

POLICY

No. 1010

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PUBLIC ACCESS TO SCHOOL RECORDS

Section 1. RECORDS ACCESS OFFICER

For the purposes of these regulations, a Records Access Officer shall be designated, who shall be the Deputy District Superintendent, 1031 Watervliet-Shaker Road, Albany, New York 12205.

Section 2. SUBMISSION OF REQUESTS FOR INSPECTION OR COPIES OF RECORDS

All requests for inspection or copies of records shall be made to the Records Access Officer at the address set forth in Section 1 hereof.

Section 3. TIMES WHEN RECORDS ARE AVAILABLE

Requests to inspect or secure copies of records may be made on any business day between the hours of 8:00 a.m. and 4:00 p.m.

Section 4. PROCEDURES

- a. Requests to inspect or secure copies of records pursuant to Section 3 hereof shall be submitted to the Records Access Officer on the form, a copy of which is annexed hereto as Appendix A. These forms shall be available in the Office of the Records Access Officer.
- b. The Records Access Officer will determine and advise the requester whether the records specified in the request are available for inspection and copying within 5 business days of the receipt of the written request thereof.
- c. Access will be denied to records or portions thereof that:
 1. are specifically exempted from disclosure by State and Federal statute;
 2. if disclosed, would constitute an unwarranted invasion of personal privacy;

Adopted: May 16, 1983

Ratified: June 20, 1983

Amended: July 21, 1986

Amended:

3. if disclosed, would impair present or imminent contract awards, or collective bargaining negotiations;
4. if disclosed, would endanger the life or safety of any person;
5. are inter-agency materials which are not statistical or factual tabulations of data, instructions to staff that affect the public, or final agency policy or determinations;
6. are examination questions or answers which are requested prior to the final administration of such questions.

An unwarranted invasion of personal privacy as set forth in paragraph c.2 hereof, includes, but shall not be limited to:

- i. disclosure of employment, medical or credit histories, or personal references of applicants for employment;
 - ii. disclosure of items involving the medical or personal records of students;
 - iii. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 - iv. disclosure of information of a personal nature which when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
 - v. disclosure of information of a personal nature reported in confidence to BOCES and not relevant to the ordinary work of BOCES.
- d. With respect to records which are determined to be available, the Records Access Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of the required fee.
- e. With respect to records which are determined not to be available, the Records Access Officer will certify upon the request form that BOCES does not possess the record, or that it could not be found after a diligent search, and will return one copy of the form to the requester.
- f. Records may be inspected only at the office or location where they are regularly maintained.
- g. Requests by mail for copies of available records may be addressed to the Records Access Officer and will be honored upon payment of the regular fee, (see Section 6 - Fees) provided the requested record is sufficiently identified to make compliance practicable.

Section 5. APPEALS

- a. In the event that the Records Access Officer shall deny a request, requester may appeal such denial to the District Superintendent of Schools.
- b. All such appeals must be delivered to the Office of the District Superintendent within 30 days after the denial from which such appeal is taken.
- c. Appeals will be determined by the District Superintendent or his/her authorized representative, who shall within 7 days of receipt of such appeal fully explain in writing the reasons for the denial or provide access to the record.

Section 6. FEES

- a. The fees for copies of available records shall be as follows:
 1. Pages not larger than 9 inches by 14 inches: 25 cents per page.
 2. Pages larger than 9 inches by 14 inches: 35 cents per page.
- b. Fees shall be paid by cash, check or money order payable to the Board of Cooperative Educational Services of Albany-Schoharie-Schenectady-Saratoga Counties or the Capital Region BOCES. Receipts will be issued to those paying the required fee.

APPENDIX A
APPLICATION FOR PUBLIC ACCESS TO RECORDS

RECORDS ACCESS OFFICER

Board of Cooperative Educational Services
Albany-Schoharie-Schenectady-Saratoga Counties
1031 Watervliet-Shaker Road
Albany, New York 12205

I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD: (where possible, furnish date, title, file designation or other information to help identify record).

I certify that the purpose of the examination is not to obtain names and addresses for commercial or fund-raising purposes.

_____ (Signature)	_____ (Date)
_____ (Representing)	_____ (Mailing Address)

AGENCY USE ONLY

APPROVED

DENIED (for reason(s) checked below)

- Confidential Disclosure Part of Investigatory Files
- Unwarranted Invasion of Personal Privacy
- Record of which this Agency is legal custodian cannot be found
- Record is not maintained by this Agency
- Exempted by statute other than the Freedom of Information Act
- Other (specify)

_____ (Signature)	_____ (Title)	_____ (Date)
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NOTICE: You have a right to appeal a denial of this application to the District Superintendent of Schools, 1031 Watervliet-Shaker Road, Albany, New York 12205, who must fully explain his/her reasons for such denial in writing, within seven days of an appeal.

hereby appeal:

_____ (Signature)	_____ (Date)
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