

The failure of the Avon Grove Charter School to make a timely final Response is a Deemed Denial under the terms of the Act.

- b. Final Responses that deny Open Records Requests, either in whole or in part, shall be in writing by the Open Records Officer and include all of the following:
 - i. A description of the record requested;
 - ii. The specific reasons for the denial, including a citation of supporting legal authority;
 - iii. The typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued;
 - iv. Date of the response; and
 - v. The procedure to appeal the denial of access under the Right-to-Know Law.

Redaction. If the Avon Grove Charter School determines that a public record, legislative record or financial record contains information which is subject to access as well as information which is not subject to access, the Avon Grove Charter School's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record, legislative record or financial record and cannot be separated, the Avon Grove Charter School shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The Avon Grove Charter School may not deny access to the record if the information which is not subject to access is able to be redacted. Information which Avon Grove Charter School redacts in accordance with the Right-to-Know Law shall be deemed a denial under the Right-to-Know Law.

Appeals. If a request is denied, the Requester or an interested third party, in accordance with the terms of the Right-to-Know Law, may appeal the denial with the Pennsylvania Office of Open Records or as otherwise provided in the law. The Open Records Office, in consultation with the Charter School solicitor, shall participate in the appeal as required under the Right-to-Know Law.

Special Considerations.

- a. Disruptive requests. Avon Grove Charter School may deny a Requester 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 Avon Grove Charter School. Such denial shall not restrict the ability to request a different record.
- b. Disaster or potential damage. Avon Grove Charter School may deny a Requester access:
 - i. when timely access is not possible due to fire, flood or other disaster; or
 - ii. to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.

To the extent possible, the contents of such a record shall be made accessible to a Requester even when the record is physically unavailable.

- c. Third Parties. If, in response to a request, the Avon Grove Charter School produces a record, the Avon Grove Charter School shall notify any third party that provided the record to the agency, the person that is the subject of the record and the Requester. Avon Grove Charter School shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification shall be provided within five (5) business days of receipt of the request for the record. The third party shall have five (5) business days from receipt of notification from the agency to provide input on the release of the record. The Avon Grove Charter School shall deny the request for the record of release the record with then (10) business days of the provision of notice to the third party and shall notify the third party of the decision.

Access/Copies of Records. A Public Record shall be accessible for duplication by a Requester. The Avon Grove Charter School does not make duplication equipment available to a Requester but shall provide other means by which a Requester may obtain copies. The Avon Grove Charter School will assign its own staff to make the duplications requested by the Requestor or it may contract for duplication services and require that the Requester pay the contractor for those services. The Avon Grove Charter School shall charge the Requester a reasonable fee(s) that is consistent with the prevailing charges in the geographic location where the duplication occurs.

The Avon Grove Charter School is not required to create a Public Record that does not already exist, nor is the Avon Grove Charter School required to compile, maintain, format, or organize a Public Record in a manner in which the Avon Grove Charter School does not currently do so. A public record, legislative record or financial record being provided to a Requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records, legislative records or financial records shall be available for access during the regular business hours of the Avon Grove Charter School.

Retention and Disposal of Public Records. There are statutes, regulations and other laws that regulate the Avon Grove Charter School's retention and disposition of Records. The Avon Grove Charter School shall follow the mandates of these laws and regulations. Neither the Act nor this policy modifies, rescinds or supersedes any retention or disposition schedule established pursuant to law or other regulation.

Fees and Charges. Reasonable fees and charges as permitted by the Right-to-Know Law shall be established by the Board via Resolution and Established Fee Structure. The Board approved list of fees shall be available for review by Requestors.

Such fee structure may be amended from time to time as appropriate, using the standards provided in the Right-to-Know Law and shall not exceed the fee structure recommended by the Office of Open Records.

All checks will be made payable to "Avon Grove Charter School." If the fee is for copying only and the anticipated costs exceeds \$100.00, the Avon Grove Charter School may allow access to the Records but shall refuse to make copies until the fee is paid. If the fee is for redacted copies or some other allowable service that is necessary in order for access to be provided, the Avon Grove Charter School may deny access until the fee is paid. At no time will the Avon Grove Charter School accept cash as a method of payment.

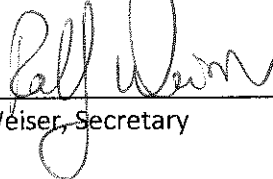
The Avon Grove Charter School shall not charge a fee for review of a record to determine whether the record is subject to access.

All copies must be retrieved within ninety (90) days of the Avon Grove Charter School response of the Avon Grove Charter School may, in the discretion of the Open Records Officer and to the extent allowed by law, dispose of copies made. The Requester remains responsible for fees incurred to the extent allowed by the Right-to-Know Law.

The Open Records Officer may waive fees set by the Board on a case by case basis consistent with applicable state and federal law.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

ADOPTED this 21st day of June, 2016.



Ralf Weiser, Secretary



Roseanne Starkey, President