

SCHOOL DISTRICT RECORDS REGULATION

The following comprise the rules and regulations relating to the inspection and copying of school district records:

I. Designation of Officers

1. The Records Access Officer shall be the Assistant Superintendent for Curriculum and Instruction.
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 detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.
4. The Superintendent, with the Board's approval, shall designate a Records Management Officer for the district.
5. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records.
6. The Appeals Officer shall be the Superintendent or his/her designee.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Board in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.
2. All records which were furnished to the public prior to the enactment of the freedom of Information Law shall continue to be furnished to the public.
3. 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 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. 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, whether or not available for public inspection and copying.
4. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it except the records specified in II(2), above.

III. *Access to Records*

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, during regular business hours on any business day on which the Board of Education offices are open.
2. Fees: The fee for documents up to 8 1/2 x 14 inches is 25 cents per page. For documents larger than 8 1/2 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or 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 request 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.
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 Appeals Officer within 30 days after the denial from which such appeal is taken. The appeal is taken. The appeal shall contain the date and location of requests for records, the records to which the requester was denied access and the name and return address of the requester.
7. The appeal will be submitted to the Appeals Officer for decision. The applicant and the Committee on Open Government will be informed of the Appeals Officer's determination in writing within ten 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.
8. The final decision may be subject to judicial review.

IV. *Records Exempted from Public Access*

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

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;

4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. 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;
 - c. final Board policy determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which are examination questions or answers that are requested prior to the final administration of such questions; and
9. records which are computer access codes.

V. *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 information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
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 identify, a person seeks access to records pertaining to him or her.

VI. *Listing of Records*

Pursuant to Section 87(3)(c) of the Public Officers Law, the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law.

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