

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and production of Bethlehem Central School District (the District) records:

Designation of Officers

- A. The records access officer shall be the chief business and financial officer. He/she shall:
 1. receive requests for records of the Board of Education (the Board) and make such records available for inspection or copying when such requests are granted; and
 2. monitor and utilize the Commissioner's Listing of Records, as described below.

The superintendent, with the Board's approval, shall designate a records management officer for the District. The records management officer will develop and oversee a program for the orderly and efficient management of District records.

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, electronic communications, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, digital storage materials, rules, regulations, or codes.
- B. The records access officer will have the responsibility for compiling and 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; and
 3. a reasonably detailed current list, by subject matter, of all records in possession of the District, whether or not available for public inspection and copying.
- C. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the District to prepare any record not possessed or maintained by it.

Access to Records

- A. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at the Education Center, 700 Delaware Avenue, Delmar, NY, 12054, during the business days on which the District offices are open.
- B. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents that have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, at the discretion of the records access officer.
- C. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the records access officer.
- D. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the records access officer

shall acknowledge receipt of the request and advise on the approximate date when the request will be granted or denied.

- E. If a request cannot be granted within twenty business days from the date of acknowledgment of the request, the District must state in writing both the reason the request cannot be granted within twenty business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.
- F. Denial of access: When a request for access to a public record is denied, the records access officer shall indicate in writing the reasons for such denial, and the right to appeal.
- G. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the superintendent within thirty days after the denial from which such appeal is taken.
- H. The applicant and the New York State Committee on Open Government will be informed of the superintendent's determination in writing within ten business days of receipt of an appeal. The superintendent shall transmit to the NYS Committee on Open Government photocopies of all appeals and determinations.

Records Exempted from Public Access

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

- A. are specifically exempted from disclosure by state and/or federal statute;
- B. if disclosed would constitute an unwarranted invasion of personal privacy;
- C. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- D. 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;
- E. are compiled for law enforcement purposes and which, if disclosed, would:
 - 1. interfere with law enforcement investigations or judicial proceedings;
 - 2. deprive a person of a right to a fair trial or impartial adjudication;
 - 3. identify a confidential source or disclose confidential techniques or procedures, except[CM8] routine techniques or procedures; or
 - 4. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- F. records that, if disclosed, would endanger the life or safety of any person;
- G. records that are interagency or intra-agency communications, except to the extent that such materials consist of:
 - 1. statistical or factual tabulations of data;
 - 2. instructions to staff which affect the public;
 - 3. final Board policy determinations; or
 - 4. external audits, including but not limited to, audits performed by the comptroller and the federal government;
- H. records that are examination questions or answers that are requested prior to the final administration of such questions; or
- I. records that are computer access codes.

Prevention of Unwarranted Invasion of Privacy

To prevent an unwarranted invasion of personal privacy, the records access officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes, but shall not be limited to:

- A. disclosure of confidential personal matters reported to the Board that are not relevant or essential to the ordinary work of the Board;
- B. disclosure of employment, medical or credit histories, or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
- C. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;
- D. disclosure of information 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 Board; or
- E. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

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.

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 District, whether or not available under the law.

Litigation-Hold

The superintendent will designate a “discovery” team, comprised of the school attorney, director of technology, the records access and records management officer, and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The superintendent, with assistance from the director of technology, will ensure that measures are put in place to preserve applicable records.

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