



PUBLIC ACCESS TO RECORDS OF THE ACADEMY CHARTER SCHOOL

Section 1: Purpose and scope

- A. The people’s right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. While charter schools are not the government, they are engaged in “the performance of essential public purposes and governmental purposes of this state,” N.Y. Education Law 2853(1)(d), and must follow Article 6 of the N.Y. Public Officers Law also known as the Freedom of Information Law (“FOIL”) per N.Y. Education Law subdivision 2854(1)(e).
- B. These “regulations” adopted by the Board of Trustees (the “Board”) of The Academy Charter School (“The Academy”) provide information concerning the procedures by which the public may obtain certain records.
- C. The Academy staff shall provide to the public the information and records required by FOIL, as well as records otherwise available by state and federal law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the availability of public records.

Section 2: Designation of records access officer

- A. The Board is responsible for insuring compliance with this policy and designates the following person(s) as records access officer(s) for the schools below.

| Records Access Officer | School | Address & Email |
|-------------------------------|---|---|
| Chief Records Officer | Hempstead Elementary | 117 N. Franklin St., Hempstead, NY 11550 @academycharterschool.org |
| Chief Records Officer | Hempstead Middle | 159 N. Franklin St., Hempstead, NY 11550 @academycharterschool.org |
| Chief Records Officer | Hempstead High School | 127 N. Franklin St., Hempstead, NY 11550 |
| Chief Records Officer | Uniondale Elementary Uniondale Middle Uniondale High School | 100 Charles Lindberg Blvd. Uniondale, NY, 11553 @academycharterschool.org |

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

The records access officer shall insure that The Academy staff:

1. Maintain an up-to-date subject matter list.
2. 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.
3. 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.
4. Upon locating the records, take one of the following actions:
 - a. Make records available for inspection; or,
 - b. Deny access to the records in whole or in part and explain in writing the reasons for the decision(s).
5. Upon request for copies of records, make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8.
6. Upon request, certify that a record is a true copy; and
7. Upon failure to locate records, certify that:
 - a. The Academy is not the custodian of such records, or
 - b. the records of which The Academy is a custodian cannot be found after diligent search.

Section 3: Location and Hours of Inspection

Records shall be available for public inspection during regular school hours at the school locations set forth in the chart in Section 2 for each school.

Section 4: Requests for public access to records

- A. A written request is required for access to records.
- B. If The Academy maintains records on the internet, the requester shall be informed that the records are accessible via internet and in printed form either on paper or other information storage medium (which may involve additional cost). Due to information security concerns, The Academy will not accept media from requestors for the purpose of providing electronic copies.

- C. The Records Access Officer shall respond within five business days of a request by:
1. 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;
 2. granting or denying access to records in whole or in part;
 3. 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 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 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
 4. 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 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 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.
- D. In determining a reasonable time for granting or denying a request under the circumstances of a request, The Academy staff 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 the school, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- E. A failure to comply with the time limitations described in this policy shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an employee of The Academy:
1. fails to grant access to the records sought, denies access in writing or acknowledges the receipt of a request within five business days of the receipt of a request;

2. 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;
3. 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;
4. fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;
5. determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency 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;
6. does not grant a request in whole or in part within 20 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;
7. responds to a request, stating that more than 20 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 5: Subject matter list

- A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in The Academy's possession, whether or not such records are available pursuant to N.Y. Public Officers Law subdivision 87(2).
- 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 and contain the date of the most recent update.

Section 6: Denial of access to records

- A. Denial of access to records shall be in writing stating the reason for the denial and advising the requester of the right to appeal to the Board, which shall be identified by name, business address and business phone number.

- B. If requested records are not provided promptly, as required in Section 4 of these regulations, such failure shall also be deemed a denial of access.
- C. The Board shall determine appeals regarding denial of access to records under FOIL:
Board of Trustees of The Academy Charter School
Address: 117 N. Franklin St., Hempstead, NY 11550
Email: academyboardoftrustees@academycharterschool.org
Phone: 516-902-2200
- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for the Board to decide an appeal shall commence upon receipt of a written appeal identifying:
1. the date and location of requests for records;
 2. a description, to the extent possible, of the records that were denied; and
 3. the name and return address of the person denied access.
- F. A failure to determine an appeal within 10 business days of 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 Board 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
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231
- H. The Board shall inform the appellant and the Committee on Open Government of its determination in writing within 10 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 Paragraph G of this Section.

Section 7: Fees

- A. There shall be no fee charged for inspection of records, search for records or any certification pursuant to this policy.
- B. Fees for copies may be charged, provided that:

1. the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;
 2. the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
 3. The Academy has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- C. The fee the Academy may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
1. 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 necessary to do so; and
 2. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 3. the actual cost of The Academy engaging an outside professional service to prepare a copy of a record, but only when The Academy's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- D. When The Academy has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, The Academy shall be required to retrieve or extract such record or data electronically. In such case, The Academy may charge a fee in accordance with Paragraphs C.1 and 2, above.
- E. The Academy shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- F. The Academy may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

Section 8: Public notice

A notice containing the title or name and business address of the records access officers and appeals body and the location where records can be seen or copies made available shall be posted in the main office of each school.

Section 9: Severability

If any provision of this policy 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 this policy or the its application to other persons and circumstances.