SCHOOL DISTRICT RECORDS POLICY

The Board of Education hereby establishes its policy regarding records in its custody and control in the following four areas:

1. Retention and disposition of records;
2. Public disclosure of records pursuant to the Freedom of Information Law (FOIL);
3. Privacy accorded to student records under the Federal Educational Rights and Privacy Act (FERPA); and
4. Access to and disclosure of employees' personnel files.

1. Retention and Disposition of Records

The Board hereby adopts the most recent records retention and disposition schedule promulgated by the Commissioner of Education, setting forth the minimum length of time school district records must be retained. (See 8 NYCRR Part 185, "Records of Public Corporations" for the most recent record retention schedule). District records are to be matched to the record retention schedule based on record descriptions, content and function, rather than by specific name or title.

If a record is not listed in the most recent record retention schedule, District staff should contact the NYS State Archives for guidance.

The record retention schedule pertains to the information contained in the record, regardless of the physical form or characteristic (e.g., paper, electronic, computer CD, or other medium).

The Superintendent shall as necessary to ensure adherence to this policy promulgate regulations governing the retention, as well as proper disposal or disposition of records after they are no longer required to be retained. A record shall be maintained of the type, date, and quantity of records disposed.

2. Public Disclosure of Records Pursuant to FOIL

The Board hereby designates the Chief Communications Officer as Records Access Officer under the Freedom of Information Law. The Superintendent may delegate their duties and responsibilities as Appeals Officer to Counsel for the District.

The Board hereby establishes business hours from 8:30 AM to 4:30 PM as the time records are available, and the office of the Chief Communications Officer in Central Office, as the place where records are available.

The Board hereby establishes as a fee for copies of records (i) twenty-five cents per copy no larger than nine inches by fourteen inches, or (ii) the actual cost of reproducing any other record.

3. Privacy Accorded to Student Records Under FERPA

The Board hereby adopts as Policy the provisions of FERPA and directs the Superintendent of Schools to promulgate appropriate regulations thereunder.

4. Access to and Disclosure of Employees' Personnel Files

The Board hereby establishes the following policy with respect to personnel records:

a. The personnel file of an employee shall mean that file containing formal employment information (i.e., job applications, references, resumes, memoranda of interviews, records of salary increases and promotions, formal evaluations, records of discipline, medical records, records of separation, and similar records).

b. Personnel files shall be maintained in the offices of the Chief of Human Capital.

c. Initiatives.

d. Personnel files shall be considered confidential, and access to them shall be limited to the Chief of Human Capital Initiatives and their staff; Counsel for the District; and senior management staff and principals to the extent they need access to the files of employees in their line of supervision.

e. Employees may review and copy the contents of their own personnel files between 8:30 AM and 4:00 PM on business days, in the presence of a member of the staff of the Chief of Human Capital Initiatives.

As required by Public Officers Law §87(6), the District will notify current and former employees in writing that the District has responded to a Freedom of Information Law request for their disciplinary records within seven (7) working days only if, and after, the District provides records in response to the request. For former employees, the District will send notification to the last known address or email address, and if current contact information cannot be found, the District will document its attempts.

For purposes of this subsection, the District defines "disciplinary records" as potentially any record created in furtherance of a disciplinary proceeding (i.e., any investigation and subsequent hearing or disciplinary action conducted by the District), including but not limited to:

1. The complaints, allegations, and charges against an employee;
2. The name of the employee complained of or charged;
3. The transcript of any disciplinary hearing, including any exhibits introduced at such hearing;
4. The disposition of any disciplinary proceeding; and
5. The final written opinion or memorandum supporting the disposition and discipline imposed including the District's complete factual findings and its analysis of the conduct and appropriate discipline of the employee.

The contents of personnel files may be disclosed publicly only to the extent authorized as required by the Freedom of Information Law, or other federal or state statutes, or pursuant to lawful subpoena. All disclosures of employee personal identifying information shall also be made in accordance with New York State Labor Law §203-d. The foregoing is in no way intended to, and will not abridge the District's legal right to deny records requests pursuant to exemptions under the Freedom of Information Law, or any other applicable law and regulation, as it deems appropriate.

Cross-ref: School District Records Regulation (1120-R)
Student Records and Privacy (5500)

NYSSBA Ref: School District Records (1120) – Required Policy

Ref: Public Officers Law §84 et seq.
Education Law §2116
Arts and Cultural Affairs Law §57.11
Local Government Records Law, Article 57-A

8 NYCRR Part 185
New York State Labor Law
§203-d State Technology Law
§208
Americans with Disabilities Act, 42 USC §12101, et seq.

Notes: Added August 20, 1998; Amended May 26, 2011 pursuant to Resolution No. 2010-11: 837; Amended July 26, 2018 pursuant to Resolution No. 2018-19: 79; Amended September 22, 2022 pursuant to Resolution No. 2022-23: 143; Amended November 21, 2024 pursuant to Resolution 2024-25: 366

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