

Personnel -- Certified/Non-Certified

Personnel Records

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent, on behalf of the Amity Regional School District No. 5 (ARSD) Board of Education, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical, or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

The records will be disclosed, unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records in such a situation shall first be disclosed to the requester, followed within one business day after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the Board of Education that are records of a teacher's performance and evaluation shall not be released without the written consent of the teacher. Such records are not public records subject to Freedom of Information Act (FOIA)

Records maintained or kept on file by the Board that are records of a teacher's personal misconduct shall be deemed to be public records and subject to disclosure under the FOIA. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

All written materials shall be made available for inspection by the employee and a collective bargaining representative, if any involved, at an off-duty time in the presence of an administrator. Upon request, a professional employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

In accordance with the Every Student Succeeds Act (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional

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qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate and confidential from other personnel files and managed in compliance with Health Insurance Portability and Accountability Act (HIPAA).

Legal Reference: Connecticut General Statutes
1-206 Denial of access to public records or meetings
1-213 Agency administration. Disclosure of personnel, birth and tax records 1-214 Objection to disclosure of personnel or medical files (as amended by PA 18-93)
1-215 Record of arrest as public record
10-151a Access of teacher to supervisory records and reports in personnel file
10-151c Records of teacher performance and evaluation not public records (as amended by PA 02-138 and PA-13-122)
Perkins v. Freedom on Information Commission, 228 Conn. 158 (1993)
The Americans with Disabilities Act
Section 1112(c)(6) The Every Student Succeeds Act (ESSA)
Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)