

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 3570

 X **Monitored**

 Mandated

 X **Other Reasons**

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~~ **New Jersey** 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 7 business days from the date the request is received**, provided that the record is currently available and not in storage or archived.

The custodian shall permit district records to be inspected, examined or copied during the hours that the board office is open, ~~(or for small districts with an enrollment of 500 or fewer, during not less than six regular business hours over not less than three business days per week).~~ Immediate access ordinarily must be granted for budgets, bills, contracts and collective negotiations agreements. Copies may be made at fees not to exceed those set by statute. 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

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 pupils and staff, their

DISTRICT RECORDS AND REPORTS (continued)

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.

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.

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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.

Adopted: June 1999

Revised:

Readopted: March 2012

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

District Records and Reports, Public Access, Records, Reports

Regulation

INSPECTION AND REQUESTS FOR
ACCESS TO GOVERNMENT RECORDS

The board recognizes the right of citizens to inspect and receive copies of public records.

Citizens may inspect public records in the office of the Custodian of School Records (hereinafter "Custodian") during regular business hours and under the supervision of a representative of the Custodian.

Records may be inspected, examined and requests for copies made during regular business hours unless the government record is exempt from public access.

1. Prior to permitting access to any government record, the Custodian shall redact from that record any information, which discloses the social security number, credit card number, unlisted telephone number or driver's license number of any person.
2. Copies of government records may be purchased by payment of a fee pursuant to N.J.S.A. 47:1A-1 et seq., which provides for the following charges:
 - Pages 1 through 10 - \$0.75 per page
 - Pages 11 through 20 - \$0.50 per page
 - Pages over 20 - \$0.25 per page
3. The "Request for Access to Government Records" form must be completed and a response shall be provided within seven (7) business days after request is received provided that the record is currently available and not in storage or archived. If the response is a denial or if no response is given, this decision may be appealed to Union County Superior Court, Broad Street, Elizabeth, New Jersey or the Government Records Council in the Department of Community Affairs, West State Street, Trenton, New Jersey.
4. If the request is anonymous or if the pages exceed twenty-five (25), prepayment of fees is required, pursuant to the fees set forth above.
5. All requests shall be in writing and hand delivered, mailed or e-mailed to the Custodian of Records. The Custodian of Records shall be the **School Business Administrator/Board Secretary or designee**. ~~The alternate Custodian of Records is the Business Administrator.~~ The present **electronic** mail address of the Custodian of Records is **as follows** gbrennan@twpunionschools.org or a request can be mailed or hand delivered to the following address: 2369 Morris Avenue, Union, New Jersey 07083.
6. If the government record is in storage or archived, the requestor shall be so advised within seven (7) business days after the Custodian receives the request. The requestor shall be advised by the Custodian when the record can be made available. ~~If the record is not made available by that time, access shall be deemed denied.~~
7. Anyone employed by the Township of Union Board of Education who receives a request shall immediately forward same to the Custodian of School Records for handling.
8. The Custodian of School Records shall prepare and make available a form to be used by individuals requesting access to government records.

INSPECTION AND REQUESTS FOR
ACCESS TO GOVERNMENT RECORDS (continued)

This procedure shall be posted conspicuously in the Administration Building, 2369 Morris Avenue, Union, New Jersey and circulated to all administrative staff in the District.

Dated: June 19, 1984
Amended: July 19, 1988 (File Code # change)
Amended: February 18, 1997
Amended: October 2002
Updated:

Legal References

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QSAC Monitored:

DPR: Governance - 1

Other Reasons:

N.J.S.A. 47:1A-1 declares it to be the public policy of New Jersey that government records with few exceptions shall be accessible to the public for inspection, copying or examination. Exceptions are only those records specifically cited in law. Limitations shall be construed liberally in favor of public access.

N.J.S.A. 47:1A-1.1 defines a "government record" as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the state or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission agency, or authority of the state or of any political subdivision thereof, including subordinate boards thereof." This is an expansive definition.

N.J.S.A. 47:1A-1.1 also defines the "custodian of a government record" as the officer that the public agency (the board of education) designates by formal action.

Recommendation:

A policy directing annual submission to the board of a complete list of legally mandated school district financial and other records and reports. It should designate the chief school administrator, board secretary, school business official, or a combination, as responsible for preparing the list, presenting it to the board, and reporting to the board on compliance. Policy should provide for access to and destruction of district records in accordance with applicable laws.

The policy should also declare the board's adherence to the philosophy expressed in the Open Public Records Act and designate a custodian of district records.

The board might wish to list records not open to public.

Legal References: N.J.S.A.10:4-6 et seq.
N.J.S.A.18A:4-14
N.J.S.A.18A:7A-11

N.J.S.A.18A:11-2
See particularly:
N.J.S.A.18A:11-2b
N.J.S.A.18A:17-7
through -12
N.J.S.A.18A:17-28(e)
N.J.S.A.18A:17-35
N.J.S.A.18A:17-36
N.J.S.A.18A:17-46

Open Public Meetings Act
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

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<u>N.J.S.A. 18A:36-19</u>	action taken; annual report
<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>	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability Examination and copies of public records ("Open Public Records Act")
<u>N.J.S.A. 47:3-15 et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C. 2:36-1.1 et seq.</u>	Child Nutrition Programs
<u>N.J.A.C. 6A:16-5.3</u>	Incident reporting of violence, vandalism and substance abuse
<u>N.J.A.C. 6A:23A-16.1 et seq.</u>	Prescribed system of double entry bookkeeping and GAAP accounting
<u>N.J.A.C. 6A:27-7.9</u>	Vehicle records
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the performance of school districts
<u>N.J.A.C. 6A: 32-7.1 et. seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:32-7.1(g), -7.8</u>	Student Records
<u>N.J.A.C. 6A:32-12.1</u>	Reporting requirements
<u>N.J.A.C. 6A:32-12.2</u>	School level planning
<u>N.J.A.C. 15:3-2.1 et. seq.</u>	Records Retention

Annual Data Collection Plan, New Jersey State Department of Education

New Jersey Department of Treasury, Division of Revenue and Enterprise Service, Records Management Services (RMS), School District Records Retention and Disposition Schedule

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. 2496

Horner v. Kingsway Regional, 1990 S.L.D. 752

Beatty v. Chester Bd of Ed, 1999 S.L.D. (Sept.)

Possible

Cross References:

3543	Office services
3571	Financial reports
*4112.6	Personnel records
*4212.6	Personnel records
*5125	Pupil 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.