

Policy

DISTRICT RECORDS AND REPORTS

The operation of a school district results in the generation of numerous documents and official records. These must be maintained in compliance with the NJ Open Public Records Act and other laws and regulations. Members of the public have the right under law to inspect and copy (with certain exceptions) the public records of the district.

The district plans to preserve these records by:

- A. Appointing the business administrator as records custodian;
- B. Periodically reviewing records retention with the chief school administrator and the school board or a committee thereof; and
- C. Retaining records according to the schedule for educational institutions promulgated by New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS). A partial schedule, for key classes of records, is shown at the end of this policy.

Availability to the Public

For the protection of the public interest, the board believes that members of the community have a right to inspect, copy or examine district records with certain exemptions as specifically described in statute. Any limitations on this right shall be construed in favor of the public's right to access. Requests for district records shall be submitted to the records custodian (or designee) in writing on the appropriate form. The custodian shall reply to all requests promptly and shall grant access or deny the request as soon as possible, but within seven days, provided that the record is currently available and not in storage or archived.

Any resident of the State may inspect and copy the public records of this district, except exempted records enumerated below during the regular business hours of the office in which such records are maintained, and provided that advance notice of such intended inspection has been given the custodian of the record not less than one working day before the inspection. Immediate access ordinarily shall be granted for budgets, bills, contracts and collective negotiations agreements.

A resident may purchase copies of the public record of this district upon payment of 10 cents per page. No public record may be removed from the office in which it is maintained. Nothing in this policy shall be construed as preventing a board member from inspecting in the performance of official duties any record of this district except student records.

Anonymous requests for government records are permitted by law. If an anonymous request is made and the estimated cost of producing copies exceeds \$5.00, a deposit may be required. Anonymous requests for personal information will not be fulfilled.

Access shall be granted in the medium requested or some other meaningful medium, unless the request is for a record in a medium not routinely used by the district; not routinely developed or maintained by the district; or requiring a substantial amount of manipulation or programming of information technology. In these cases, the board may add a special reasonable charge. The custodian shall ensure that statements are prominently posted in district offices that describe the specific terms of the public's right to appeal a denial of access and procedures for filing an appeal.

Records Exempted from Public Access

DISTRICT RECORDS AND REPORTS (continued)

Records exempted by law include: security and emergency response procedures; purchase, lease or acquisition of real property; pending or anticipated litigation; reports of investigations in progress; matters for which disclosure would impair the right to receive federal funds; pending negotiations toward a collective bargaining agreement; most personnel and pension records of an individual; questions and answer keys (for personnel or academic examinations and job interviews); records concerning individual students and staff, their home addresses and telephone numbers (unless waived by the individual); reports and recommendations that involve unwarranted invasion of privacy; medical and psychological records. The records custodian will keep confidential and edit out information in records that disclose social security numbers, credit card information and drivers' license numbers.

A. Records exempted by law include:

1. Personnel and pension records of an individual, except that the following are public record: an individual's name, title of position, salary, payroll record, length of service, date of separation and the reason therefore, the amount and type of pension he receives; and data, other than detailed medical or psychological information, which shows conformity with qualifications for employment and pensions.
2. Questions on examinations required to be conducted by a local governmental agency.
3. Records concerning morbidity, morality and reportable diseases.
4. Records concerning individual students.
5. Election tally sheets and ballots.
6. Reports of investigations in progress.

B. The board declares disclosure of certain public records to be inimical to the public interest and therefore exempts from public inspection records concerning:

1. Matters, the disclosure of which would impair a right to receive Federal funds.
2. Pending negotiation toward a collective bargaining agreement
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. Contemplated purchase, lease or acquisition of real property.
5. Tactics and techniques utilized in protecting the safety and property of the public where such disclosure would impair such protection.
6. Pending or anticipated litigation, contract negotiations, (other than in the collective bargaining process), and other issues that may fall within the privileged relationship between the Board and its attorney.

C. The board declares disclosure of the following records to be likely to violate the privacy of individuals and therefore exempts from public inspection:

1. Rosters of employees of the board.
2. The home address or telephone number of any employee of the board, except as the individual student or employee may wish such information to be released.
3. Notations and tape recordings made and temporarily retained by an individual solely as an administrative convenience in the performance of assigned duties, except that tape recordings of public meetings may not be exempted from public inspection.
4. Records made and privately retained by an individual, which express personal impressions, opinions, and conclusions, and the disclosure of which would tend to violate the recorder's privacy.

DISTRICT RECORDS AND REPORTS (continued)Record Retention

Record retention periods in conformance with state and federal codes, regulations, and statutes of limitation may be accessed through the New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS) at <http://www.nj.gov/treasury/revenue/rms/retention.shtml>. The records custodian will ensure that records are retained and appropriately stored in accordance with state and federal statute and regulation. A partial schedule of retention periods for pertinent school record categories is listed below (Note: the School District Records Retention and Disposition Schedule should be consulted before any record is destroyed).

Partial Record Retention Schedule

- A. Financial records: 7 (seven) years
- B. Agendas and minutes: Permanent for originals; 1 year for copies
- C. Resolutions of the school board: Permanent
- D. Administrative policy and advisory statements: Permanent
- E. Correspondence, including emails: 3 (three) years for general external correspondence; one year for internal correspondence
- F. Official public meeting notice: 3 (three) years
- G. Legal notice in newspaper: 7 (seven) years
- H. Publisher's affidavits: 10 (ten) years
- I. Tape recordings of school board meetings (audio tape and video): 45 (forty-five) days or until summary or verbatim transcripts have been approved as minutes
- J. Election file: 5 (five) years for bonding election report, certificate and voting authority
- K. Other election materials: 1 (one) year
- L. Master publications file of school newsletters, yearbooks, student handbooks, etc.: Permanent
- M. School monitoring file (with school monitoring annual plan): Permanent
- N. Internal monitoring guide and action plan: 14 (fourteen) years
- O. Academic master plan (updated every seven years): Permanent
- P. Support file for the academic master plan, including school evaluations: 10 (ten) years.
- Q. Fall and statistical report file: 5 (five) years
- R. Settlements (original): Permanent
- S. Agency copy of routine settlements: 3 (three) years after final settlement

DISTRICT RECORDS AND REPORTS (continued)

School District Retention Schedule: Active Records – Administration, can be found at RMS School District Records Retention and Disposition Schedule reference number M7000101-001. For all other items the district will consult RMS Individual Educational Records Series Description and Series Number for retention and disposal information.

Implementation

The chief school administrator shall periodically review the work of the records custodian with the school board or a committee thereof, to ensure that necessary steps are being taken to gather, record, disseminate, copy, store and ultimately to destroy school district records in accordance with applicable laws. Particular attention shall be paid to implementing the public's right to access records and to protecting from public access those records specifically exempted by law. If deemed necessary, the board will adopt additional rules, regulations and procedures to implement this policy.

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 Revised:

Key Words

District Records and Reports, Public Access, Records, Reports

<p><u>Legal References:</u> <u>N.J.S.A. 10:4-6 et seq.</u> <u>N.J.S.A. 18A:4-14</u> <u>N.J.S.A. 18A:7A-11</u> <u>N.J.S.A. 18A:11-2</u> <u>See particularly:</u> <u>N.J.S.A. 18A:11-2(b)</u> <u>N.J.S.A. 18A:17-7</u> through -12 <u>N.J.S.A. 18A:17-28(e)</u> <u>N.J.S.A. 18A:17-35</u> <u>N.J.S.A. 18A:17-36</u> <u>N.J.S.A. 18A:17-46</u> <u>N.J.S.A. 18A:36-19</u> <u>N.J.S.A. 47:1A-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 47:1A-1.1, -5</u> <u>N.J.S.A. 47:3-15 et seq.</u> <u>N.J.A.C. 2:36-1.1 et seq.</u> <u>N.J.A.C. 6A:16-5.3</u> <u>N.J.A.C. 6A:23A-16.1 et seq.</u> <u>N.J.A.C. 6A:27-7.9</u> <u>N.J.A.C. 6A:30-1.1 et seq.</u> <u>N.J.A.C. 6A:32-7.1 et seq.</u></p>	<p><u>Open Public Meetings Act</u> Uniform system of bookkeeping for school districts Reports by local school district, commissioner; interim review Power to sue and be sued; reports; census of school children Secretary to give notices and keep minutes, etc. Duties of business manager Records of receipts and payments Accounting; monthly and annual reports Act of violence; report by school employee; notice of action taken; annual report Student records; creation, maintenance and retention, security and access; regulations; nonliability Examination and copies of public records (<u>Open Public Records Act</u>) Destruction of Public Records Law Child Nutrition Programs Incident reporting of violence, vandalism and substance abuse Prescribed system of double-entry bookkeeping and GAAP accounting Vehicle records Evaluation of the Performance of School Districts Student Records</p>
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DISTRICT RECORDS AND REPORTS (continued)See particularly:N.J.A.C. 6A:32-7.1(g), -7.8N.J.A.C. 15:3-2.1 et. seq. Records Retention

Annual Data Collection Plan, New Jersey State Department of Education

Records Retention Schedule, New Jersey State Department of Education

Matawan Regional Teachers Association v. Matawan-Aberdeen Bd. of Ed., 212 N.J. Super. 328 (Law Div. 1986)Laufgas v. Barnegat Twp. Bd. of Ed., 1987 S.L.D. 2442, aff'd St. Bd. 1988 S.L.D. 2496Horner v. Kingsway Regional, 1990 S.L.D. 752Beatty v. Chester Bd of Ed, 1999 S.L.D. (Sept.)**Possible**

<u>Cross References:</u>	3543	Office services
	3571	Financial reports
	*4112.6/4212.6	Personnel records
	*5125	Student records
	*5131.5	Vandalism/violence
	*6142.2	English as a second language; bilingual/bicultural
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*9322	Public and executive sessions
	*9326	Minutes

*Indicates policy is included in the Critical Policy Reference Manual