

## **POLICY: PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS**

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Sections 87 and 89. Access to records will be provided in compliance with the Freedom of Information Law (FOIL) and the Family Educational Rights and Privacy Act (FERPA).

### **I. Records Access Officer**

The Superintendent of Schools shall appoint a Records Access Officer, subject to the approval of the Board of Education. The Records Access Officer shall be identified by name or specific job title, business address and e-mail address.

The Records Access Officer shall have the duty of coordinating agency responses to public request for access to School District records.

The District shall provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the District can reasonably do so.

### **II. Requests for Records via Email**

If the District has the capability to retrieve electronic records, it will provide such records electronically upon request. The District shall accept requests for records submitted in the form of electronic mail and may respond to such requests by electronic mail. This information shall be posted on the District website, clearly designating the email address for purposes of receiving requests for records via this format.

When the District maintains requested records electronically, the response shall inform the requester whether the records are accessible via the internet, or in printed form either on paper or other information storage medium.

(continued)

**SUBJECT: PUBLIC ACCESS TO SCHOOL DISTRICT RECORDS****III. 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.

**IV. Retention of Records**

The Board hereby adopts the Records Retention and Disposition Schedule as promulgated by the Commissioner of Education which contains the legal minimum retention periods for district records. In accordance with this schedule, 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, archival or historical value to merit retention beyond the established legal minimum periods.

**V. Board of Education Meetings and Records**

District records subject to disclosure under the FOIL, as well as any proposed rule, regulation, policy or amendment, on the agenda for and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. Such records shall be posted on the District's website to the extent practicable, prior to the meeting.

Education Law Section 2116  
Public Officers Law Sections 87 and 89  
21 NYCRR Parts 1401 and 9760

Revisions Adopted: January 26, 2015