

BROOKLYN EXCELSIOR CHARTER SCHOOL

Freedom of Information Policy

This policy provides information concerning the procedures by which records may be obtained. Personnel shall furnish to the public the information and records required by the Freedom of Information Law.

1. *Designation of the Records Access Officer.*

- a. The Board of Trustees is responsible for insuring compliance with the regulations herein, and designates the following person as Records Access Officer:

Director of Partner Relations
ATTN: FOIL REQUEST
3850 Broadmoor SE
Grand Rapids, Michigan 49512
(616) 222-1700

- b. The Records Access Officer shall insure that agency personnel:

- i. maintain an up-to-date subject matter list;
- ii. assist persons seeking records to identify the records sought, if necessary;
- iii. upon locating the records, take one of the following actions:
 - 1. Make records available for inspection; or,
 - 2. Deny access to the records in whole or in part and explain reasons in writing.
- iv. upon request for copies of records, make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 5; or,
- v. upon request, certify that a record is a true and accurate copy ; and
- vi. upon any failure to locate records, certify that:
 - 1. Brooklyn Excelsior Charter School is not the custodian for such records, or
 - 2. The records of which Brooklyn Excelsior Charter School is a custodian cannot be found after a diligent search.

2. *Location and hours.*

Records shall be available during all regular school hours for public inspection and copying at:

Brooklyn Excelsior Charter School
856 Quincy Street
Brooklyn, NY 11221-3612

3. *Definition of Records.*

- a. A record is defined as any information kept, held, filed, produced or reproduced by, with, or for the Board in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms or computer disks.
- b. The school will maintain:

- i. a record of the final vote of each trustee in every proceeding in which the trustees vote;
 - ii. a record setting forth the name, public office address, title and salary of every officer or employee of the education corporation; and
 - iii. a reasonably detailed current list, by subject matter, of all records in the education corporation's custody or possession.
- c. Nothing in this policy shall require the School to prepare and/or create any record not possessed or maintained by it except those records listed in 3(b), above.

4. *Availability of Records.*

The School may deny access to requested records or portions thereof that:

- a. are specifically exempted from disclosure by state or federal statute;
- b. if disclosed would constitute an unwarranted invasion of personal privacy;
- c. if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;
- d. are trade secrets or are submitted to the school by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the school;
- e. are compiled for law enforcement purposes;
- f. if disclosed, would endanger the life or safety of any person;
- g. are computer access codes;
- h. are examination questions or answers which are requested prior to administration of such examination;
- i. are internal materials which are not statistical or factual tabulations of data, instructions to staff that affect the public, a final policy, or external audits.

5. *Fees.*

- a. There shall be no fee charged for inspection of records, search for records, or any certification pursuant to this part.
- b. Fees for copies may be charged, provided that:
 - i. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
 - ii. the fee for all other records shall not exceed the actual reproduction cost.

6. *Requests for public access to records.*

- a. Requests to inspect or secure copies of records shall be submitted to the Records Access Officer on a form prescribed by the Records Access Officer. The request shall reasonably describe the record or records sought.
- b. A response to the request shall be given within five (5) business days of receipt:
 - i. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought;
 - ii. granting or denying access to records in whole or in part;
 - iii. providing a written acknowledgement of receipt of the request, including an approximate date that the request will be granted or denied which shall not be more than 20 business days. If a response cannot be provided in twenty business days, then providing a written acknowledgement of receipt of the request, including a date certain that the request will be granted or denied and the reason that the answer cannot be provided in twenty business days.

7. *Denial of access to records.*

- a. Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, with that individual or body identified by name, title, business address and business phone number.
- b. If requested records are not provided promptly, as required in Section 6 of these regulations, such failure shall also be deemed a denial of access.
- c. The following Appeals Person shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Director of Compliance
ATTN: FOIL APPEAL
3850 Broadmoor SE
Grand Rapids, Michigan 49512
(616) 222-1700

- d. Any person denied access to records may appeal a denial by providing a written appeal received by the Appeals Person within 30 days of receipt of the denial.
- e. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon the receipt of a written appeal identifying:
 - i. the date and location of requests for records;
 - ii. a description, to the extent possible, of the records that were denied; and
 - iii. the name and return address of the person denied access.
- f. A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- g. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

- h. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (g) of this section.

8. *Public notice.* A notice containing the title or name and business address of the Records Access Officer and Appeals Person and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

9. *Family Education Rights and Privacy Act.* The school will not disclose any information from a student's education record except as authorized pursuant to the Federal Education Rights and Privacy Act or in response to a subpoena as required by law. The parents or guardians of a student under the age of 18, or a student 18 years of age or older, is entitled to access to the student's school records by submitting a written request to the principal.

References:

Public Officers Law, Article 6, Sections 84-90

Effective Date: May 9, 2006

Revised: June 18, 2012