

Bylaws of the Board

Board/School District Records

Any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by the Board of Education or the school district, whether handwritten, typed, tape-recorded, printed, photostated, photographed, or recorded by any other method is by definition a "public record" and access thereto during normal hours of business shall be granted to any citizen. All such records shall be maintained at the office of the Superintendent of Schools, who shall be the custodian of all public records of the district.

Not included in the category of public records to which the privilege of access is given are the following:

1. Preliminary drafts or notes provided the custodian or the Board of Education has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.
2. Personnel or medical files and similar files, the disclosure of which would constitute an invasion of personal privacy.
3. Records pertaining to strategy and negotiations with respect to pending claims and litigation to which the district is a party until such litigation or claim has been adjudicated or otherwise settled.
4. (A) Trade secrets, which are defined by law as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and
(B) commercial or financial information given in confidence, not required by statute.
5. Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations.
6. The contents of real estate appraisals, engineering or feasibility estimates and evaluation made for or by the district relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated (except that the law of public domain is not affected by this provision).

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7. Records, reports and statements of strategy or negotiations with respect to collective bargaining.
8. Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship.
9. Names or addresses of students enrolled in the public schools without the consent of each student whose name or address is to be disclosed who is eighteen or older and a parent or guardian of such minor student.
10. Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.
11. Records when there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any Board facility or any fixture or appurtenance and equipment attached to, or contained in, such facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined by the Commissioner of Emergency Management and Homeland Security, after consultation with the Superintendent, with respect to records concerning the school district. Such records include, but are not limited to: (i) Security manuals or reports;(ii) Engineering and architectural drawings of Board facilities; (iii) Operational specifications of security systems utilized at any Board facility, except that a general description of any such security system and the cost and quality of such system, may be disclosed; (iv) Training manuals prepared for Board facilities that describe, in any manner, security procedures, emergency plans or security equipment; (v) Internal security audits of Board facilities; (vi) Minutes or records of meetings, or portions of such minutes or records, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subsection; (vii) Logs or other documents that contain information on the movement or assignment of security personnel; and (viii) Emergency plans and emergency preparedness, response, recovery and mitigation plans, including plans provided to a state agency or a local emergency management agency or official.
12. Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system.
13. The residential, work or school address of any participant in the address confidentiality program established by the Secretary of State to protect victims of family violence, injury or risk of injury to a minor, sexual assault, or stalking.

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14. Responses to any request for proposals or bid solicitation issued by the district or any record or file made by the district in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the Superintendent certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

Availability of Records

Any person shall receive promptly on request, a plain or certified copy of any public record except those which access is not permitted under law, at a cost not to exceed fifty cents per page. If any copy requested required a printout or transcription, or if any person applies for a printout or transcription of a public record, the fee shall not exceed the cost to the school district. The district will require prepayment of the fee if the fee is estimated to be ten dollars or more. There will be no sales tax for this service. There will be no charge if the person requesting the record is an indigent, the record requested is exempt from disclosure, or if, in the judgment of the custodian of records, compliance with the request benefits the general welfare.

An additional charge of one dollar for the first page and fifty cents for each additional page may be made for certification of any records or of any fact within the record.

Any individual may copy a public record through the use of a hand-held scanner. The Board may charge a fee not to exceed twenty dollars for an individual to pay each time the individual copies records with a hand-held scanner. As used in this section, "hand-held scanner" means a battery operated electronic scanning device, the use of which (1) leaves no mark or impression on the public record, and (2) does not unreasonably interfere with the operation of the Board.

The Superintendent, on behalf of the Board of Education, shall immediately notify an employee in writing, and the employee's union representative, if any, when a request is made for disclosure of the employee's personnel, medical or similar files, if (and only if) the Superintendent reasonably believes disclosure would legally constitute an invasion of the employee's privacy. The Board shall disclose the records requested unless it receives a written objection from the employee concerned (or the employee's union representative, if any), within 7 business days from the receipt by the employee or such representative of the notice or, if there is no evidence of receipt of written notice, not later than 9 business days from the date the notice is actually mailed, sent, posted or otherwise given. Each objection filed under this subsection shall be on a form provided by the Board, in accordance with the law. Upon the filing of an objection, the Board shall not disclose the requested records unless ordered to do so by the Freedom of Information Commission or if the employee subsequently approves the disclosure of the records requested by submitting a written notice to the Board.

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Availability of Records (continued)

Record Retention

In accordance with state law, no public record may be “removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules and regulations adopted by the State Library Board.” Therefore, public records may only be subject to destruction and disposal (1) in a manner provided by guidelines adopted by the Connecticut State Librarian, and (2) with the approval of the State Library’s Public Records Administrator. With regard to the length of time that records should be retained, the Connecticut State Librarian has developed retention guidelines. The records retention schedule, as revised from time to time, is available through the State Library / Public Records Administrator and its website at www.eslib.org/publicrecords. Records of the school district may not be subject to destruction unless and until permitted by these retention guidelines.

Legal Reference: Connecticut General Statutes
 1-15 Application for copies of public records.
 1-18 Disposition of original documents
 1-200 Definitions.
 1-210 to 1-213 Access to public records.
 1-211 Access to computer stored records.
 1-214 Public contracts as part of public records.
 1-225 to 1-240 Meetings of public agencies.
 7-109 Destruction of documents.
 11-8 Records management program.
 11-8a Retention, destruction and transfer of documents.

Bylaw adopted by the Board: January 9, 2001
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NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut