Bronx Charter School for the Arts

FREEDOM OF INFORMATION LAW POLICY

Bronx Charter School for the Arts ("the School") will comply with the State's "Freedom of Information Law" (FOIL). When the School receives a request for information under FOIL, it shall be responded to in the following manner:

Procedure:

1. Within five business days of receipt of a written request, the School shall either make the information available to the person requesting it, deny the request in writing, or provide a written acknowledgement of receipt of the request that supplies an approximate date, which shall be reasonable under the circumstances, for when the request will be granted or denied.
2. If the School determines to grant access to the requested information, and if circumstances prevent disclosure to the person making the request within 20 business days of the School's acknowledgment of receipt of the request, the School shall state, in writing, both the reason for the delay and a date certain by which the School will provide some or all of the records requested which must be reasonable under the circumstances. Failure of the School to conform to the provisions of paragraph one above or this paragraph two, shall constitute a denial of the request of information.
3. If an individual is denied access to a record he or she may, within 30 days, appeal such denial to the Principal of Bronx Charter School for the Arts or his/her designee.
4. Upon timely receipt of such an appeal, Bronx Charter School for the Arts Principal shall, within 10 business days or the receipt of the appeal, fully explain the reasons for further denial or provide access to the record sought. The School also must immediately forward a copy of the appeal upon receipt of it, and its ultimate determination as soon as it is rendered, to the Committee on Open Government:

NYS Department of State
Committee on Open Government
41 State Street
Albany, NY 12231

Exceptions to disclosure:

The School may deny access to a requested record for a variety of reasons, including, but not limited to, that:

- such access would constitute an unwarranted invasion of personal privacy;
- such access would violate either state or federal law;
- such records are compiled for law enforcement purposes; and,
- such records are interagency or intra-agency materials which are not statistical or factual tabulations of data, instructions to staff that affect the public, or a final policy.

Except for records specified in Public Officers Law §87(3), the School shall not be required to prepare any record that it does not maintain or have in its possession.

Fees:
To copy information, the School will charge the requesting party the greater of the statutory

maximum or $.025 per page. Copying costs in excess of $25.00 shall be paid in advance of making copies. Checks and money orders will be accepted and should be made payable to Bronx Charter School for the Arts. Records will be made available for inspection and copying in the school office.

Note:
The Records Access Officer:
Bronx Charter School for the Arts - Director of Operations
950 Longfellow Avenue Bronx
Bronx NY 10463

The Appeals Officer
Bronx Charter School for the Arts - Executive Director
950 Longfellow Avenue Bronx
Bronx NY 10463

FOIL POLICY REGULATIONS RELATING TO PUBLIC ACCESS TO RECORDS OF Bronx Charter School for the Arts

1. Purpose and Scope
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Section 1 - Purpose and Scope

a) The people's right to know the process of government decision making, including that of charter schools in New York City, and the documents and statis BCSA leading to determinations, is required by law.
b) These regulations provide information concerning the procedures by which records of Bronx Charter School for the Arts (hereinafter "BCSA") may be obtained by third parties.
c) BCSA shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 - Designation of Records Access Officer

a) BCSA is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Director of Systems
Bronx Charter School for the Arts
950 Longfellow Avenue
Bronx NY 10474

b) The records access officer is responsible for ensuring BCSA's appropriate response to

public requests for access to records. The designation of a records access officer shall not be construed to prohibit BCSA officials who have in the past been authorized to make records or information available to the public from continuing to do so.

c) The records access officer shall insure that BCSA personnel:
    a. Maintain an up-to-date subject matter list.
    b. Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
    c. Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
    d. Upon locating the records, take one of the following actions:
        i. Make records available for inspection; or,
        ii. Deny access to the records in whole or in part and explain in writing the reasons therefore.
    e. Upon request for copies of records:
        i. Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 9; or,
        ii. Permit the requester to copy those records.
    f. Upon request, certify that a record is a true copy; and
    g. Upon failure to locate records, certify that:
        i. BCSA is not the custodian for such records, or
        ii. The records of which BCSA is a custodian cannot be found after diligent search.

Section 3 - Exceptions to Disclosure

a) Except for records specified in Public Officers Law §87(3), the School shall not be required to prepare any record, which it does not maintain or have in its possession.
b) The School may deny access to requested records for one or more of the following grounds:
    a. Such records are specifically exempted from disclosure by state or federal statute;
    b. Such access would constitute an unwarranted invasion of personal privacy;
    c. Such records, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations;
    d. Such records are trade secrets or are submitted to the School by a enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of such enterprise;
    e. Such records are compiled for law enforcement purposes and which, i, would meet the conditions set forth in Public Officers Law § 87(2)(3);
    f. Such records, if disclosed, would endanger the life or safety of any person;
    g. Such records are computer access codes;
    h. Such records are interagency or intra-agency materials that are not statistical or factual tabulations of data, instructions to staff that affect the public, or a final policy or external audits; or
    i. Such records are examination questions or answers.

Section 4 - Location

Records shall be available for public inspection and copying at:

Bronx Charter School for the Arts - ES
950 Longfellow Avenue
Bronx NY 10474

Bronx Charter School for the Arts - MS
1440 Story Avenue
Bronx NY 10473

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: 7:30 a.m. – 4:00 p.m., Monday – Friday, except during school breaks.

Section 6 - Requests for Public Access to Records

1) A written request is required.
2) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium. A response shall be given within five business days of receipt of a request by:
    a. informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
    b. granting or denying access to records in whole or in part;
    c. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
    d. if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
3) In determining a reasonable time for granting or denying a request under the circumstances of a request, BCSA shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by BCSA , and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
4) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which BCSA:
    a. fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
    b. acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
    c. furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
    d. fails to respond to a request within a reasonable time after the date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
    e. determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless BCSA provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

f. does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
g. responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 7 - Subject Matter List

a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in BCSA' possession, whether or not records are available pursuant to subdivision two of Section eighty seven of the Public Officers Law.
b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 8 - 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, who shall be 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 person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

EXECUTIVE DIRECTOR - Bronx Charter School for the Arts, 950 Longfellow Avenue Bronx NY 10474

d) Any person denied access to records may appeal within thirty days of a denial.
e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
    a. the date and location of requests for records;
    b. a description, to the extent possible, of the records that were denied; and
    c. the name and return address of the person denied access.
    d. 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.
f) 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
Department of State
41 State Street
Albany, NY 12231

a) 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 subdivision (f) of this section.

Section 9 – Fees

a) There shall be no fee charged for:
    a. inspection of records;
    b. search for records; or
    c. any certification pursuant to this part.

b) Fees for copies will be charged, provided that:
   a. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.
   b. the fee for copies of records not covered by paragraphs (1) and (2) of this subdivision shall not exceed the actual reproduction cost which is the average unit cost for copying a record, excluding fixed costs of the agency such as operator salaries.

Section 10 - Public Notice
A notice containing the title or name and business address of the records access officer and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published on the school's website.

Section 11 - Severability
If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances

Bronx Charter School for the Arts
LIST OF DOCUMENTS FOR FOIL REQUEST

Last Updated 07.28.2020

Director of Operations		
Academic Files	FERPA Materials	Staff PIP
Account Payable	FOIL Policy	Staff Reimbursements
Accounts Receivable	Grade Level Planning Notes	Staff Time Sheets
ACS Documentation	Incident Reports	State Exam Scores
AED/CPR Certifications	Individual Education Plans	Student 504 Forms
Bank Reconciliations	Middle School Apps	Student Attendance
Building Permits	PD Schedules/Materials	Student Immunizations

Classroom Observations	Permission Slips	Student Medical Records
Classrooms –Student Work	Personnel Files	Subject Area Curricula
Court Documents	Purchase Orders	Suspension Letters
Court Orders	Release Waivers	Tax Exempt Forms
Discharge Files	Renewal Application	Testing Memos/Orders
Early Release Log	Safety Plan S.A.V.E	Vendor Contracts
Employee Benefits	School Calendar	Vendor Files/Records
ENL Exam Results	SPED Policy/Procedure	Visitor Sign-in Log
Enrollment Applications	Staff Evaluations/PIP	Student 504 forms
FAMIS Orders	Staff Leave Request	Student Immunizations
Student Medical Records	Court Orders	Court Documents
Student Attendance	Personnel Files	Permission Slips
Release Waivers	Early Release Log	Visitor Sign-in Log
School Calendar	Lease	Building Permits
FAMIS Orders	Purchase Orders	Bank Reconciliations
Vendor Contracts	Vendor Files/Records	Staff Reimbursements
Tax Exempt Forms	Accounts Receivable	Account Payable
Staff Leave Request	Staff Time Sheets	Safety Plan S.A.V.E
Employee Benefits	FOIL Policy	FERPA Materials
AED/CPR Certifications	Enrollment Applications	Discharge Files
Academic Files	BCSA Charter	BCSA Renewal Application