Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 4112.6 / 4212.6 Proposed : 09/16/85 Adopted : 10/15/85 Revised : 11/22/2016 Reviewed : 05/06/2024

PERSONNEL RECORDS

Orderly administration of the school district and compliance with state and federal law require the compilation of information about all employees of the district. The board of education recognizes that there is a distinction between those personnel records that are clearly a matter of public concern and those that must be considered privileged until such time as they are opened to the public by the commissioner of education or the courts.

The chief school administrator shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The chief school administrator and the board attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

In accordance with federal law, the chief school administrator shall establish procedures to release information upon request regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their children.

The chief school administrator shall establish the necessary regulations for maintaining both public and confidential employee records.

Personnel File

The confidential file, which shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. shall consist of an individual personnel folder for each current employee.

A. The information in this file shall include all records mandated by state and federal law including:

1. Evaluation of performance;
2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed (N.J.A.C. 6A:10-2.4,g);
3. Record of attendance;
4. Original application filed by the employee;
5. Original salary and increments;
6. Date of tenure;
7. Notations of commendation and disciplinary actions consistent with law.

B. The personnel file is available for examination:

1. At any time, by the chief school administrator or the supervisory personnel he/she designates;
2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
3. During regular business hours, or at any meeting of the board or any committee thereof, by any member of the board when necessary to make an informed decision regarding any assigned board responsibility or duty.

Health Record

Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the chief school administrator shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.

Emergency Contact Information

Staff emergency contact cards for all employees shall be maintained by the chief school administrator and updated annually.

Key Words

Records, Personnel Records, Employee Records

Legal References

N.J.S.A. 18A:6-7	Oaths of persons employed in teaching capacities
N.J.S.A. 18A:6-7a	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
N.J.S.A. 18A:6-11	Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 47:1A et seq.	Examination and copies of public records ("Open Public Records Act")
N.J.S.A. 47:3-15 et seq.	Destruction of Public Records Law
N.J.A.C. 6A:32-6.1 et seq.	School Employee Physical Examinations
N.J.A.C. 12:100-4.2	Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogen Standard

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Education Association, 130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

Possible Cross References:

*3570	District records and reports
*4111	Recruitment, selection and hiring
*4112.4	Employee health
*4115	Supervision