



## **Freedom of Information Law (FOIL) Notice Regulations for Providing Access to Public Records**

### **Purpose and scope**

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. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. These regulations provide information concerning the procedures by which public records may be obtained. School personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

### **Designation of Records Access Officer**

Leaders In Our Neighborhood Charter School's Board of Trustees is responsible for insuring FOIL compliance and designates the following person as records access officer:

Stephen Trowbridge, Chief Financial & Operating Officer  
Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
4th Floor Main Office, Room 469  
Bronx, NY 10474

The records access officer is responsible for ensuring appropriate school response to public requests for access to records.

The records access officer is responsible for assuring that school personnel:

- (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 sought involves substantial effort, so that school personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
- (4) 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.

- (5) Upon request for copies of records:
  - (i) make a copy available upon payment or offer to pay established fees, if any; or
  - (ii) permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy.
- (7) Upon failure to locate records, certify that:
  - (i) the school is not the custodian for such records; or
  - (ii) the records of which the school is a custodian cannot be found after diligent search.

### **Location**

Records shall be available for public inspection and copying at:

Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
4th Floor Main Office, Room 469  
Bronx, NY 10474

### **Hours for Public Inspection**

Leaders In Our Neighborhood Charter School shall accept requests for public access to records and produce records during all hours the school is regularly open for business. Those hours are 8am-5pm (M-F, except school and legal holidays).

### **The following applies to requests for public access to records:**

- a. A written request may be required, but oral requests may be accepted when records are readily available.
- b. If requested 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.
- c. A response shall be given, regarding any request reasonably describing the records or records sought, within five business days of receipt of the request.
- d. 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 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 request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations

- f. or other information that may help to describe the records sought. If a request does not reasonably describe the records sought, the response shall inform the requester, and include direction, to the extent possible, that would enable the requester to request records that are reasonably described.
- g. If the records access officer does not provide or denies access to the record sought within five business days of receipt of a request, he or she shall: a) provide a written explanation as to the basis for denial; or b) furnish a written acknowledgment of receipt of the request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when the request will be granted or denied. If the records access officer determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the records access officer shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.
- h. Provided the records access officer has reasonable means available, he or she shall accept requests for records submitted in the form of electronic mail and shall respond to such requests by electronic mail, provided that the written requests do not seek a response in some other form.
- i. Failure by the records access officer to comply with the time limitations described herein shall constitute a denial of a request and may be appealed.

### **Subject Matter List**

- a. The records access officer shall maintain a reasonably detailed current list, by subject matter, of all records in her or his possession, whether or not records are available pursuant to subdivision 2 of section 87 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 records access officer shall update the subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list.

### **Denial of Access to Records**

- a. Denial of access shall be in writing stating the reason therefore and advising the person denied access of his or her right to appeal to the person or body designated to determine appeals, and shall include the name, title, business address and business telephone number of the individual who determines appeals.
- b. If the school fails to respond to a request as required in 21 N.Y.C.R.R. Section 1401.5, such failure shall be deemed a denial of access by the school.

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

Celia Sosa, Executive Director  
Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
Bronx, NY 10474

- d. Any person denied access to records may appeal within 30 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 written appeal identifying:
- i. the date and location of requests for records;
  - ii. a description, to the extent possible, of the records that were denied; and
  - iii. name and return address of the appellant.

- a. 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.  
b. The appeals officer shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:

The Committee on Open Government  
Department of State One Commerce Plaza  
99 Washington Avenue, Suite 650  
Albany, NY 12231

- c. The person or body designated to hear appeals 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.

### **Fees**

There shall be no fees charged for:

- a. inspection of records;
- b. searching for records;
- c. review of the content of requested records to determine the extent to which records must be disclosed or may be withheld; or
- d. any certification requested or required.

Fees for copies may 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 photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
- c. the school 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.

The fee charged shall be based on the actual cost of reproduction and may include only the following:

- a. 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
- b. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
- c. the actual cost to the school of engaging an outside professional service to prepare a copy of a record, but only when the school's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

When the school 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 school shall be required to retrieve or extract such record or data electronically.

The school shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of the 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 in advance of the preparation of such copy. The school may waive a fee in whole or in part when making copies of records available.

### **Public Notice**

A notice containing the title or name and business address of the records access officer and FOIL appeals officer and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept.

### **Severability**

If any provision of this Notice or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Notice or the application thereof to other persons and circumstances.

## Freedom of Information Law (FOIL) - Subject Matter List

### Accountability

Annual Comprehensive Review Report  
NYSED Annual Report

### Annual Reports

Board of Trustees Notices  
Board of Trustees Agendas  
Board of Trustees Minutes

### Charter

Incorporation papers  
501 3 tax exempt IRS Letters

### Financial

Audits  
Financial Statements

### Personnel Files\*

General\*  
Fingerprint Clearance Records\*  
Certification Records

### Student Records\*

Student Registration Forms\*  
Student Health Records\*  
Student Immunization Records\*  
Student Medical Records\*  
Student Accident Reports\*  
Student Discipline Records\*  
Student IEP Records\*  
Student Grades/Report Cards\*  
Student Assessment Data\*  
Student Attendance Records

### Safety Records

School Safety Plan  
Reports of Fire Department Inspection  
Safety Drill Records

### School Contracts

Management Contract Records  
Outside Contract Record  
Independent Contractor Records\*

*\* All categories marked with an asterisk may contain information that may be exempted from disclosure pursuant to FOIL, the Family Educational Rights and Privacy Act or the Individuals with Disabilities Act.*



**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.

Leaders In Our Neighborhood Charter School has adopted regulations governing when, where, and how you can see public records.

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

Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
4th Floor Main Office: Room 469  
Bronx, NY 10474

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

1. School officials who have in the past been authorized to make records available
2. Records Access Officer(s):

Stephen Trowbridge  
Chief Financial & Operating Officer  
Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
Bronx, NY 10474  
718-991-5500 ext. 4352

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

Celia Sosa, Executive Director  
Leaders In Our Neighborhood Charter School  
730 Bryant Avenue  
Bronx, NY 10474  
718-991-5500