

COMMUNITY RELATIONSPUBLIC INFORMATION PROGRAMSchool District Records

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent shall develop and submit to the Board for approval regulations ensuring compliance with the Freedom of Information Law and governing the procedures to be followed to obtain access to district records. The Superintendent also shall designate, subject to Board approval, a records management officer as required by law.

Retention and Destruction of Records:

The Board of Education hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained.

Presentation: 10/4/89

First
Vote: 10/18/89

Second
Vote: 11/1/89

COMMUNITY RELATIONS
PUBLIC INFORMATION PROGRAM
School District Records

The following rules and regulations shall apply to requests to inspect or receive copies of records maintained by the Board of Education.

Designation of Records Access Officer

1. The superintendent (or other designated officer) shall be the Records Access Officer, located at the district office.
2. The Records Access Officer is designated to receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted.
3. The Records Access Officer shall compile and maintain a reasonably detailed current list by subject matter of all records in the possession of the Board of Education whether or not available to the public.

Access to Records

1. Time and place records may be inspected or copied. Records may be requested from, and inspected at, the Office of the Records Access Officer or at a location specified by the Records Access Officer on any business day on which the district offices are open.
2. Fees: The fee for documents up to 8-1/2 x 14 inches shall be 25 cents per page. For documents larger than 8-1/2 x 14 inches, tape or cassette records, or computer printouts, the cost shall be based on the cost of reproduction of program utilized.

Fees are subject to periodic review and change. However, no fee shall be charged for search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.

3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person or by mail, to the Records Access Officer.
4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and advise the approximate date when the request will be granted or denied.

Access to Records con't.

5. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.
6. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the district clerk of the Board of Education within 30 days after the denial from which such appeal is taken.
7. The appeal will be submitted to the Board of Education for decision.

The applicant and the New York State Committee on Open Government will be informed of the Board's determination in writing within seven business days of receipt of an appeal. The district clerk shall transmit to the New York State Committee on Open Government photocopies of all appeals and determinations.

Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Board of Education, in any physical form whatsoever, including but not limited to reports, statement, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, electronic media, rules, regulations or codes;
2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:
 - a. A record of the final vote of each member of the Board of Education on any proceeding or matter on which the member votes;
 - b. A record setting forth the name, school or office address, title and salary of every officer or employee of the Board of Education. Such records shall be made available for inspection under the supervision of the Records Access Officer; and
 - c. A reasonably detailed current list by subject matter, of all records in possession of the Board of Education, whether or not available for public inspection and copying.
3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board of Education to prepare any record not possessed or maintained by it except the records specified in 2, above.

Records exempted from public access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to:

1. records specifically exempted from disclosure by state or federal statute;
2. records which if disclosed would constitute an unwarranted invasion of personal privacy;
3. records which if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. records confidentially disclosed to the Board of Education and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. records which are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff which affect the public; or
 - c. final Board policy determinations;
8. records which are examination questions or answers that are requested prior to the final administration of such questions;
9. records which are computer access codes.

Prevention of unwarranted invasion of privacy

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
4. disclosure of items of a personal nature when disclosure would result in economic hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board;
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

Designation of Records Management Officer

1. The Superintendent, with the Board's approval, shall designate a Records Management Officer for the district.
2. The designated officer will develop and oversee a program for the orderly and efficient management of district records.