

Freedom of Information Law and Open Meetings Law Policy

Charter School of Inquiry

Resolution 20140805-6f

I. Policy Statement

This policy sets forth procedures that are designed to enable the Charter School of Inquiry (the "School") to comply with the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML").

II. Reason for Policy

New York State charter schools are required to implement policies to ensure full compliance with Articles 6 and 7 of the Public Officers Law of the State of New York. This policy will assist members of the Charter School of Inquiry community and general public who request information pursuant to FOIL or wish to attend meetings pursuant to the OML. This policy is intended to create an efficient means for handling such requests as required by law and without delay or duplication.

III. Applicability of the Policy

All members of the Charter School of Inquiry community should be familiar with this Policy.

IV. Procedures

Freedom of Information Law

Records Access Officer:

The _____ is the Charter School of Inquiry's Records Access Officer. The name and contact information for the Records Access Officer shall be posted on the Charter School of Inquiry's web site.

Hours for public inspection and location of records:

The Charter School of Inquiry will make records available during normal business hours.

The Charter School of Inquiry makes records available for in-person review at the School.

Fees:

The Charter School of Inquiry will not charge any member of the public for searching for records or for allowing inspection of records in person. The Charter School of Inquiry also will not charge any member of the public for a certification attesting to the non-existence of a record or that the record cannot be found after a diligent search. The Charter School of Inquiry will provide copies of records to individuals seeking records for a fee of \$0.25 per page for pages not exceeding nine inches by fourteen inches.

Procedure for responding to record requests:

The Records Access Officer shall respond to requests for access to records under FOIL in accordance with the following procedures.

1. Requests for records must be in writing and must reasonably identify the records sought. Wherever possible, the individual requesting records should supply any information that will assist in locating the record.
 2. 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 and a statement, where appropriate, that access to the record will be determined in accord with FOIL's provisions allowing a party who submits records to a state agency to request that the record not be disclosed. Wherever reasonably possible, the Charter School of Inquiry will grant access to a record within five business days.
 3. If the Charter School of Inquiry determines that it will grant a record request but cannot disclose the record within twenty business days from the date the Charter School of Inquiry sent the acknowledgment letter, the Charter School of Inquiry will send another letter indicating both the reason for its inability to grant the request in a shorter period of time and giving a date indicating when the request will be granted.
 4. If the Charter School of Inquiry does not comply with the FOIL request procedure outlined above, the individual seeking the record may treat the lack of a response as a denial of access for purposes of this policy.
 5. The Charter School of Inquiry may deny access to records that are not subject to disclosure under FOIL, as described below.
 6. The individual seeking a record may appeal any denial of access in accordance with this policy.
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Records not subject to disclosure:

The Charter School of Inquiry will not disclose the following records pursuant to this policy:

1. Records that are specifically exempted from disclosure pursuant to state or federal statute (e.g., student education record information under the Family Educational Rights and Privacy Act).
2. Records that, if disclosed, would result in an unwarranted invasion of personal privacy. This category includes: employment, medical or credit histories or personal references of applicants for employment; items involving the medical or personal records of a client or patient in a medical facility; lists of names and addresses if such lists would be used for commercial or fund-raising purposes; disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the Charter School of Inquiry; disclosure of information of a personal nature reported in confidence to the Charter School of Inquiry and not relevant to the ordinary work of the Charter School of Inquiry; and information of a personal nature contained in a workers' compensation record, except as permitted under the New York State Workers' Compensation Law.
3. Records that, if disclosed, would impair present or imminent contract awards or collective bargaining negotiations.
4. Records that constitute trade secrets or are submitted to the Charter School of Inquiry 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 subject enterprise. Any commercial enterprise that wishes to request that materials it has submitted to the Charter School of Inquiry be exempt from disclosure under this provision must request such an exemption in writing at the time it submits the relevant materials to the Charter School of Inquiry, in accordance with instructions to be furnished by the Records Access Officer. A Charter School of Inquiry employee who is notified of a commercial enterprise's desire to submit such a request shall work with the Records Access Officer to facilitate the appropriate designation.
5. Records that are compiled for law enforcement purposes and which, 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; reveal criminal investigative techniques or procedures, except routine techniques and procedures; or endanger the life or safety of any person.
6. Records that constitute inter-Charter School of Inquiry or intra-Charter School of Inquiry materials which are not statistical or factual tabulations or data, instructions to staff that affect the public, final Charter School of Inquiry policy or determinations, or external

audits, including but not limited to audits performed by the comptroller and the federal government.

7. Examination questions or answers which are requested prior to the final administration of such questions.
8. Records that, if disclosed, would jeopardize the Charter School of Inquiry's ability to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

Procedure for appealing the Charter School of Inquiry's decision to deny access to a record:

1. Anyone requesting records may appeal the Charter School of Inquiry's denial of a record within 30 days. A complete appeal will include: the date of the appeal, the date and location of the request for records; the records to which the requestor was denied access; whether the denial of access was in writing or due to the Charter School of Inquiry's failure to provide the record, and the name and address of the requestor.
2. The Chairperson of the School's Board of Trustees will hear appeals from the denial of access to records under FOIL.
3. The Chairperson of the School's Board of Trustees will transmit copies of all appeals to the Committee on Open Government immediately upon receipt.
4. The Chairperson of the School's Board of Trustees will decide appeals and set forth the reasons for the denial in writing within ten business days of receiving the complete appeal.
5. The Chairperson of the School's Board of Trustees will transmit his/her determination, in writing, to the Committee on Open Government immediately after rendering the determination.

Open Meetings Law

Meetings Subject to the OML:

The OML applies to any official convening of any of the Charter School of Inquiry's Board of Trustees with two or more members which requires a quorum to conduct public business and which is performing a governmental function. Executive sessions of the Charter School of Inquiry Board of Trustees and matters made confidential by federal or state law are exempt from the OML.

Public Notice:

The OML requires the following procedure for public access to covered meetings:


1. In the event that a meeting is scheduled more than one week prior to the time of the meeting, the Secretary of the Board of Trustees will give notice to the news media and post notice of the meeting on the School's Website and in a public place at least seventy-two hours before the meeting.
2. For meetings that are scheduled less than one week prior to the time of the meeting, the Secretary of the Board of Trustees will give public notice of the time and place of the meeting to the news media and post notice of the meeting in a public place as soon as reasonably possible.
3. Meetings conducted via video conference will be subject to the requirements outlined above.
4. Executive Sessions of Charter School of Inquiry meetings are open only to all members of the Board of Trustees and any other individuals designated by the Board of Trustees. However, Executive Sessions may only be called subject to the following:
 - i. A majority vote of the membership of the body holding the meeting must approve the executive session during a public meeting.
 - ii. A formal vote with respect to appropriation of public monies shall not be taken in an executive session.
 - iii. An executive session may only be called for the one or more of the following purposes: to discuss matters that could imperil the public safety if disclosed; to discuss any matter which could disclose the identity of a law enforcement agent or informer; to discuss information relating to the current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; to discuss matters relating to proposed, pending or current litigation; collective negotiations; to discuss information that could reveal the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; the preparation, grading and administration of examinations; or the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the Charter School of Inquiry, but only when publicity would substantially affect the value of the intended purchase.

Minutes:

Minutes will be taken at all Charter School of Inquiry meetings which are subject to the OML. Minutes need not include any information that is not required to be available to the public under FOIL. Minutes will be available for public inspection at the Office of the President within two weeks from the date of the meeting. Those portions of the Minutes taken during an Executive Session which are required to be made public will be available within one week from the date of the meeting.

Initially Approved by the Board of Trustees: August 5, 2014

Revised by the Board of Trustees:


8/5/14
Secretary