

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 (1) appointing the business administrator as records custodian, (2) periodically reviewing records retention with the chief school administrator and the school board or a committee thereof, and (3) retaining records according to the schedule for educational institutions promulgated 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.

The board designated the business administrator as the custodian of district records. Requests for district records shall be submitted to the records custodian (business administrator 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.

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:

- A. For a record in a medium not routinely used by the district;
- B. Not routinely developed or maintained by the district; or
- C. Requires 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

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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 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.

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- 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

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.

Email Records

- A. Email messages are “official record messages” if they are evidence of the district’s organization, function, policies, procedures, or activities or contain informational data appropriate for preservation. Examples include:
 - 1. Policy documents or contract related documents;
 - 2. Correspondence, e.g., letters, memos, emails from individuals, companies, or organizations requesting information about the district or school policies or practices and the responses to these requests;
 - 3. Project reports;
 - 4. Correspondence dealing with significant aspects of District administration or a school executive office, including messages containing information concerning policies, programs, fiscal and personnel matters, and contracts.
- B. Email messages are “non-record messages” if they do not evidence the district’s organization, function, policies, procedures, or activities; or contain informational data appropriate for preservation. These are generally informal or preliminary drafts, notes, recommendations, or memoranda that do not contain official action. Non-record email messages may be deleted. Examples include:
 - 1. Personal correspondence not received or created in the course of district or school business, such as, “What’s for dinner?” or “I’ll be glad to drive to the meeting.”
 - 2. Notices concerning meetings or workshops, dates, discussion topics, and material to prepare for or to be discussed during a meeting.
 - 3. Publications or promotional material from vendors and similar materials that are available to anyone.
 - 4. Correspondence containing recommendations or opinions that are preliminary to a decision.
 - 5. Informal correspondence to parents/guardians concerning school activities or an individual student’s progress or assignments provided the messages do not contain notice of final or official action.
 - 6. Draft material.

Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law (retained three (3) years for external correspondence and one (1) year for internal correspondence).

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

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and procedures to implement this policy.

Limitations

No portion of the records of the district as pertain to employees or pupils shall be public records except as provided by law.

No working papers, internal memoranda or other documents generated by members of the board of education or members of the staff of the district shall be public documents or open to inspection by the public except by specific approval of the board.

Adopted: March 23, 1998
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 NJSBA Review/Update: August 2008
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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></p> <p><u>N.J.S.A. 18A:11-2</u> <u>See particularly:</u> <u>N.J.S.A. 18A:11-2b</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></p> <p><u>N.J.S.A. 18A:36-19</u></p> <p><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></p> <p><u>N.J.A.C. 6A:23A-16.1 et seq.</u></p> <p><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> <u>See particularly:</u> <u>N.J.A.C. 6A:32-7.1(g), -7.8</u></p>	<p>Open Public Meetings Act Uniform system of bookkeeping for school districts Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills Power to sue and be sued; reports; census of school children</p> <p>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 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability Examination and copies of public records ("Open Public Records Act")</p> <p>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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- N.J.A.C. 6A:32-12.1 Reporting requirements
- N.J.A.C. 6A:32-12.2 School level planning
- N.J.A.C. 15:3-2.1 et. seq. 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.