

Board of Education Policy

SCHOOL DISTRICT RECORDS

The rules and regulations that follow shall govern inspection and copying of school district records:

I. Designation of Officers

- A. The Records Access Officer shall be the District Clerk.
- B. The Records Access Officer, or his/her designee, is responsible for assuring appropriate response to public requests for access to records and is designated to receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted.
- C. The Superintendent, with the Board's approval, shall designate a Records Management Officer for the District.
- D. The Records Management Officer will develop and oversee a program for the orderly and efficient management of District records.

II. Definition of Records

- A. 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.
- B. The Records Access Officer, or his/her designee, will have the responsibility for maintaining the following records:
 - 1. A record of the final vote of each member of the Board on any proceeding or matter on which the member votes.
 - 2. A record setting forth the name, school or office address, title and salary of every officer or employee of the District.
 - 3. A reasonably detailed current list by subject matter of all records in possession of the District, whether or not available for public inspection or copying.

III. Requests for Inspection or Copying of Records

- A. All requests for inspection or copying of records are to be made in writing. Requests shall be accepted by electronic mail and the district shall respond by electronic mail, to the extent practicable.
- B. The record sought to be inspected must be identified with reasonable particularity. Where possible, the requestor should supply information regarding dates, file designations, or other information that may help to describe the records sought.
- C. Requests for inspection or copying of records are to be submitted to the Records Access Officer, or his/her designee.

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- D. Requests for access may be denied. Nothing in these rules and regulations shall require the District to prepare any record not possessed or maintained by it except the records specified in IIB above.

IV. Procedures

- A. The Records Access Officer, or his/her designee, shall assist a requestor in the identification of the requested record, if necessary.
- B. The Records Access Officer, or his/her designee, shall, except under extraordinary circumstances, respond to a written request, reasonably describing the record or records sought within 5 business days. If the Records Access Officer does not provide or deny access to the record within 5 business days of receipt of a written request, he/she shall furnish a written acknowledgement of receipt of the request and a statement of the approximate date when the request will be granted or denied. If the Records Access Officer denies access to the record in whole or in part, he/she shall explain to the requestor in writing the reasons therefore. If the Record Access Officer determines to grant the request in whole or in part, and if circumstances prevent disclosure to the requestor within 20 business days from the date of the acknowledgement of the receipt of the request, he/she shall provide, in writing, the reason for the inability to grant the request within 20 business days and a date certain within a reasonable period when such request will be granted in whole or in part.
- C. If a requested record is not maintained or cannot be located, the Records Access Officer, or his/her designee, shall:
1. Notify the requestor of the denial or access to the record and upon request certify to the applicant that the record is not in the possession of the school district or cannot be found after diligent search by the District
- D. Advise the applicant of his/her right to appeal the denial of access to the record.

V. Inspection, Copying and Certification of Records

- A. The inspection and copying of records shall be done under the direction and supervision of the Records Access Officer, or his/her designee, at the District Clerk's Office located at 7 Memorial Drive, Miller Place, New York 11764 during any regular work day during regular business hours, which are 8:30am – 3:30pm during the months of September through June and 8 a.m. – 12 noon during July and August
- B. Upon payment of the proscribed fee, the District shall supply copies of any record open for inspection. The fee shall be \$0.25 per page not in excess of 9 inches by 14 inches, or the actual cost of reproducing any other record; and
- C. The Records Access Officer, or his/her designee, shall, upon request, certify without charge to the correctness of any record copied by the District.

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VI. Denial of Access to Records and Appeals

- A. Access may be denied to certain records, or portions thereof, that:
1. Are specifically exempted from disclosure by State 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 trade secrets or are submitted to the District by a commercial enterprise or derived from information obtained from a commercial enterprise that if disclosed would cause substantial injury to the competitive position of the subject enterprise
 5. Are compiled for law enforcement purposes and that if disclosed would:
 - a. Interfere with law enforcement investigations or judicial proceedings
 - b. Deprive a person of a right to a fair trial or impartial adjudication
 - c. Identify a confidential source or disclose confidential information relating to a criminal investigation
 - d. Reveal criminal investigative techniques or procedures, except routing techniques or procedures
 6. If disclosed would endanger the life or safety of any person
 7. Are inter-agency or intra-agency materials that are not:
 - a. Statistical or factual tabulations or data
 - b. Instructions to staff that affect the public
 - c. Final agency policy or determinations
 - d. External audits, including but not limited to audits performed by the Comptroller and Federal government
 8. Are examination questions or answers that are requested prior to the final administration of such questions
 9. Records which if disclosed would jeopardize the District's capacity to guarantee the security of its information technology assets, encompassing both electronic information systems and infrastructures; *e.g.*, computer access codes, *etc.*
- B. Appeal Procedures
1. All denials of access shall be in writing and state the reason for the denial
 2. The failure to provide a response to a request within 5 business days of receipt of said request shall be deemed a denial of access to the record
 3. All appeals from denial of access shall be directed to the Superintendent of Schools. The requestor shall be notified of the right to appeal within 30 calendar days of the denial to the Superintendent and shall be provided with his/her business address and business telephone number
 4. All appeals to the Superintendent shall be in writing and shall set forth

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- a. The date and location of the request for records
 - b. The record(s) to which access was denied
 - c. The name and address of the requestor
 - d. The date of the appeal
5. Appeals shall be decided and the requestor shall be informed of the decision in writing within 10 business days after the receipt of the appeal.
 6. The Superintendent shall explain in the appeal decision the reasons for further denial or provide access to the records sought.
 7. The district shall immediately forward to the Committee on Open Government a copy of such appeal when received by the District and the ensuing determination thereon. Such copies shall be addressed to: the Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave, Suite 650, Albany, N.Y. 12231. A final denial of access to a requested record shall be subject to court review as provided by Article 78 Civil Practice Laws and Rules.

VII. Public Notice

- A. A notice shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation. Such notice shall contain: the title, name, business telephone number and business address of the Records Access Officer; the right to appeal by any person denied access and the name and business address of the Superintendent as the appeals person; and the location where records can be inspected or copied.

VIII. Listing of Records

- A. 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, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law.

IX. Retention and Destruction of Records

- A. The Board ~~hereby~~ adopted the Records and Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law in February 2005, 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 minimum periods.

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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.

Cross-Ref:: *Policy 2200 – Duties of the District Clerk*
Policy 1120-F – Application for Public Access to School District Records
Policy 6950 – Records Management

Adopted: 12/08/1994

Reviewed: 02/13/2002 07/04/2004 12/14/2014 11/14/2018

Revised: 02/13/2002 07/04/2004 01/29/2015 12/12/2018