

**HOPE for Hyndman Charter School
130 School Drive
Hyndman, PA 15545**

Right-to-Know Law Policy

1. Background.

The Board of Trustees of HOPE for Hyndman Charter School ("Charter School") has adopted this Right-to-Know Policy in order to facilitate implementation of the Right-to-Know Law, Act 3 of 2008, at Charter School.

The Board of Trustees of Charter School directs the appointed Open Records Officer to implement procedures necessary to effectuate this Policy and to adhere to the requirements of the Right-to-Know Law. This policy supersedes and replaces all previously adopted Right-to-Know Law Policies at Charter School and any and all procedures related to the Right-to-Know Law at Charter School shall be modified as consistent with this Policy.

Language in this Policy has been drafted taking into consideration the Right-to-Know Law and information available from and through the Office of Open Records and Pennsylvania Department of Education. Nothing in this policy shall be construed to conflict with applicable state and/or federal laws, including but not limited to the Right-to-Know Law and any and all applicable common law and cases developing from the Right-to-Know Law and/or interpreting the Right-to-Know Law. In the event the Right-to-Know Law is amended or otherwise revised, this Policy shall be interpreted to incorporate any revisions or changes to the Right-to-Know Law without the need for Board action.

2. Definitions.

Open Records Officer:

The Open Records Officer for Charter School is hereby the Chief Executive Officer of Charter School , currently: Malynda Maurer

In the event that a new Chief Executive 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.

elects not to establish such a room, the Open Records Officer shall determine on an ad hoc basis and in accordance with the Right-to-Know Law the building and room where Public Records will be made available to a Requester and the hours of availability.

In either instance the Open Records Officer has the discretion to establish procedures governing the use of the room including, but not limited to, the hours of access, the need and adequacy of proof of identification, restrictions or prohibitions on the removal of Records, the use of written requests and the ability of a Requester to bring his or her own equipment into the room.

5. **Procedure for Requesting Records:**

Oral requests. The Right-to-Know Law does not require Charter School to respond to oral requests. The Open Records Officer shall refuse to accept any oral request.

Anonymous requests. The Right-to-Know Law does not require Charter School to respond to Anonymous requests. The Open Records Officer shall refuse to accept any written request that does not identify the Requester.

Written requests. The Right-to-Know Law requires that the Open Records Officer act upon each non-anonymous written request when such request is submitted in person, by mail, by facsimile or email.

(A) **Contents of a request.** The Right-to-Know Law sets forth various specifications for the contents of a written request. A Requester must submit a request in writing to the Open Records Officer on a form to be provided by the Open Records Officer or on the Official form issued by the Office of Open Records. The request must be addressed to the Open Records Officer and must set forth the name and address where Charter School should address its Response. The request should identify or describe the Record or Records sought with sufficient specificity to enable Charter School to ascertain which Records are being requested. The written request may be submitted in person, by mail, facsimile or email. Any Charter School Employee or Board Member who receives a request directed to the Open Records Officer shall immediately forward that request to the Open Records Officer.

The Right-to-Know Law provides that the Requester need not include the reason for the request or the intended use of the Records. Therefore, the Open Records Officer shall not insist that such a statement be provided, nor shall Charter School reject or refuse a request on the grounds that no such reason was given.

The Right-to-Know Law and this Policy contemplate that Requesters will receive a Response within the five (5) business day period. However, the Right-to-Know Law and this Policy also provide Charter School with certain specific exceptions to invoke a single extension of time, which may not exceed thirty (30) calendar days. If an extension is invoked and then there is no timely Response, the Open Records Request is deemed denied. Likewise, if the Open Records Officer notifies the Requester that it needs more than the maximum of thirty (30) days, the request is deemed denied.

7. Processing of Open Records Requests by the Open Records Officer:

(A) 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:

- (i) Date-stamp or otherwise note the date of receipt on the Open Records Request.
- (ii) Compute the day on which the five (5) business day period will expire and make a notation of that date.
- (iii) 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.
- iv) Create an official file for the retention of the original Open Records Request.
- (v) Make a good faith effort to determine if the record requested is a Public Record and if Charter School has possession, custody or control of the record.
- (vi) Maintain a copy of Charter School 's Response to the request.

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

- (i) A business day shall be from 7:30 a.m. until 3:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when the offices of Charter School are closed for all or part of a day due to a holiday; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state, or federal law enforcement officers.

Charter School shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which Charter School does not currently compile, maintain, format or organize the record.

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 Charter School will provide access to inspect the record electronically. If the Requester is unwilling or unable to access the record electronically, the Requester may, within thirty days following receipt of the notification, submit a written request to the Open Records Officer to have the record converted to paper. Charter School shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.

(A) Physical Access to Public Records. The Act requires that, unless otherwise provided by law, the Public Records of Charter School must be accessible for inspection by any Requester during the regular business hours of Charter School. Unless Charter School adopts written policies to the contrary, the regular business hours of Charter School for purposes of the Act are from 7:30 a.m. until 3:30 p.m. on any business day.

Access shall be provided by the Open Records Officer either in the Open Records Office or the Public Records Access Room, at the discretion of the Open Records Officer, depending on the size, complexity or other circumstances of the request.

10. Notice of Review:

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 bona fide and specified staffing limitations;

(D) a legal review is necessary to determine whether the record is a record subject to access under this act;

(E) the Requester has not complied with the agency's policies regarding access to records;

- (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.

(D) Final Responses that grant the Open Records Request. If the Open Records Officer grants the request, the Response shall so inform the Requester and include any necessary information for access.

12. Redaction:

If 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, 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, 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. 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 Charter School redacts in accordance with the Right-to-Know Law shall be deemed a denial under the Right-to-Know Law.

13. Appeals:

If a written request for access to a record is denied or deemed denied, the Requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under the Right-to-Know Law within fifteen (fifteen (15)) business days of the mailing date of Charter School's Response or within fifteen (fifteen (15)) business days of a deemed denial. The appeal shall state the grounds upon which the Requester asserts that the record is a Public Record, legislative record or financial record and shall address any grounds stated by Charter School for delaying or denying the request. Unless otherwise provided by applicable law, the Office of Open Records shall assign an appeals officer to review the denial.

15. Special Considerations:

(A) Disruptive requests. 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 Charter School. Such denial shall not restrict the ability to request a different record.

(B) Disaster or potential damage. 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, Charter School produces a record that is not a Public Record, legislative record or financial record, 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. 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 business days from receipt of notification from the agency to provide input on the release of the record. Charter School shall deny the request for the record or release the record within ten (10) business days of the provision of notice to the third party and shall notify the third party of the decision.

16. Duplication of Public Records:

(A) A Public Record shall be accessible for duplication by a Requester. Charter School does not make duplication equipment available to a Requester but shall provide other means by which a Requester may obtain copies.

(B) Charter School will assign its own staff to make the duplications requested by the Requester; or it may contract for duplication services and require that the Requester pay the contractor for those services. Charter School shall charge the

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

ADOPTED this day 27 of June, 2013

President

Secretary