

Agenda Number:

ITEM TYPE: Report

BOARD AGENDA ITEM

TITLE: Revisions to Administrative Regulations for Board Policy BHD:
Open Communication (Regulation 3 of 3)

DATE: April 12, 2017

OVERVIEW:

The Administrative Regulations for Board Policy BHD: Open Communication (3 of 3) have been updated to incorporate revisions in the Maryland Public Information Act and to reflect current procedures.

RECOMMENDATION/FUTURE DIRECTION:

For Board Information

Submitted by:

W. Carey Gaddis, Supervisor of Community and Media Relations

Approve/Concur:

Stephen H. Guthrie, Superintendent of Schools

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Administrative Regulation

1. Purpose

Maryland's Public Information Act grants the citizens broad rights of access to public records while protecting the school system's legitimate interests and the privacy rights of its employees. Carroll County Public Schools is committed to transparency in its operations and providing existing records to the public in a timely manner. The following regulations were developed to ensure compliance with the Maryland Public Information Act and consistency in disseminating public information. These regulations are intended as a summary of the school system's obligation to provide public records. Complete information can be found in the Maryland Public Information Act Manual, published by the Office of the Attorney General of Maryland.

2. Procedure

Inspection of Public Records

All public records shall be open for inspection by any person at reasonable times, except as where noted in these regulations or as otherwise provided by law. All requests for public records shall be directed to the Office of Community and Media Relations herein known as the "custodian."

~~The Office of Community and Media Relations (Custodian) shall:~~

1. THE CUSTODIAN SHALL allow inspection of public records upon written request by US mail or email.
 - ~~a. The custodian shall either grant the request and produce the record immediately or within a reasonable period, not to exceed 30 days, as may be required to retrieve the information; or~~
 - b. ~~Determine within thirty (30) days of the written request whether to deny *the request and immediately notify the applicant of a denial.~~
2. IF READILY AVAILABLE, THE CUSTODIAN SHALL GRANT THE REQUEST AND PRODUCE THE RECORDS IMMEDIATELY. IF THE RECORDS ARE NOT IMMEDIATELY AVAILABLE, THE CUSTODIAN WILL NOTIFY THE APPLICANT MAKING THE REQUEST IN WRITING WITHIN TEN (10) WORKING DAYS. With the consent of the applicant, any time limit imposed by this section may be further extended for ~~an additional period~~ A REASONABLE PERIOD, not to exceed thirty (30) days. THE NOTICE SHALL TELL THE APPLICANT HOW MUCH TIME IT WILL TAKE TO PRODUCE THE RECORD, THE REASON FOR THE DELAY, AND AN ESTIMATE OF THE RANGE OF FEES THAT MIGHT BE INVOLVED IN PRODUCING THE RECORD.

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3. If the public records requested are not in the custody or control of the school system, the custodian shall, within ten (10) working days of the receipt of the request, notify the applicant of this fact and, if known, the location of the requested records.
4. Whenever the custodian denies a written request for access to any public record or any portion thereof, the custodian shall provide the applicant with a written statement of the grounds for the denial. The statement shall cite the law or regulation under which access is denied and all remedies for review of this denial available under the Public Information Act. The statement shall be furnished to the applicant within ten (10) working days of denial. Any reasonable portion of the requested record shall be provided after deletion of those portions withheld from disclosure.

Copies, Printouts and Photographs of Public Records

1. In all cases in which a person has the right to inspect any public records such person shall have the right to be furnished copies, printouts, or photographs for a reasonable fee to be set annually by the custodian.
2. Additional fees for certified or notarized copies, printouts, or photographs shall apply.
3. If the custodian does not have the facilities or is otherwise unable to make copies, printouts, or photographs of records which the applicant has the right to inspect, then the applicant shall be granted access to the records for the purpose of making copies, printouts, or photographs.
 - a. The copies, printouts, or photographs made by the applicant shall be made while the records are in the possession, custody, and control of the custodian shall be subject to the supervision of such custodian.
 - b. When practical, they shall be made in the place where the records are kept, but if it is impractical to do so, the custodian may allow arrangements to be made for this purpose.
 - c. If other facilities are necessary for copies, printouts, or photographs, the cost of providing them shall be paid by the person desiring a copy, printout, or photograph of the records.
 - d. The custodian shall establish a reasonable schedule of times for making copies, printouts, or photographs and shall charge a reasonable fee for the services rendered for supervising the copying, printing out, or photographing.

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Fees

1. The custodian shall charge a fee for the search and preparation of records for inspection and copying and supervision of the inspection of public records.
2. The custodian may not charge any search or preparation fee for the first two (2) hours of official or employee time that is needed to respond to a request for information or ~~supervisor~~ SUPERVISE the inspection of public records.
3. The custodian may waive any cost or fee charged under this subtitle if a waiver is requested and the official custodian determines that a waiver would be in the public interest.
4. The official custodian shall consider, among other relevant factors, the ability of the requester to pay the cost or fee.
5. Fees associated with the Public Information Act request are contained in a schedule located in these regulations.

Correction or Amendment of Public Records

1. A citizen may request in writing to Carroll County Public Schools to correct or amend any public ~~records~~ RECORD which that person believes ~~are~~ IS inaccurate or incomplete and which that person has a right to inspect by filing a statement in writing. ~~which includes:~~ THE STATEMENT SHALL INCLUDE:
 - a. The precise correction or amendment requested; and
 - b. The reason ~~therefore~~ THERETO.
2. Within thirty (30) days after receiving a request to correct a public record, the custodian shall:
 - a. Make the requested correction or amendment and inform requester; or
 - b. Inform the person in interest in writing of:
 - i. The school system's refusal to make the requested correction or amendment; and
 - ii. The reason for the refusal.
 - c. If the final determination of a request to correct or amend a public record is to refuse to make the requested correction or amendment, the person may file with ~~the~~ CCPS a concise statement, not exceeding 5 pages, of:
 - i. The reasons for the requested correction or amendment; and
 - ii. The reasons for disagreement with the school system's refusal to make the correction or amendment.

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Denial of the Right to Inspect or Receive Information

1. The custodian/designee may deny the right of inspection to OF records. Records excluded for Public Information Act requests include:
 - a. Records that do not exist;
 - b. Personnel files except that such files shall be available to the person to whom they pertain, school administrators who have a demonstrated need to know, officials who supervise the work of the person, auditors employed by CCPS, or an appropriate public entity authorized to oversee the operation of the school system;
 - c. Trade secrets, information privileged by law, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;
 - d. Library, archives, and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of such contribution;
 - e. Student information other than directory information as stipulated in Board Policy JR;
 - f. School records containing information relating to the biography, family, physiology, religion, academic achievement, and physical or mental ability of any student except to school officials and other individuals as stipulated in the Family Education Rights and Privacy Act (FERPA);
 - g. The home address or personal telephone number of any employee, except with the permission of the employee, unless CCPS determines that disclosure of the address or number is necessary to protect the public interest;
 - h. Records describing an individual person's finances, income (other than employee salaries), assets, liabilities, net worth, bank balances, financial history or activities, or credit worthiness, except that such records shall be available to employee or disclosed as required by Board Policy BC, Ethics;
 - i. Occupational and professional licensing records on individual persons, except as required by No Child Left Behind and except that such files shall be available to the person to whom they pertain, school administrators who have a demonstrated need to know or officials who supervise the work of the person;
 - j. Retirement files or records on individual persons, except that such files or records shall be available to whom they pertain and to his/her appointing authority. After the death of the employee, such files or records shall be available to any beneficiary, the personal representative of the estate of the person of interest, and any other

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- person who demonstrates to the satisfaction of the administrators of the retirement and pension systems a valid claim of right to benefits;
- k. Information system security manuals or other similar public records related to the security of information systems;
 - l. Information related to the security of the school system; or
 - m. Any other exclusion outlined in the Maryland Public Information Act Manual.

Fee Schedule	
Item	Cost
Copying cost per page	\$0.15 per page
Printing cost per page	\$.025 per page
Hourly rate for preparation of materials	First 2 hours – no charge Each hour after 2 hours, CCPS will charge an amount equal to the total hourly compensation rate of the person assigned to prepare/copy/print requested materials. CCPS will make every attempt to assign the employee with the lowest hourly total compensation needed to prepare the requested public records to meet the both time constants and expertise required to prepare the material.
Hourly rate for supervision of records inspection	First 2 hours – no charge Each hour after 2 hours, CCPS will charge an amount equal to the total hourly compensation rate of the person assigned to supervise the inspection of the requested material. CCPS will make every attempt to assign the employee with the lowest hourly total compensation needed to supervisor inspection of the requested public records.