

ROOSEVELT CHILDREN'S ACADEMY (RCA) APPENDIX 2: FREEDOM OF INFORMATION LAW (FOIL) POLICY

FREEDOM OF INFORMATION LAW (FOIL) POLICY

This policy sets forth procedures to enable Roosevelt Children's Academy Charter School to comply with the New York State Freedom of Information Law ("FOIL"). The school's rules and regulations regarding how the public may obtain records are set forth below this policy.

Requests for Public Access to Records

Requests for public information must be in writing and submitted (by mail or email) to the school's Records Access Officer, whom the School Chief Operations Officer shall designate. The Records Access Officer will respond to all requests within five business days. The response will be in writing and will indicate either (a) that the request is being granted or denied or (b) an approximate anticipated date when the request will be granted or denied, which shall be reasonable under the circumstances of the request.

Denial of Access to Records

Suppose the person requesting information is denied access to a record. In that case, they may, within 30 days, appeal such denial to the School Chief Operations Officer or their designee. Upon timely receipt of such an appeal, the school will, within ten business days of the appeal, fully explain, in writing, the reasons for further denial or provide access to the record(s) sought. The school also will forward a copy of the appeal and its ultimate determination to the New York State Committee on Open Government.

If an appeal for records is denied, the person requesting the information may bring a proceeding to review such denial pursuant to Article 78 of the Civil Practice Law and Rules.

The school may deny access to requested records or portions thereof for one or more of the following grounds:

The records are specifically exempted from disclosure by state or federal statute.

Such access would constitute an unwarranted invasion of personal privacy.

The records, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.

The records are trade secrets or are submitted to the school by a commercial enterprise or derived from information obtained from a commercial enterprise, which, if disclosed, would cause substantial injury to the competitive position of such enterprise.

The records are compiled for law enforcement purposes and, if disclosed, would interfere with law enforcement investigations or judicial proceedings, deprive a person of a right to a fair trial or impartial adjudication, identify a confidential source, or disclose confidential information relating to a criminal investigation or reveal criminal investigative techniques or procedures, except routine techniques and methods.

The records, if disclosed, would endanger the life or safety of any person.

The records are inter-agency or intra-agency materials that are not statistical or factual data tabulations, instructions to staff that affect the public, or final policy or external audits.

The records constitute examination questions or answers requested before the final administration of such questions.

Disclosure of the records would jeopardize the school's capacity to guarantee the security of its information technology assets, encompassing electronic information systems and infrastructures.

The records are photographs, microphotographs, videotapes, or other recorded images prepared under the authority of section eleven hundred eleven-a of the vehicle and traffic law.

Required Records

Roosevelt Children's Academy Charter School shall maintain the following records and information:

A record setting forth the name, public office address, title, and salary of every officer or employee of the education corporation

A reasonably detailed current list, by subject matter, of all records in the Education Corporation's custody or possession

Fees

Roosevelt Children's Academy Charter School may charge a copying fee of \$.25 per photocopy not above nine inches by fourteen inches or the actual cost of reproducing any other record.

Location

Records shall be available for public inspection and copying at Roosevelt Children's Academy Charter School, 105 Pleasant Avenue, Roosevelt, NY 11575

Hours for Public Inspection

Requests for public access to records shall be accepted, and documents produced during all hours shall be regularly open for business. These hours are 8:00 am to 4:00 pm.

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 published in a local newspaper of general circulation.

Severability

Suppose any provision of this policy or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction. In that case, 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.

Public Access to Records of Roosevelt Children's Academy Charter School Rules and Regulations

Purpose and Scope

The people's right to know the government's decision-making process and the documents and statistics leading to determinations are essential to our society. Access to such information should not be thwarted by shrouding it with secrecy or confidentiality.

These regulations provide information concerning the procedures by which records may be obtained. Personnel shall furnish the information and documents required by the Freedom of Information Law and otherwise available by law.

Any conflicts among laws governing public access to records shall be construed in favor of the broadest possible availability of public records.

Designation of Records Access Officer

The School Chief Operations Officer is responsible for ensuring compliance with the regulations herein and designates the following person as records access officer:

Ella Portero

Roosevelt Children's Academy Charter School 105 Pleasant Avenue, Roosevelt, NY 11575

The records access officer is responsible for ensuring appropriate school response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have previously been authorized to make records or information available to the public from continuing to do so.

The records access officer shall ensure that school personnel:

Maintain an up-to-date subject matter list.

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Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate how the documents are filed, retrieved, or generated to assist persons in reasonably describing records.

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 reduce the volume of records requested reasonably.

Upon locating the records, take one of the following actions:

Make records available for inspection; or,

Deny access to the records in whole or part, and explain why in writing.

Upon request for copies of records:

Make a copy available upon payment or offer to pay established fees, if any; or,

Permit the requester to copy those records.

Upon request, certify that a record is a true copy and

Upon failure to locate records, certify that;

Roosevelt Children's Academy Charter School is not the custodian of such records, or

The records of which Roosevelt Children's Academy Charter School is a custodian cannot be found after a diligent search.

Location

Records shall be available for public inspection and copying at:

Roosevelt Children's Academy Charter School, 105 Pleasant Avenue, Roosevelt, NY 11575 Hours for Public Inspection

Requests for public access to records shall be accepted, and documents produced during all hours shall be regularly open for business. These hours are 8 am to 4 pm.

Requests for Public Access to Records

A written request (by mail or email) may be required, but oral requests may be accepted when records are readily available. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form on paper or other information storage medium.

A response shall be given within five business days of receipt of a request by:

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;

granting or denying access to records in whole or in part;

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 specific, within a reasonable period under the circumstances of the request, when the request will be given in whole or in part; or

if the receipt of the 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 date specific, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel 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 documents to determine the extent to which they must be disclosed, the number of requests received by the school, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

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 an officer or employee:

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;

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;

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;

fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;

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 the school provides the reason for its inability to do so in writing and a date-specific within which the request will be granted in whole or in part;

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-specific by which the request will be granted in whole or in part; or

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 within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Subject Matter List

The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available under subdivision two of Section eighty-seven of the Public Officers Law.

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Denial of Access to Records

Denial of access to records shall be in writing, stating the reason and advising the requester of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address, and business phone number.

If requested records are not provided promptly, as required by these regulations, such failure shall also be deemed a denial of access.

The following person shall determine appeals regarding the denial of access to records under the Freedom of Information Law:

Philip Leconte

Chief Operations Officer

Roosevelt Children's Academy Charter School 105 Pleasant Avenue, Roosevelt, NY 11575

Any person denied access to records may appeal within thirty days of a denial. The time for deciding an appeal by the individual designated to determine appeals shall commence upon receipt of a written appeal identifying:

The date and location of requests for records;

A description, to the extent possible, of the records that were denied; and

The name and return address of the person denied access.

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.

The person designated to determine appeals shall transmit copies of all appeals to the Committee on Open Government upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government Department of State

One Commerce Plaza

99 Washington Avenue, Suite 650

Albany, NY 12231

The person 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 above.

Fees

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No fee for inspection, search for records, or certification under these rules and regulations shall be charged.

Copy fees may be charged, provided that the cost for copying records shall not exceed \$.25 per page for photocopies not exceeding nine by 14 inches. The fee for photocopies of records above 9 x 14 inches shall not exceed the actual cost of reproduction. Roosevelt Children's Academy Charter School can redact portions of a paper record. It does so before disclosure of the record by making a photocopy from which the proper redactions are made.

The fee that the school may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is needed to do so and

the actual cost of the storage devices or media provided to the person requesting complying with such request, or

The actual cost to the school in engaging an outside professional service to prepare a record copy. Only when the school's equipment is inadequate can a copy be prepared, and if such service is used to prepare the copy.

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When the school can retrieve or extract a record or data maintained in a computer storage system with reasonable effort or requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the school shall be required to retrieve or extract such record or data electronically. The school may charge a fee per paragraphs (1) and (2) above.

The school shall inform a person requesting a record of the estimated cost of preparing a copy if more than two hours of a school employee's time is needed or if it is necessary to retain an outside professional service to prepare a copy of the record. The school may require that the fee for copying or reproducing a record be paid before preparing such a copy. The school may waive a fee in whole or part when making copies of records available.

Public Notice

A notice, in the form below, containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies obtained shall be posted in a conspicuous location wherever records are kept and published in a local newspaper of general circulation.

Severability

Suppose any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction. In that case, 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.

Attachment A

PUBLIC NOTICE

YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

Roosevelt Children's Academy Charter School has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen in all places where records are kept. According to these regulations, records can be seen and copied at:

Roosevelt Children's Academy Charter School 201 Debevoise Ave, Roosevelt, NY 11575

The following officials will help you to exercise your right to access:

A school official who is authorized to make records available:

Records Access Officer(s):

Jacqueline Jean-Francois

201 Debevoise Ave, Roosevelt, NY 11575

If you are denied access to a record, you may appeal to the following person:

Philip Leconte

Chief Operations Officer

Roosevelt Children's Academy Charter School 201 Debevoise Ave, Roosevelt, NY 11575

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