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 shall develop regulations 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 shall address ensuring applicable confidentiality and security of district information. The Superintendent shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

Retention and Destruction of Records

The Board hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. 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 the schedule. 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.

Employee Notification of Disciplinary Record Requests

As required by Public Officers Law §87, 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 five working days after the district provides information 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 policy, the district defines "disciplinary records" as 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.

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. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or his/her 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.

Ref: Public Officers Law §84 *et seq.* (Freedom of Information Law)
Education Law §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 (Appendix I) – Records Retention and Disposition Schedule ED-1

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