

SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operations of the public schools in accordance with the Freedom of Information Law (FOIL) of the State of New York.

The Superintendent of Schools shall designate, subject to Board approval, a Records Access Officer. The Records Access Officer shall develop and submit to the Board, for approval, a Records Management Program. This program shall include regulations ensuring compliance with FOIL and governing procedures to be followed to obtain access to District records. The Superintendent also shall designate, subject to Board approval, a Records Management Officer as required by law.

A list of records accessible to the public shall be maintained by the District and made available in the District Office. The list shall be organized by subject matter and shall be updated not less than semi-annually. Any requests for records from residents of the District shall be made to the Superintendent.

Cross-Reference: Policy 2330 – Executive Sessions
 Policy 2360 – Minutes
 Policy 2370 – Public Participation at Board Meetings
 Policy 5500 – Student Records
 Policy 6630 – Financial Reports and Statements

Revised: May 22, 2001; November 18, 2008

SCHOOL DISTRICT RECORDS REGULATION

The following comprises the rules and regulations relating to the inspection and copying of school district records:

1. Designation of Officers

- a. The Superintendent of Schools, subject to Board of Education approval, shall designate a Records Access Officer.
- b. The Records Access Officer shall receive requests from the public for records of the Board of Education and make such records available for inspection or copying when such requests are granted.
- c. The Records Access Officer shall promote and support a Records Management Program for the orderly and efficient management of records.
- d. The Superintendent, subject to Board approval, shall designate a Records Management Officer for the District.
- e. The Records Management Officer shall coordinate the development of the Records Management Program, oversee such program, and coordinate the legal disposition of records, including destruction of obsolete records.

2. Records Management Program

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

- c. Records Management Program means an on-going, coordinated, administrative effort to systematically manage a local government's records from initial creation to final disposition. A Records Management Program includes, but is not limited to:
- the legal disposition of obsolete records;
 - the identification and administration of an access to records of enduring value;
 - filing and indexing systems;
 - the use of computer or other technology in information creation, manipulation and storage;
 - the storage and management of inactive records no longer needed for the conduct of day-to-day business in the office;
 - the microfilming of records;
 - the oversight of the creation and the use of forms, correspondence and other records; and
 - the provision for protecting vital records.

3. Requests for Inspection or Copying of Records

- a. All requests for inspection or copying of records are to be made in writing and submitted to the Records Access Officer.
- b. Written requests shall reasonably describe the record that is sought to be inspected or copied.
- c. Requests for inspection of payroll records shall only be made available in accordance with Chapter 578 of the Laws of 1974 and upon written notice in the form prescribed by the Comptroller of the State of New York.
- d. Nothing in these regulations shall require the Board to prepare any record not possessed or maintained by it, except the records specified in Item 2 above.

4. Procedures

- a. The Records Access Officer shall assist any applicant searching for the existence of a record prior to the making of a request.
- b. The Records Access Officer, within five (5) business days of the receipt of a written request, shall:
- Make such record available to the person requesting it,
 - Deny such request in writing, or
 - Furnish a written acknowledgement of the receipt of such request and a statement of the approximate date when such request will be granted or denied.

- c. If the Records Access Officer determines, after a diligent search, that the District does not have possession of such record or that such record cannot be found, he/she shall certify in writing to the individual requesting the record that such circumstances exist.

5. Granted Requests

- a. If a request is granted, the inspection and copying of records shall take place under the direction and supervision of the Records Access Officer, or designee, during any day that school is in session between the hours of 9:00 am and 4:00 pm, and at the location where the record is usually kept in the regular course of the business of the District, or as otherwise prescribed by the Records Access Officer.
- b. Upon payment hereinafter set, the District shall supply photography of such record open for inspection. The fee shall be 25 cents per page. Any record may be copied by hand by the person inspecting the record, at no charge.
- c. Upon request, the Records Access Officer shall certify to the correctness of such record, at no charge.

6. Denied Requests and Appeals

- a. Any person denied access to a record by the Records Access Officer may, within thirty (30) days, appeal in writing to the President of the Board, or the Board.
- b. The Board, within ten (10) business days of the receipt of an appeal, shall fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought.
- c. The Board also shall immediately forward to the Committee on Open Government of the State of New York a copy of such appeal upon receipt and the ensuing determination.
- d. Any person denied access to a record by the Board may appeal to the Supreme Court of the State of New York pursuant to Article 78 of the Civil Practice Laws and Rules.
- e. Access may be denied to records, or portions thereof, that:
 - Are specifically exempted from disclosure by State and/or Federal status;
 - If disclosed, would constitute an unwarranted invasion of personal privacy;
 - If disclosed, would impair present or imminent contract awards or collective bargaining;
 - Are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;

- Are compiled for law enforcement purposes which, if disclosed, would:
 - interfere with law enforcement investigations or judicial proceedings;
 - deprive a person of a right to a fair trial or impartial adjudication;
 - identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - reveal criminal investigative techniques or procedures.
- If disclosed, would endanger the life or safety of any person;
- Are inter-agency materials which are not:
 - statistical or factual tabulations or data;
 - instruction to staff that affect the public; or
 - final agency policy or determinations, or
- Are examination questions and/or answers which are requested prior to the final administration of such questions.

7. Severability

If any provision of this policy or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of any other provision of this policy or the application thereof to any other person or circumstance.

Reference: Education Law §§2116-a
Arts and Cultural Affairs Law §57.11 et seq.
Public Officers Law §§84 et seq.
8 NYCRR Part 185

Revised: May 22, 2001; November 18, 2008

SCHOOL DISTRICT RECORDS
APPLICATION FOR PUBLIC ACCESS TO RECORDS

TO: RECORDS ACCESS OFFICER:
South Colonie Central School District, 102 Loralee Drive, Albany NY 12205

I hereby apply to [] inspect only OR [] inspect and request reproduction of the following record at a reasonable fee:

Three horizontal lines for providing record details.

Date: Signature:

Representing:

Mailing Address:

I hereby acknowledge receipt of the reproduction of records.

Signature Date

FOR OFFICE USE ONLY

- APPROVED Copy Charge: Search Charge:
DENIED: (for reason checked below)
Confidential disclosure Record of which this agency is legal custodian cannot be found
Part of investigatory files Record of which this agency is legal custodian cannot be found
Unwarranted invasion of personal privacy
Record is not maintained by this agency
Exempted by statute other than the Freedom of Information Act
Other (specify):

Signature Title Date

NOTICE: You have a right to appeal a denial of this application to the head of this agency, the Superintendent of Schools, South Colonie Central School District. The Superintendent shall fully explain his/her reasons for such denial in writing within seven days of receipt of an appeal.

I hereby appeal: Signature Date