

SCHOOL BOARD ACCESS TO INFORMATION AND REPORTS

General

In order to fulfill their duties and responsibilities under law, Board members may seek access to information beyond that which is generally accessible to members of the community. There are a number of ways in which Board members may request and secure records or reports which are deemed necessary in order to fulfill their responsibilities under law:

- The Board as an entity may request information which then will be made available for all Board members to review;
- A single Board member may request certain information and/or reports which he/she can demonstrate is necessary if that Board member's request has the support of the majority of the Board;
- In the absence of a majority vote of the Board, a single Board member may still request information if he/she can demonstrate that the requested information is relevant to what the Board is in the process of making a determination about and, under such circumstances will have the right to examine such materials in the manner set forth below.
- Board members may also request the district's Record Access Officer to provide or prepare any information or reports, which is otherwise available to members of the general public pursuant to a Freedom of Information Law request.

Personnel Records

Pursuant to Part 84 of the Regulations of the Commissioner, members of the Board of Education may review employee personnel records only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions in such employee personnel matters as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal, or to aid in the development and implementation of personnel policies, or such other uses as are necessary to enable the Board to carry out legal responsibilities.

Board members may review employee personnel records provided:

1. the Superintendent is requested in advance to present the file at a regularly scheduled open meeting of the Board;
2. the records are reviewed during an executive session;
3. the personnel records are returned in their entirety to the Superintendent at the conclusion of the executive session; and
4. no reproduction of the records is made and no written notes are taken of the contents of employee personnel records.

Ref: Education Law §§1604; 1604-a; 1701; 1708; 1709; 1710
8 NYCRR, Part 84
Gustin v. Joiner, 95 Misc. 2d 277 (1978), *aff'd* 68 AD2d 880 (1978)
Matter of Bruno, 4 EDR 14 (1964)

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