HEWLETT-WOODMERE USFD **Policy 1120**

(X) Required
(X) Local
(X) Notice

SCHOOL 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 of Schools will develop regulations to be adopted by the Board ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to District records, and submit such regulations to the Board for approval. Such regulations will address ensuring applicable confidentiality and security of District information, including the protection of student and teacher/principal personally identifiable information in conformance with New York State Education Law § 2-d and its implementing regulations, 8 NYCRR Part 121. The Superintendent will designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board hereby adopts the New York Local Government Records (LGS-1) issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for District records, for use by all officers in legally disposing of valueless records listed therein. In accordance with Article 57-A, the District will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in LGS-1. The District will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

Litigation-Hold

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the Records Management Official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc., to the extent maintained by the District. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Cross-ref:
5500, Student Records
8630, Computer Resources and Data Management
8635, Information and Data Privacy, Security, Breach and Notification

Ref: Public Officers Law §84 *et seq.* (Freedom of Information Law)
Education Law §§ 2-d, 2116
Arts and Cultural Affairs Law §57.11
Arts and Cultural Affairs Law Article 57-A (Local Government Records Law)
Federal Rules of Civil Procedure, 16, 26
8 NYCRR Part 185.15 (Appendix L) – Records Retention and Disposition Schedule LGS-1 for New York Local Government Records, Part 121
21 NYCRR Part 1401

Adoption date: Nov. 19, 2025

HEWLETT-WOODMERE PUBLIC SCHOOLS **Regulation 1120-R**

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of school district records:

I. Designation of Officers

1. The Records Access Officer will be the Assistant Superintendent for Business who will:

   - receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted;
   - ensure that District information that is not permitted to be released is not released (see section IV. Records Exempted from Public Access, below); and
   - 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.

2. The Superintendent of Schools, with the Board's approval, will designate a Records Management Officer for the District. The Records Management Officer will develop and oversee a program for the orderly and efficient management of District records, including maintenance of information security as it pertains to the release of District records. The Records Management Officer will ensure proper documentation of the destruction of records, in accordance with the schedule.

II. Definition of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the District 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. 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 district; and
   c. a reasonably detailed current list by subject matter of all records in possession of the District, 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 will require the district 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, at Woodmere Education Center, One Johnson Place, Woodmere, NY 11598 during the hours of 8:00 AM – 4:00 PM on any business day on which the District offices are open. Records may also be requested via e-mail at the following address: foilrequests@hewlett-woodmere.net. This information shall be posted on the District's website located www.hewlett-woodmere.net.
2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 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 records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. No fee will be charged if an identical record has been prepared within the past six (6) months and an electronic copy is available, except for the actual cost of a storage device if one is provided in complying with the request. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.
3. The District may charge for the actual cost of reproducing a requested record. In determining the actual cost of reproducing a record, the District may include only: (a) the hourly salary of the lowest paid employee with the necessary skill required to prepare a copy of the record, where at least two (2) hours is required to do the same; (b) the actual cost of any storage devices or media provided in complying with the request; and (c) the actual cost to the District of engaging an outside service needed to prepare a copy of the record if the District's equipment is not able to prepare a copy. Preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of employee time is needed to prepare a copy of the record requested. The District will inform the person making the request of the estimated cost of production if more than two (2) hours of employee time would be needed or if it would be necessary to retain an outside service to prepare a copy of the record.
4. Procedures: Requests to inspect or secure copies of records must be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. Persons requesting records are encouraged to reasonably describe the records sought with as much specificity as possible.
5. All requests for information shall be responded to within five (5) business days of receipt of the request. If the request cannot be fulfilled within five (5) business days, the Records Access Officer shall acknowledge receipt of the request and provide the approximate date when the request will be granted or denied.
6. If a request cannot be granted within twenty (20) business days from the date of acknowledgement of the request, the District must state in writing both the reason

the request cannot be granted within twenty (20) business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.

7. Denial of Access: When a request for access to a public record is denied, the Records Access Officer will indicate in writing the reasons for such denial, and the right to appeal. The District will refrain from issuing a blanket denial of a request for records.
8. 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 Superintendent within thirty (30) days after the denial from which such appeal is taken.
9. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within ten (10) business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

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 trade secrets, or submitted to the Board by a commercial enterprise (such as a for-profit business entity) and which if disclosed would cause substantial injury to the competitive position of that enterprise;
6. are compiled for law enforcement purposes and which, if disclosed, would:

    a. interfere with law enforcement investigations or judicial proceedings (except that if the District is not conducting the investigation, it must receive confirmation from the agency conducting the investigation that disclosure would interfere with an ongoing investigation);
    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;
7. if disclosed, would endanger the life or safety of any person;
8. 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;

9. are examination questions or answers that are requested prior to the final administration of such questions;

10. if disclosed, would jeopardize the District's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

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 identity, a person seeks access to records pertaining to themself.

Additionally, even where release of information is permitted under the Freedom of Information Law, the District will not use or disclose any student and/or teacher/principal personally identifiable information (PII) unless it benefits the student and/or teacher/principal and the District, in conformance with State Education Law § 2-d, and implementing regulations, 8 NYCRR Part 121. Record releases that "benefit students and the District" include:

- improving academic achievement;
- empowering parents and students with information; and
- advancing efficient and effective school operations.

PII for student data is defined in the Family Educational Rights and Privacy Act (FERPA) regulations, 34 CFR § 99.3, and PII for teacher and/or principal data is defined in the New York Education Law § 3012-c(10). The Superintendent of Schools, the District's Data Protection Officer, and the School Attorney, where necessary, will assist in determining whether compliance with a records request can be done in conformance with Education Law § 2-d and 8 NYCRR Part 121.

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, serves as the list by subject matter of all records in the possession of the school District, whether or not available under the law. The Superintendent or his/her designee, in consultation with the Records Management Officer, will develop and disseminate department-specific guidance so that staff can implement this policy and regulation.

VII. Litigation-Hold

The Superintendent will designate a "discovery" team, comprised of the school attorney, Assistant Superintendent for Curriculum, Instruction, and Innovation, the Records Access and Records Management Officer and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent, with assistance from the Assistant Superintendent for Curriculum, Instruction, and Innovation, Assistant Superintendent for Business and the Records Management Officer will ensure that measures are put in place to preserve applicable records.

Adoption date: Nov. 19, 2025

1120-E

SCHOOL DISTRICT RECORDS EXHIBIT
HEWLETT-WOODMERE UNION FREE SCHOOL DISTRICT

APPLICATION FOR PUBLIC ACCESS TO RECORDS

To: Records Access Officer

From: Name:_____

Address:_____
Town:_____
Date: _____
Telephone: _____
Representing:_____

I hereby apply for the following record(s): {Important notation: The Records Access Officer's obligation is to retrieve the record(s) requested. The officer is not permitted to question you about your request, interpret your request, or create a record to fulfill your request. Therefore, you must be specific, reasonably describing the document you are requesting by way of, if possible, supplying dates, file designations, or any other information that would assist in locating the requested document.}

Record Requested	Code	Cost

_____ _____
Signature of Applicant Date

Note: Initial reply to request will be made within five business days. After receipt of duplication fees (by personal check for fees $10.00 and under, by certified check or money order for fees over $10.00), copies will be forwarded in order of receipt. The charge for copying records not exceeding 8-1/2 x 14 inches shall be 25 cents per page, and for other sizes it shall be the actual cost of reproduction, unless otherwise specified by law.

FOR OFFICE USE ONLY

1. Request Approved
2. Denied – record not maintained by the District.
3. Denied – if disclosed would impair collective bargaining negotiations.
4. Denied – if disclosed would result in an unwarranted invasion of personal privacy.
5. Denied - record is inter or intra-agency communication not covered under statute.
6. Denied – exempt from disclosure by state or federal statute.
7. Other:

_____ _____
Signature of Records Access Officer Date

You have the right to appeal a denial of this application within 30 days to the Superintendent of Schools, namely:

Office of the Superintendent
Hewlett-Woodmere Union Free School District
One Johnson Place, Woodmere, New York

I hereby appeal _____ _____
Signature Date