



# LAWRENCE COUNTY CAREER AND TECHNICAL CENTER

750 Phelps Way, New Castle, PA 16101-5099 ♦ 724-658-3583 Fax 724-658-4753 ♦ www.lcvt.tec.pa.us

**SECTION: OPERATIONS**  
**TITLE: PUBLIC RECORDS**  
**ADOPTED: AUGUST 17, 2006**  
**REVISED:**

	801. PUBLIC RECORDS
1. Purpose	<p>The Joint Operating Committee recognizes the importance of public records as the record of the center's actions and the repository of information about the center. The public has the right under law to inspect and to procure copies of public records, with certain exceptions, subject to Joint Operating Committee policy. The Joint Operating Committee also recognizes its obligation to maintain the confidentiality of student records and personnel records.</p>
2. Definition 65 P.S. Sec. 66.1	<p>The <b>public records</b> of this center shall mean any account, voucher or contract dealing with the receipt or disbursement of funds; acquisition, use or disposal of services, supplies, materials, equipment or other property; or any minutes, orders or decisions fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group.</p> <p><b>Public records</b> shall <b>not</b> include the following:</p> <ol style="list-style-type: none"><li>1. Any report, communication or other paper whose publication would disclose the institution, progress or result of an investigation undertaken in the performance of official duties.</li><li>2. Any record, document, material, exhibit, pleading, report, memorandum, or other paper to which access or publication is prohibited, restricted or forbidden by law, regulation, court order or decree of court; would operate to the prejudice or impairment of a person's reputation or personal security; or would result in the loss of federal funds, except the record of a conviction for any criminal act.</li><li>3. Education records concerning individual students, in accordance with federal and state laws.</li><li>4. Personal files, in compliance with applicable laws.</li></ol>
Pol. 216	
Pol. 324, 424, 524	



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<p>3. Authority 65 P.S. Sec. 66.1 et seq SC 408, 518, 1850.1</p>	<p>The Joint Operating Committee shall make the center's public records available for inspection and duplication to any state resident, in accordance with Joint Operating Committee policy and procedures, with the exception of records exempted by law.</p>
<p>4. Guidelines</p>	<p>The Joint Operating Committee exempts from public inspection any material whose disclosure would constitute an invasion of privacy, unless the individual concerned, or the parent/guardian of a minor student, consents in writing to public disclosure of the materials.</p>
<p>42 U.S.C. Sec. 12101 et seq</p>	<p>The public may inspect and procure copies of the public records of the center during the regular business hours of the administration offices.</p> <p>A public record shall be provided to the requester in the medium requested if it exists in that form; otherwise, it shall be provided in its existing medium.</p> <p>The center is not required to create a public record that does not exist nor to compile, maintain, format or organize a public record in a manner different from that currently maintained by the center. If a public record is maintained only in an electronic format, the center shall duplicate the record on paper, upon request.</p>
	<p>Information shall be made available to individuals with disabilities in an appropriate format, upon request and with sufficient advance notice.</p> <p>No public record shall be removed from the control or supervision of the designated official.</p> <p><u>Request for Access</u></p> <p>A request for access to a public record shall be submitted to the office of the Administrative Director.</p> <p>Requests may be submitted verbally, in writing, in person, by mail, by facsimile or by e-mail.</p> <p>Each request must include the following information:</p> <ol style="list-style-type: none"> <li>1. Identification of the requested record, in sufficient detail.</li> <li>2. Medium in which the record is requested.</li> <li>3. Name and address of the person to receive the center's response.</li> </ol>



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## Response to Request

The Administrative Director or designee shall review the request and respond promptly, within five (5) business days of receiving the request.

If the center fails to respond to a request within five (5) business days, the request for access shall be deemed denied.

If the center determines that the request will be granted, a response shall be sent within five (5) business days. The response shall include the regular business hours of the administration office, the medium in which the record is provided, and the assessed fees.

If the center determines that more than five (5) business days are required to respond to the request, in accordance with the exceptions stated in law, notice shall be sent indicating that the request is being reviewed, the reason for the review, and a date when the response will be provided.

## Denial of Request

If the center denies a request for access to a public record, a response shall be sent within five (5) business days of receiving the request. The response denying the request shall include the following:

1. Description of the record requested.
2. Specific reasons for denial, including a citation of supporting authority.
3. Name, title, business address and telephone number, and signature of the employee who denied the request.
4. Date of the response.
5. Procedure to appeal denial of access.

The center shall not deny access to a public record based on the intended use by the requester.

## Appeal of Denial

If a request for access to a public record is denied or deemed denied, the requester may file a written exception within fifteen (15) business days of the mailing date of the response of a deemed denial.



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<p>5. Delegation of Responsibility</p> <p>SC 518 Title 22 Sec. 12.33 et seq Pol. 216</p> <p>65 P.S. Sec. 66.1</p>	<p>Upon receipt of the exception, the Administrative Director or designee shall make a final determination of the request within thirty (30) days of the mailing date. If denied, a written explanation shall be provided.</p> <p>The final determination shall be the final order of the center.</p> <p>The requester may appeal the center’s final order, in accordance with the provisions of law.</p> <p><u>Fees</u></p> <p>Duplicates of public records shall be provided by the center upon payment of applicable fees.</p> <p>A list of fees that may apply shall be provided to each requester, posted in the administration office, and be available electronically.</p> <p>The center shall not assess any fees for staff time or resources used to evaluate a request for access to public records.</p> <p>The center may require prepayment of estimated fees when the fees required to fulfill the request are expected to exceed \$100.</p> <p>The Administrative Director or designee shall ensure that the Joint Operating Committee policy governing access to public records and the list of applicable fees are posted at the administration office.</p> <p>The Administrative Director or designee shall develop procedures to implement this policy, which include:</p> <ol style="list-style-type: none"> <li>1. Preparation of a retention schedule that: conforms to law; requires permanent safeguarding of Joint Operating Committee minutes, annual audit reports and permanent student records; and mandates retention of all fiscal records required for audit until the audit has been received and approved.</li> <li>2. A list of reasonable fees applicable to all requests for inspection and duplication of public records, in accordance with law.</li> <li>3. Provisions to guard the confidentiality of records exempted from the availability of public records.</li> <li>4. Training of appropriate staff regarding public access to public records.</li> </ol>
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School Code

408, 518,  
1850.1

PA Code

Title 22  
Sec. 12.33 et seq

PA Statute

65 P.S.  
Sec. 66.1 et seq

42 U.S.C.

Sec. 12101 et seq

Joint Operating  
Committee Policy

216, 324,  
424, 524