

(X) Required
() Local
() 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 shall develop regulations ensuring compliance with the Freedom of Information Law and governing the procedures to be followed to obtain access to District records, and submit such regulations to the Board for approval. The Superintendent of Schools shall designate, with Board approval, a Records Access Officer and Records Management Officer, pursuant to law.

Retention and Destruction of Records:

The Board hereby adopts as policy the Records Retention and Disposition Schedules as promulgated by the Commissioner of Education, setting forth the minimum length of time school District records must be retained.

Cross-ref: 5125.2, Student Records

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

Note: Policy added
[The Freedom of Information Law (FOIL) requires all Boards of Education to adopt rules and regulations regarding school District records.]

Policy Adopted/Revised: 12/14/95, 12/21/05, 2/16/11, 11/18/15

Reviewed:
12/16/15

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and copying of School District records:

I. Designation of Personnel

The Board of Education shall designate the Records Access Officer and Records Management Officer and alternates.

The Records Access Officer is responsible for insuring appropriate agency response to public requests for access to records. The Record Access Officer shall assure that personnel:

1. Maintain a current list by subject matter of all records in possession of the District, whether or not available for public inspection and copying;
2. Assist the requester in identifying requested records, if necessary;
3. Upon locating the records, take one of the following actions in accordance with VII(3) hereof:
 - a. Make records promptly available for inspection; or,
 - b. Deny access to the records in whole or in part and explain in writing the reason(s) therefore.
4. Upon requests for copies of records:
 - a. Make copy available upon payment or offer to pay established fees, if any, in accordance with VI hereof; or
 - b. Permit the requester to copy those records.
5. Upon request, certify that a transcript is a true copy of records copied.
6. Upon failure to locate records, certify that:
 - a. The School District is not the legal custodian for such records, or
 - b. The records of which the School District is the legal custodian, after diligent search, cannot be found.

The Records Management Officer will develop and oversee a program for the orderly and efficient management of District records.

The Fiscal Officer shall be the Deputy Superintendent. The Fiscal Officer shall respond to requests, in accordance with VII hereof, for an itemized record setting forth the name, address, title and salary of every officer or employee of the School District. The Fiscal Officer shall make the payroll items listed above available to any person including bona fide members of the news media, as required by the Freedom of Information Act.

II. Listing of Records

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the Board 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. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it.

III. Access to Records

Time and place records may be inspected: Requests to inspect or secure copies of School District records may be made at the Office of the Records Access Officer, on any day that school is in session between the hours of 9:00 A.M. and 12:00 Noon and the hours of 1:30 P.M. and 3:30 P.M. at the Woodmere Education Center, 1 Johnson Place, Woodmere, New York 11598-1312.

IV. Records Exempt 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 compiled for law enforcement purposes and which, 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 techniques or procedures, except routine techniques or procedures; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. if disclosed would endanger the life or safety of any person;

7. 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;
8. are examination questions or answers that are requested prior to the final administration of such questions;
9. are computer access codes.

V. Prevention of Unwarranted Invasion of Privacy

The Records Access and Fiscal Officers may delete identifying details when making records available, in order to prevent an unwarranted invasion of personal privacy. An unwarranted invasion of personal privacy includes, but shall not be limited to:

1. Disclosure of such personal matters as may have been reported in confidence to the District which are not relevant or essential to the ordinary work of the District;
2. Disclosure of employment, medical or credit histories or personal references of applicants for employment, except such records may be disclosed when the applicant has provided a written release permitting such disclosure;
3. Disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility;
4. The sale or release of lists of names and addresses in the possession of the District if such list would be used for private, commercial or fund-raising purposes;
5. Disclosure of items 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 District.

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 him or her.

VI. Fees

1. The fee for copying records shall be 25 cents per page for photocopies not exceeding 9" by 14", or the actual cost of reproducing any other record in accordance with the provisions of paragraph 3 herein, except when a different fee is otherwise set by law.
2. If photocopying equipment is unavailable or inoperative, a transcript of the requested records shall be made upon request. Such transcripts may either be typed or handwritten. In such cases, the requester may be charged for the clerical time involved in making the transcript.
3. In determining the actual cost of reproducing a record, the District may include only:
 - a. an amount equal to the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record;
 - b. the actual cost of the storage devices or media provided to the person making the request in complying with such request;
 - c. the actual cost to the District of engaging an outside professional service to prepare a copy of a record, but only when the District's information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy; and
 - d. preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of District employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two hours of a District employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.
4. No fee shall be charged for the following:
 - a. inspection of records;
 - b. search for records; and
 - c. any certification pursuant to these regulations.

VII. Procedures

The following procedures shall be followed in connection with a request to inspect or secure copies of School District records:

1. Requests to inspect or secure copies of records shall be in writing and shall be on a form provided by the District, which shall be available in the offices of the Records Access Officer and Fiscal Officer.
2. A request for access to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category conforms to the standard that records be identifiable.
3. The Records Access Officer will determine and respond to the request no more than five (5) business days after 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, state the reason for delay and estimate the date when a reply will be made.
4. If the records are determined to be available, the Records Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of the required fee, if any.

5. If the records are determined not to be available, the Records Access Officer will note the reason for unavailability and return one copy of the form to the requester. The requester shall be advised of his/her right to appeal said denial.
6. No record may be removed from such location without the permission of the appropriate District Officer. Records may be inspected only at the Office of the Records Access Officer or the Fiscal Officer or at such other place as may be designated by them. A member of the District staff must be present throughout the inspection and copying of such records.
7. If requested records are not provided promptly, as required in VII(3) of these regulations, such failure shall be deemed a denial of access.

VIII. Appeals

1. The Superintendent of Schools, or his/her designee, whose office is at One Johnson Place, Woodmere, New York 11598-1312, and whose telephone number is 516 792-4800 shall hear appeals for denial of access to records under the Freedom of Information Act.
2. An applicant denied access to a public record may, within 30 days after the denial, file an appeal by delivering a written appeal to the Superintendent of Schools identifying:
 - a. the date of the appeal;
 - b. the date and location of the requests for records;
 - c. the records to which the requester was denied access;
 - d. whether the denial of access was in writing or was by failure to provide records promptly as required by VII(7); and
 - e. the name and return address of the requester.
3. The Superintendent of Schools shall inform the requester and the New York State Committee on Open Government of his/her decision in writing within seven (7) business days of receipt of an appeal. The District Clerk shall transmit to the Committee on Open Government photocopies of all appeals and determinations.
4. An individual whose final appeal is denied may initiate a court review of this determination, as provided for in Article 78 of the Civil Practice Law and Rules.

IX. Public Notice

Notice containing the job title or name and business address of the Records Access Officer and Fiscal Officer; the name, job title, business address and telephone number of the appeal person or persons; and the location where records can be seen or copies made available, shall be posted in a conspicuous location wherever records are kept.

X. Severability

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or their application to other persons or circumstances.

XI. 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, 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.

Note: Prior Regulation, 1341, revised

Approved Revised/Amended:

12/14/95; 12/21/05; 2/16/11;

4/13/11; 11/18/15; 12/16/15

APPLICATION FOR PUBLIC ACCESS TO RECORDS
PURSUANT TO POLICY/REGULATIONS #1120

1120-E
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TO: RECORDS ACCESS OFFICER

Hewlett-Woodmere Union Free
School District One Johnson Place
Woodmere, New York 11598

I HEREBY APPLY TO () INSPECT () SECURE COPIES OF THE FOLLOWING RECORD(S):

I agree to pay the fee required by Policy/Regulations #1120 for any copies of the record(s) which I have requested.

Please provide these records to me: (select one) Paper Copy Electronically

Signature

Date

Representing

Telephone Number

Mailing Address

Email address

FOR AGENCY USE ONLY

APPLICATION # _____ DATE APPLICATION RECEIVED _____

APPROVED _____ DENIED _____

(for the reason(s) checked below)

- ___ Confidential disclosure
- ___ Part of investigatory files
- ___ Unwarranted invasion of personal privacy
- ___ Record cannot be found
- ___ Record is not maintained by this agency
- ___ Exempt by statute other than the Freedom of Information Act
- ___ Other (specify)

Signature of Records Access Officer – Mr. Louis Frontario

Date

NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE DEPUTY SUPERINTENDENT OF SCHOOLS, HEWLETT-WOODMERE UNION FREE SCHOOL DISTRICT, WHO MUST FULLY EXPLAIN THE REASONS FOR SUCH DENIAL IN WRITING WITHIN SEVEN (7) BUSINESS DAYS OF RECEIPT OF AN APPEAL.

I HEREBY APPEAL: _____
Signature

Date