

BALTIMORE COUNTY PUBLIC SCHOOLS

Date: November 6, 2001

TO: **BOARD OF EDUCATION**

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Public Information Act Requests: Schedule of Fees – Rule 2373

ORIGINATOR: Christine Johns, Deputy Superintendent of Curriculum and Instruction
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INFORMATION

The Act permits a local government agency to assess a “reasonable” fee for “the search for, preparation of and reproduction of” public records. (Md. St. Gov’t Code Ann., §10-621).

The school system has never instituted a system-wide fee schedule. The operating procedures that presently exist are limited to the Office of Purchasing.

At the present time, requests for information received by the system are researched, duplicated, and mailed to the requesting individual at no charge. Due to the amount of time spent on researching, copying and compiling the information, a fee associated with this service has been established. Appendix I is the Superintendent’s Rule to address this issue.

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Appendix I - Public Information Act Requests: Schedule of Fees Rule 2373

ADMINISTRATIVE OPERATIONS

Public Information Act Requests: Schedule of Fees

2373

THE MARYLAND PUBLIC INFORMATION ACT, MD. STATE GOV'T CODE ANN., §10-621 PERMITS A GOVERNMENTAL AGENCY TO SET REASONABLE FEES FOR THE SEARCH, PREPARATION AND COPYING OF PUBLIC RECORDS.

AS SUCH, THIS SCHEDULE OF FEES SHALL BE FOLLOWED BY ALL BCPS STAFF MEMBERS WHEN RESPONDING TO REQUESTS FOR PUBLIC INFORMATION PRESENTED UNDER THE MARYLAND PUBLIC INFORMATION ACT OR THE FEDERAL FREEDOM OF INFORMATION ACT. (5 U.S.C. §522) REQUESTS FOR STUDENT RECORDS ARE NOT COVERED BY THIS RULE. AS USED IN THIS RULE, "APPLICANT" REFERS TO THE PERSON OR ENTITY REQUESTING ACCESS TO OR COPIES OF PUBLIC RECORDS.

REQUESTS FOR PUBLIC RECORDS MUST BE DIRECTED, IN WRITING, TO THE APPROPRIATE CUSTODIAN OF RECORD.

(1) PHOTOCOPIES.

(A) THE FEE FOR EACH COPY MADE BY A PHOTOCOPYING MACHINE OWNED OR OPERATED BY THE BALTIMORE COUNTY PUBLIC SCHOOLS IS 25 CENTS PER PAGE.

(i) NO CHARGE SHALL BE MADE WHEN THE TOTAL FEE DOES NOT EXCEED \$1.

(B) THE FEE FOR EACH COPY MADE OTHER THAN BY THE BALTIMORE COUNTY PUBLIC SCHOOLS SHALL BE BASED ON THE ACTUAL COST OF REPRODUCTION.

(i) IF THE REQUESTED RECORD CANNOT BE COPIED ON THE PREMISES OF THE BALTIMORE COUNTY PUBLIC SCHOOLS, THE APPLICANT REQUESTING THE INFORMATION SHALL BE DIRECTED TO REIMBURSE DIRECTLY THE AGENCY OR FACILITY MAKING THE COPY.

(C) WHEN AN APPLICANT REQUESTS THAT A COPY OF A PUBLIC RECORD BE CERTIFIED OFFICIALLY BY THE SUPERINTENDENT OR BY A MEMBER OF HIS ADMINISTRATIVE STAFF, AN ADDITIONAL FEE OF \$1 PER PAGE SHALL BE CHARGED.

(2) SEARCH AND PREPARATION

(A) THE SUPERINTENDENT WILL NOT IMPOSE A CHARGE FOR THE FIRST TWO HOURS THAT AN EMPLOYEE SPENDS TO RESPOND TO A REQUEST FOR PUBLIC RECORDS.

(B) WHEN STAFF TIME TO SEARCH FOR REQUESTED PUBLIC RECORDS OR TO PREPARE PUBLIC RECORDS FOR INSPECTION AND COPYING EXCEEDS TWO HOURS, THE CHARGE FOR SUCH SEARCH AND PREPARATION SHALL BE ASSESSED AT A REASONABLE RATE, TO BE NO LESS THAN \$25 PER HOUR FOR CLERICAL STAFF TIME AND NO LESS THAN \$45 PER HOUR FOR PROFESSIONAL STAFF TIME.

(3) PAYMENT.

(A) PRIOR TO COPYING A PUBLIC RECORD, STAFF MEMBERS SHALL ESTIMATE THE COST OF REPRODUCTION AND DEMAND PREPAYMENT OF THE COST FROM THE APPLICANT.

(B) PAYMENT SHALL BE REMITTED TO THE BALTIMORE COUNTY PUBLIC SCHOOLS BY MONEY ORDER OR CERTIFIED CASHIER'S CHECK.

WAIVERS OF THIS SCHEDULE OF FEES MAY BE GRANTED, AS PROVIDED BY THE PUBLIC INFORMATION ACT.

Legal References: *Annotated Code of Maryland*, State Government Article, §10-611, *et. seq.*

Related Policies: Board of Education Policy 5530, Student Records

Rule

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Language in ALL CAPS indicates new material.