

ADMINISTRATIVE REGULATION

CENTENNIAL SCHOOL DISTRICT

APPROVED: June 14, 2016

REVISED:

801-AR-0. DISCLOSURE/PRODUCTION OF CERTAIN RECORDS

The Open Records Officer will respond as promptly as possible under the circumstances to a request for access to a public record.

The Open Records Officer will forward copies of the District's written responses to records requests to the Superintendent.

Extension Of Time

Upon receipt of a written request for access, the Open Records Officer will determine if any one (1) of the following applies:

1. Redaction - the request for access requires redaction of a record.
2. Retrieval Time/Remote Storage - the request for access requires retrieval of a record stored in a remote location.
3. Staffing Limitations - a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
4. Legal Review - a legal review is necessary to determine whether the requested record is a public record subject to access.
5. Lack of Policy Compliance - the requester has not complied with the Board policy governing access to public records.
6. Failure to Pay Fees - the requester refuses to pay applicable, established fees.
7. Nature of Request - the extent or nature of the request precludes a response within the required time period.

If the Open Records Officer determines that an extension of time is required to respond to a records request, the requester will be notified in writing, in accordance with Applicable Law and Board policy.

Certified Copies

If the Open Records Officer grants a request for access to a record and the requester requests a certified copy of the record for the purpose of legally verifying the public record, the Open Records Officer will provide a certified copy upon payment of the applicable, established fees by the requester.

District Does Not Possess Record

A request for a public record that the District does not possess but is possessed by a third party with whom the District has contracted to perform a governmental function and which relates directly to that governmental function must be submitted to the District's Open Records Officer.

If the Open Records Officer determines that the requested record is subject to public access, the Open Records Officer will respond and grant access in accordance with Applicable Law, Board policy and administrative regulations.

The requester will pay the established duplication fee.

If the third party that possessed the requested public record duplicated the record in response to the request, the Open Records Officer will remit the fee to the third party.

The third party is not required to provide access to any other of its records.

Transcripts Of Administrative Proceedings

Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding will be provided to a requester by the proceeding's stenographer.

To request access to a pre-final adjudication transcript possessed by a stenographer that is subject to disclosure, the requester must directly contact the stenographer and pay the fees assessed by the stenographer.

After an adjudication becomes final, binding and nonappealable, a transcript of an administrative proceeding will be provided to a requester, and the established duplication fee will be charged.

Trade Secrets/Confidential Proprietary Information

When a third party provides a record to the District and includes a written statement signed by its representative that the record contains a trade secret or confidential proprietary information, the Open Records Officer will notify that third party of a request for access to that record.

Trade secret is defined as information, including a formula; drawing; pattern; compilation such as a customer list; program; device; method; technique; or process that derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its

disclosure or use and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software obtained by the District under a licensing agreement prohibiting disclosure.

Confidential proprietary information is defined as commercial or financial information that is privileged or confidential and the disclosure of which would cause substantial harm to the competitive position of the individual that submitted the information.

The Open Records Officer will provide notice within five (5) business days of receipt of the request. The third party will have five (5) business days from receipt of the Open Records Officer's notice to provide input on the release of the requested record.

The Open Records Officer will provide access to the record or will deny the request for access within ten (10) business days of providing notice to the third party and will notify the third party of the Open Records Officer's decision.

Computer Access

The Open Records Officer will not grant requests for access to the District's or its employees' computers.

Discretionary Access

The Open Records Officer may exercise discretion and make an otherwise exempt record accessible in response to a request.

The exempted record will be made accessible for access and duplication, in accordance with Applicable Law and Board policy, if all of the following apply:

1. Disclosure of the record is not prohibited by federal or state law or regulation, or by judicial order or decree.
2. The record is not protected by privilege, to include the attorney-work product doctrine; attorney-client privilege; doctor-patient privilege; speech and debate privilege; or other privilege recognized by a relevant court.
3. The Superintendent determines that the public interest favoring access outweighs any individual, District or public interest that may favor restriction of access.

Appeal Of Denial Of Access

A requester who is denied access to a requested record by the District will write to the Office of Open Records, 400 N Street, Harrisburg, PA, 17120, and mark the envelope Right-To-Know Appeal.

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801-AR-1. REQUEST FOR INFORMATION

This form is being provided under the provisions of Act 3 of 2008 in response to your request for information. The completed request can be submitted in the following manner:

In person or by Mail: Open Records Officer
Centennial School District
433 Centennial Road
Warminster, PA 18974
Fax: (215) 441-5105 Attention: Open Records Officer
E-mail: openro@centennialsd.org

REQUESTOR INFORMATION

Date of Request: _____

Name: _____

Address: _____

Phone: _____

Description of request:

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801-AR-2. REQUEST FOR INFORMATION RESPONSE

OPEN RECORDS OFFICER

Date Received: _____ Name: _____

Approved/Denied: _____ Date: _____

Response to Request Attached: _____

Referred to: _____ Date: _____

Notes:

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801-AR-3. EXEMPTED RECORDS

The Right-to-Know Act creates over thirty (30) exemptions where records are not required to be disclosed.

Business/Financial Matters

1. **Insurance Communications** – disclosure of record or information relating to a communication between the District and its insurance carrier, administrative service organization or risk management office. (Exemption does not include actual policy, which is subject to disclosure.) §708(b)(27).
2. **Loss of State or Federal Funds** – when the disclosure of a record would result in the District's loss of state or federal funds. §708(b)(1)(i).
3. **Pre-Award Bid Information** – disclosure of a proposal to the District's procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes, and other records of District proposal evaluation committee under 65 Pa. C.S.A. Ch. 13A. §708(b)(26). (Special notice rules on disclosing documents marked by 3rd Party as trade secret or confidential proprietary information.)

Curriculum And Academic Materials

1. **Academic Records** – disclosure of academic transcripts, examinations, examination questions, scoring keys and answers to examinations, including licensing and other examinations relating to the qualifications of an individual; examinations given in the School District. §708(b)(15).
2. **Personal Notes/Working Papers** – disclosure of notes and working papers prepared by or for a District official or employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose. §708(b)(12).
3. **Unpublished Academic Works** – disclosure of unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material. §708(b)(14).

4. **Trade Secret/Confidential Proprietary Information – disclosure of a record that constitutes or reveals a trade secret or confidential proprietary information. §708(b)(11). (Special notice rules on disclosing documents marked by 3rd Party as trade secret or confidential proprietary information.)**

Facilities And School Buildings

1. **Public Safety – when the disclosure of a record maintained by the District in connection with the local law enforcement or other public safety activity would be reasonably likely to jeopardize or threaten public safety or preparedness of public protection activity. §708(b)(2).**
2. **Security of Facilities – when the disclosure of a record creates a reasonable likelihood of endangering the safety or physical security of a building or facility, which may include, but not be limited to:**
 - a. **Documents or data to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act.**
 - b. **Building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems; structural elements; technology; communication; electrical; fire suppression; ventilation; water; wastewater; sewage and gas systems. §708(b)(3)(ii)-(iii).**

Certain Employee Information

1. **Medical Information – when the disclosure of a record of an individual’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program; enrollment in workers’ compensation and unemployment compensation that would disclose individually-identifiable health information. §708(b)(5).**
2. **Personal Identification Information – disclosure of the following personal information is prohibited under this policy:**
 - a. **A record containing an individual’s Social Security number; driver’s license; driver’s license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.**
 - b. **A spouse’s name, marital status, beneficiary or dependent information.**
 - c. **The home address of the school resource officer. §708(b)(6)(A)-(C).**

3. **Employee Records – disclosure of the following records relating to an employee:**
 - a. **Letter of reference or recommendation to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment to public office.**
 - b. **A performance rating, review or evaluation.**
 - c. **The results of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency.**
 - d. **Employment application of an individual who is not hired by the School District.**
 - e. **Workplace support services information.**
 - f. **Written criticism of a District employee.**
 - g. **Grievance material, including documents relating to discrimination or sexual harassment.**
 - h. **Information regarding discipline, demotion, or discharge contained in a personnel file, except information that applies to the District’s final action that results in demotion or discharge.**
 - i. **An academic transcript of an employee. §708(b)(7)(i)-(ix).**
4. **Physical Harm/Personal Security – when the disclosure of a record would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual. §708(b)(1)(ii).**
5. **Social Services – disclosure of a record or information identifying an individual who applies for or receives social services or otherwise relates to an individual’s eligibility to receive social services. §708(b)(28).**

Investigative Materials

1. **Noncriminal Investigations – disclosure of a record relating to an investigation done by the District, including but not limited to:**
 - a. **Complaints submitted to the District.**
 - b. **Investigative materials, notes, correspondence and reports.**
 - c. **A record that includes the identity of a confidential source, including individuals subject to Pennsylvania’s Whistleblower Law.**
 - d. **Work papers underlying an audit.**

e. A record that, if disclosed, would do any of the following:

- (1) Reveal the institution, progress or result of an agency investigation, except for the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification, or similar authorization issued by the District or an executed settlement agreement unless the agreement is determined to be confidential by a court.**
- (2) Deprive a person of the right to an impartial adjudication.**
- (3) Constitute an unwarranted invasion of privacy.**
- (4) Hinder the District's ability to secure an administrative or civil sanction.**
- (5) Endanger the life or physical safety of an individual. §708(b)(17)(i)-(vi).**

Labor Relations Information

- 1. Grievances – disclosure of grievance material alleging violations of a collective bargaining agreement, including an exhibit entered into evidence at an arbitration proceeding, a transcript of an arbitration or the opinion. (This prohibition does not apply to the final award or order of an arbitrator in a dispute or grievance procedure). §708(b)(8)(ii).**
- 2. Labor Negotiations – disclosure of a record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related fact-finding and/or arbitration proceedings. (This exemption does not apply to a final and executed contract or agreement between the parties). §708(b)(8)(i).**

Predecisional Deliberations

- 1. Draft Documents – disclosure of a draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment prepared by or for the District. §708(b)(9).**
- 2. Draft Minutes – disclosure of draft minutes of any School Board meeting until the next regularly scheduled meeting of the board. §708(b)(21)(i)-(ii).**
- 3. Internal, Pre-Decisional Deliberations – disclosure of records reflecting the internal, pre-decisional deliberations by and between the District, its School Board members and/or employees relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in pre-decisional deliberations. (This exception does not apply to records presented to the School Board for deliberation purposes at a public meeting, applications for state funds or results of public opinion surveys). §708(b)(10)(i)-(ii).**

Privileged Communications

1. **Attorney Work Product** – disclosure of a record reflecting District consultations with its attorney or other professional advisors regarding information or strategy in connection with litigation or issues on which identifiable complaints are expected to be filed.
2. **Attorney-Client Privilege** – disclosure of a record reflecting confidential communications between the District and the District’s solicitor or special counsel providing a legal opinion or discussing a particular legal matter.
3. **Confidential Student Communication** – disclosure of a record reflecting confidential communications between a student and a school nurse, guidance counselor or other District employee protected by 42 Pa. C.S.A. §8550.

Real Estate

1. **Real Estate Appraisals** – disclosure of the contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by the District relative to the following:
 - a. The leasing, acquiring or disposing of real property or an interest in real property.
 - b. The purchase of public supplies or equipment included in the real estate transaction.
 - c. This exception shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supplies or construction project. §708(b)(22).

Student Information

1. **Academic Records** – the disclosure of an academic transcript of a student. §708(b)(15).
2. **Medical Information** – when the disclosure of a record of a student’s medical, psychiatric or psychological history or disability status, including an evaluation; consultation; prescription; diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program. §708(b)(5).
3. **Minors** – disclosure of a record identifying the name, home address or date of birth of a child seventeen (17) years of age or younger. §708(b)(30).
4. **Personal Identification Information** – disclosure of the following personal information is prohibited under this policy: a record containing an individual’s Social Security number; driver’s license; driver’s license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; student number or other confidential personal identification number. §708(b)(6)(A)-(C).

5. **Physical Harm/Personal Security** – when the disclosure of a record would reasonably be likely to result in a substantial and demonstrable risk of physical harm to or the personal security of a student. §708(b)(1)(ii).
6. **Social Services** – disclosure of a record or information identifying an individual who applies for or receives social services or otherwise relates to an individual’s eligibility to receive social services. §708(b)(28).

Computer/Technology Information

1. **Computer Systems** – when the disclosure of a record regarding computer hardware, software and networks, including administrative and technical records, would reasonably be likely to jeopardize computer security. §708(b)(4).
2. **Trade Secret** – when the disclosure of a record constitutes or reveals a trade secret or confidential proprietary information. §708(b)(11).
3. **Safety** – when the disclosure of a record creates a reasonable likelihood of endangering the safety or physical security of an information storage system, which may include, but not be limited to: documents or data relating to computer hardware; source files; software; and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act. §708(b)(3)(i).

Miscellaneous

1. **Archival material** – disclosure of valuable or rare books or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution. §708(b)(24).
2. **Donor Information** – disclosure of records that identify an individual who lawfully makes a donation to the District unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the District, including lists of potential donors compiled by the District to pursue donation, donor profile information or personal identifying information relating to a donor. §708(b)(13).
3. **Library Records** – disclosure of library circulation and order records of an identifiable individual or group of individuals is not required. §708(b)(23).
4. **Correspondence with a General Assembly member.** §708(b)(29).

Nonapplicable to Public Schools

1. **Military, Homeland Security, National Defense exemption to protect infrastructure or facilities.** §708(b)(2)-(3).

- 2. Criminal Investigation. §708(b)(16).**
- 3. Emergency dispatch records. §708(b)(18).**
- 4. DNA and RNA records. §708(b)(19).**
- 5. Autopsy records. §708(b)(20).**
- 6. Identification of archeological sites/endangered species. §708(b)(28).**

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CENTENNIAL SCHOOL DISTRICT

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801-AR-4. FEES FOR PUBLIC RECORDS REQUESTS

The District will not charge a fee for the Open Records Officer's review of a record to determine if the requested record is a public record subject to access under Applicable Law, Board policy and administrative regulations.

The Open Records Officer will ensure that the District establishes, maintains and disseminates a current list of reasonable fees that requesters must pay in order to receive access to a requested record.

The District's established list of reasonable fees applicable to records requests will comply with the following restrictions:

1. Postage – fees will not exceed the actual mailing cost.
2. Duplication – fees for photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means, and other methods of duplication.

Duplication fees will be established and reviewed biannually by the Office of Open Records.

Duplication fees will be charged for a request by an individual employed by or connected with a newspaper or magazine of general circulation, weekly publication, press association, or radio or television station when the purpose of the request is obtaining information for publication or broadcast, and for a request by a nonprofit organization for the conduct of educational research.

3. Complex and Extensive Data Sets – fees for copying based on the reasonable market value of the same or closely related sets and include geographic information systems and integrated property assessment lists.

These fees do not apply to a request by an individual employed by or connected with a newspaper or magazine of general circulation, weekly publication, press association, or radio or television station when the purpose of the request is obtaining information for publication or broadcast, and for a request by a nonprofit organization for the conduct of educational research.

4. Certification – fees for official certification of copies if the certification is for the purpose of legally verifying a public record and is requested by the requester.

5. Conversion to Paper – duplication fees for a record maintained only electronically or in other nonpaper media will be limited to the lesser of either the fee for duplication on paper or in the original media, unless the requester specifically requests that the record be duplicated in the more expensive medium.
6. Enhanced Electronic Access – fees for providing enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester.

These fees may be a flat-rate fee, a subscription fee for a period of time, per-transaction fee, a fee based on the cumulative time of system access, any other reasonable method, or a combination of these.

These fees must be reasonable; may not be established with the intent or effect of excluding individuals from access to records or their duplicates or of creating a profit for the District; and must be approved by the Office of Open Records.

Except as provided by Applicable Law, no other fees may be imposed unless the District necessarily incurs costs for complying with a request for a public record, and then such fees must be reasonable.