

**SPRINGFIELD SCHOOL DISTRICT**  
***"We Believe Every Student Can Read"***



**Education Service Center**  
111 West Leamy Avenue  
Springfield, PA 19064  
610-938-6000

October 24, 2014

Mr. Mario Cimino  
500 Highland Avenue  
Morton, PA 19070

**RE: RIGHT-TO-KNOW LAW REQUEST DATED 09/19/2014 AND  
RECEIVED BY DISTRICT'S OPEN-RECORDS OFFICER ON 09/19/14**

Dear Mr. Cimino:

As you are aware, I am the Open Records Officer for Springfield School District (the "District").

The District has received the results of its Solicitor's review of your written request for information pursuant to the Right to Know Law ("RTKL"), and responds as follows.

**YOUR REQUEST: "All records pertaining to Springfield School District High School Master Plan generated by district staff, hired project consultants, and Springfield School Board."**

At the outset, please note that the "Springfield School Board" is technically known as the Board of School Directors. I will refer to the Board of School Directors here as the "School Board". The School Board is merely the governing body of the District and is not a separate governmental agency that maintains its own public records.

Also please note that "district staff" (by which I presume you mean District employees) does not constitute a separate governmental agency that maintains its own public records.

Finally, please note that "hired project consultants" (by which I presume you mean District independent contractors – such as architects and other professionals - engaged by and paid for by the District) do not constitute separate governmental agencies that maintain their own public records or entities contracted to perform a governmental function on behalf the District.

Therefore, this response will address records within the possession of the District.

A written request under the RTKL must sufficiently identify or describe the records sought. Section 703. Please understand that your written request for "records pertaining to Springfield School District High School Master Plan ..." does not sufficiently identify or describe the records sought that the District may or may not have in its possession.

However, in an effort to assist your search, I presume by “Springfield School District High School Master Plan” that you mean the District’s Facilities Committee’s proposed May 22, 2014 master plan regarding possible plans for the District’s high school building. Therefore, to the extent that your written request for “records pertaining to Springfield School District High School Master Plan ...” seeks such records as reports, proposals and memorandum that were used in creating the District’s Facilities Committee’s proposed May 22, 2014 master plan regarding possible plans for the District’s high school facility, the District can grant your request in part but must deny your request in part.

As you know, the School Board has several committees, including the Facilities Committee. As you also know, the Facilities Committee is currently studying the issue of whether or not it should recommend to the School Board that the District maintain the existing high school building, renovate the existing high school building, or construct a new high school building.

Only the School Board has the authority to decide on behalf of the District whether or not the District should maintain or renovate the existing high school building, or construct a new high school building. By law, this School Board decision must be made via official action taken by the School Board at a duly-advertised public meeting of the School Board.

To date, the School Board has not conducted any deliberations or made any decisions in this regard. Moreover, to date, the School Board is not scheduled to conduct any deliberations or make any decisions in this regard. From the Facilities Committee’s perspective, the **earliest** that the School Board **may** begin to conduct any deliberations or make any decisions in this regard is April, 2015, and it is more likely that School Board deliberations, if there will be any at all, will not begin until Fall, 2015.

The issue that the Facilities Committee is currently studying - whether or not it should recommend to the School Board that the District maintain the existing high school building, renovate the existing high school building, or construct a new high school building - is therefore regarded to be at only the Facilities Committee level, with the Facilities Committee having made only one public presentation to the School Board concerning this issue.

Specifically, on May 22, 2014, the Facilities Committee made a presentation to the School Board at the School Board’s public meeting about a proposed master plan. See attached Public Record, *05.22.14 Board Meeting Minutes*; see also attached Public Record *05.22.14 Master Plan Presentation*. The Facilities Committee’s May 22, 2014 proposed master plan—in its infancy stage—is composed of evolving proposed plans to either maintain the existing high school building, renovate the existing high school building, construct a new high school building on Leamy Avenue, or construct a new building on Saxer Avenue. These plans continue to evolve as the Facilities Committee continues to study this issue.

In effort to obtain valuable input from—and disseminate information to—the community, the Facilities Committee has scheduled several public meetings, called “Town Hall meetings”.

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See attached Public Record, *10.08.14 Daily Times Advertisement*. The Facilities Committee conducted its first Town Hall meeting on October 16, 2014, at which time it publically reviewed with the community its May 22, 2014 public presentation to the School Board. See attached Public Record *10.16.14 Town Hall Meeting 1 Presentation*; see also attached Public Record *10.10.14 Academy Model*.

The second Facilities Committee Town Hall meeting is scheduled to take place on November 13, 2014 at the District High School Auditorium. The Facilities Committee has scheduled these Town Hall meetings to be held on a monthly basis through March 19, 2015. See attached Public Record *09.16.14 TH Meeting 2 slides*; see also attached Public Record *07.24.14 TH 2 Academy slides*; see also attached Public Record *TH Meeting Education Model slides*.

Through the Facilities Committee, the District is making available to the community information on its website, including the Facilities Committee's May 22, 2014 proposed master plan and a schedule of the Facilities Committee's Town Hall meetings. See attached Public Record *10.23.14 screen shots of the District's website*; see also attached *10.23.14 Schedule of Town Hall meetings*; see also attached *10.23.14 District webpage*.

As I alluded to above, the Facilities Committee has not made any recommendation to the School Board regarding the Facilities Committee's May 22, 2014 proposed master plan and is not currently scheduled to do so. As I stated, from the Facilities Committee's perspective, the **earliest** that the School Board **may** begin to conduct any deliberations or make any decisions regarding the issue that the Facilities Committee is currently studying is April, 2015, and it is more likely that School Board deliberations in this regard, if there will be any at all, will not begin until Fall, 2015.

According to Section 102 of the RTKL, a "public record" is a record of a Commonwealth or local agency that (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.

### **PUBLIC RECORDS**

The District has reviewed your written request and determined that certain of the requested records are "public records" for purposes of the RTKL.

The first component are the public records that I have identified above, copies of which I have enclosed with this response.

The second component are the following documents that have also been determined to be "public records" for purposes of the RTKL. Because they are so voluminous, the District will, upon appointment, make them available to you at the District's Administration building for your inspection and, if you choose, duplication at your expense:

1. WRT SHS Master Plan Board Update
2. CID MP Memo – SHS proposals – Burt Hill & WRT
3. WRT – SHS MP site analysis & preliminary site design
4. Burt Hill – student population analysis
5. WRT Proposal – phasing diagrams & central field study
6. WRT – SHS MP Leamy Avenue binder
7. WRT – SHS Saxer Avenue site phasing diagrams
8. WRT – SHS Leamy Avenue site phasing diagrams
9. CID proposal for capital project management for MP
10. WRT – SHS Saxer Avenue hybrid scheme sketch
11. WRT proposal – MP phasing – central field
12. Stantec proposal for MP updates and planning
13. CID memo – Stantec – WRT proposals for MP refinement
14. WRT proposal for MP scenarios and conceptual pricing
15. WRT – SHS MP building area summary
16. WRT – SHS MP graphics – Leamy Avenue scheme
17. WRT – SHS MP graphics – Saxer Avenue scheme
18. WRT SHS MP graphics – renovation scheme
19. CID SHS MP pricing specs – common elements
20. WRT SHS MP pricing spec – Leamy and Saxer schemes
21. WRT SHS MP pricing specs – renovation scheme
22. CID SHS MP phasing – scheduling Leamy
23. CID SHS MP phasing – scheduling renovation

24. CID SHS MP phasing scheduling Saxer
25. CID SHS MP parking summary
26. CID proposal SHS MP activities management
27. CID Memo – SHS MP conceptual budgeting
28. CID – SHS – construction estimate clarifications
29. CID – 2b – maintain existing scenario – conceptual summary
30. CID – SHS MP phasing program summary
31. WRT proposal – MP executive summary tools
32. WRT SHS MP Board update
33. WRT SSD MP Executive session – V2
34. WRT – SSD MP Executive session – V2 w/ RMO Notes
35. Traffic Planning & Design proposal for traffic study related to MP
36. Bohler Engineering proposal for MP study engineering services
37. Stantec proposal for Town Hall presentations
38. Traffic Planning & Design proposal for additional traffic study analysis
39. CID SHS proposed TH meeting outline
40. CID proposal for MP development and management
41. Bohler Engineering proposal for MP land surveying services
42. WRT TH Meeting 5 Financial V4
43. WRT TH Meeting 4 Community V4
44. WRT TH Meeting 2 Existing V5
45. WRT TH Meeting 3 Phasing V4

46. Board public meeting minutes for May 22, 2014 through the present date

Please understand that to the extent that the requested records contain information that creates a reasonable likelihood of endangering the safety or the physical security of a building, infrastructure, or facility, those records must be redacted pursuant to 65 P.S. §67.708(b)(3).

The following record is deemed a public record that contains information which is exempt from disclosure under Section 708(b)(3) because it contains building plans and/or infrastructure records relating to the existing high school building, disclosure of which creates a reasonable likelihood of endangering that building's safety and physical security. Only the information that is exempt from disclosure will be redacted; the remaining is available for your inspection:

47. WRT-SHS MP community site analysis

48. Burt Hill – SHS Update

**EXEMPT RECORDS**

Your request must be partially denied insofar as your request seeks any record that (1) reflects the internal, predecisional deliberations of the District, its members, employees and/or officials exempt from disclosure under Section 708(b)(10) of the RTKL and/or (2) constitutes or reveals a trade secret or confidential proprietary information exempt from disclosure under Section 708(b)(11) and the Trade Secrets Act, 12 Pa.C.S. § 5302.

For example, to the extent that the requested records relate to a proposed budget recommendation, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations, those records are deemed exempt from access per Section 708(b)(10) of the RTKL, the Commonwealth Court decision of Philadelphia Public School Notebook v. School District of Philadelphia, 49 A.3d 445 (Pa.Cmwlt. 2012), the Commonwealth Court decision of Carey v. PA Dept of Corrections, 61 A.3d 367 (Pa.Cmwlt. 2013), and the Commonwealth Court decision of Kaplan v. Lower Merion Twp., 19 A.3d 1209 (Pa.Cmwlt. 2011).

For example, to the extent that the requested records relate to proposed monetary projections that are deemed trade secrets due to the District's risk of detrimental harm to the District and its taxpayers that disclosure of such information (a) creates an incentive to prospective construction contractors to bid for construction work in a higher amount and (b) increases the risk of collusion between and among such prospective bidders, those records are deemed exempt per Section 708(b)(11) and the Trade Secrets Act, 12 Pa.C.S. § 5302, the Commonwealth Court decision of Parsons v. Pennsylvania Higher Education Assistance Agency (PHEAA), 910 A.2d 177 (Pa.Cmwlt. 2006), and the Commonwealth Court decision of Com., Dept. of Public Welfare v. Eiseman, 85 A.3d 1117 (Pa.Cmwlt. 2014).

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**PARTIAL WAIVER OF FEE FOR DUPLICATION**

As to the above public records, the fee for duplication is \$.25 per page as outlined in District policy and 65 P.S. §67.1307. However, as a courtesy to you, the District waives the fee for duplicating the public records documents enclosed with this response. The public records identified above that are available for your inspection and duplication at the District's Administration building, upon appointment, consist of approximately 1,000 pages. You may contact my office to schedule a convenient time and date to inspect these records.

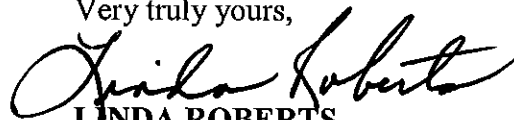
Under the RTKL, the District is required to advise you of your appeal rights if you disagree with a denial of your request. In that regard, the RTKL provides as follows:

**Filing an appeal:** If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) [of the Law] within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record of financial record and shall address any grounds stated by the agency for delaying or denying the request. 65 P.S. §67.1101.

Therefore, if you disagree with this determination, please feel free to file the required appeal. Your appeal can be addressed to the Office of Open Records – Executive Director, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120.

Thank you for your inquiry.

Very truly yours,



**LINDA ROBERTS**

Open Records Officer for  
Springfield School District

Enclosures

E-mail transmission

United States First Class mail

cc: Christopher DeSantis, School Board President (w/o enclosures)  
Dr. James Capolupo, Superintendent (w/o enclosures)  
Donald Mooney, Executive Director of Operations (w/o enclosures)  
Mark A. Sereni, Esquire, Solicitor (w/o enclosures)