

RECORDS AND DATA MANAGEMENT

A comprehensive system for the management of district records and data will be established and maintained in compliance with Federal and State Laws. The system will be provided to meet all legal, operational and management needs. That system will address operational/legal data needs, as well as personnel and student records management needs and will include:

- * The identification of record and data needs.
- * The specification of objectives to be met for each need.
- * The development and implementation of procedures for the collection, maintenance, protection and storage of the information/data.
- * The development and implementation of systems for retrieval, analyses and reporting of the information/data.
- * The processes that will be used to meet confidentiality and access requirements as required in Public Law 20 U.S.C. 1232g & C.F.R. 34 * 99.1, et seq. (Family Educational Rights and Privacy Act of 1974 "FERPA") as well as Utah Code Ch. 2 of Title 63 (Government Records Access Management Act, "GRAMA").

The records/data management system is intended to provide fair, timely and necessary information to managers and decision makers, as well as the public, and at the same time, protect the confidentiality and accessibility of the information as required by law. This policy is intended to bring the District into compliance with the Utah Government Records Access and Management Act of 1991 as amended in 1992.

Cross References:

File #G, Personnel Records
File #JO & JO-P, Student Records
Master Agreements Article #8 Certified & #9 Classified
File # EHA Employment Requirements and Restrictions: Access to
School Records
FERPA Law (Fed.)
GRAMA Law (St.)

Approved 6-23-92

- D. if the request exceeds fifty pages the District may, at its sole discretion, provide the requestor with facilities to make copies.

13.A. Copying Procedures: Each requestor shall submit a written request specifically identifying those documents requested. The request shall specifically state whether the documents sought are:

- A. to be copied;
- B. identified to determine whether they are subject to disclosure;
- C. to be allowed to inspect a specific record.
- D. In the event that a document is specifically identified and designated for copying, the requestor shall submit sufficient funds with the written request to pay for all copies and services requested.
- E. copies of copyrighted or patented materials is prohibited unless provided for in an order of a court.



14. **REQUESTS TO AMEND A RECORD: An individual may contest the accuracy or completeness of a document pertaining to him/her pursuant to 63-2-603. Such requests should be made to the District Records Manager.**

- A. **Appeals of denial to amend a record may be made following the same appeal procedure for denial of access under item 10.**

15. RETENTION OF RECORDS/DATA: All public, private, confidential and protected documents must be maintained by the district for at least three (3) years except those whose maintenance is directed otherwise by State or Federal dictates, after which the District may discard, destroy or dispose of any such documents.



- A, **The District Records Manager shall adhere to the general schedule for records retention approved by the State Records Committee and will seek help from the State Records Committee for scheduling those not covered by the general schedule.**

16. JUDICIAL REVIEW: Any party may appeal the Board of Education's decision, to the District Court in Utah County. The petition shall be filed no later than fifteen (15) days after the date of the Board of Education's decision or order.

- D. if the request exceeds fifty pages the District may, at it's sole discretion, provide the requestor with facilities to make copies.
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NEBO SCHOOL DISTRICT BOARD OF EDUCATION
Policy

FILE # EH

RECORDS AND DATA MANAGEMENT

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- *The specification of objectives to be met for each need
- *The development and implementation of procedures for the collection, maintenance, protection and storage of the information/data
- *The development and implementation of systems for retrieval, analyses and reporting of the information data
- *The processes that will be used to meet confidentiality and access requirements as required in Public Law 20 U.S.C. 1232g & C.F.R. 34* 99.1, et seq. (Family Educational Rights and Privacy Act of 1974 "FERPA") as well as Utah Code Ch. 2 of Title 63 (Government Records Access Management Act. "GRAMA").

The records/data management system is intended to provide fair, timely and necessary information to managers and decision makers, as well as the public, and at the same time, protect the confidentiality and accessibility of the information as required by law. This policy is intended to bring the District into compliance with the Utah Government Records Access and Management Act of 1991 as amended in 1992.

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GRAMA Law (St.)

Date: Approved 6-23-92

NEBO SCHOOL DISTRICT BOARD OF EDUCATION
Administrative Procedure

FILE #EH-P

**RECORDS REQUIREMENTS AND RESTRICTIONS
ACCESS TO SCHOOL RECORDS**

This procedure is adopted pursuant to the Government Records Access and Management Act II, Utah Code Ann. (1991) S63-2-101 through 909(GRAMA) and is intended to apply to the Nebo School District and all its schools or sub units. The policy will dictate all procedures relating to information practices including: classification, access, appeals, management and retention of documents as defined herein. This policy has been filed with the state archives within the time limitations allowed in the law.

- I. **RECORDS MANAGER:** The Board hereby establishes the Nebo School District Superintendent of Schools as "records manager" for the purposes of this policy. The superintendent will delegate the Business Administrator as "records manager" for all business functions of the district, the Director of Human Resources as "records manager" for all personnel/staff functions, and the Director of Elementary/Pupil Services as "records manager" for all regular and/or handicapped student files. Principals at each local school are responsible for maintaining records at their school (site). These responsibilities will be designated by the primary managers listed above.

2. **RECORDS/FILES DEFINED:** All books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data retained by the school district. This may include a group of records that may be treated as a unit for purposes of classification, description, management, or disposition. A record does not include temporary drafts, material owned by an individual, proprietary software, computer programs, books and other materials that are contained in library collections that are open to the public, or other materials which are protected by the laws of copyright or patent. Record groupings will generally be identified as follows:

1. District Office

- | | |
|---------------------------------|-----------------------------------|
| 1 Administrative records | 2 Bonds and bonding records |
| 3 Budget records | 4 Fixed asset records |
| 5 General accounting records | 6 Maintenance records |
| 7 Payroll records | 8 Personnel records |
| 9 Purchasing records | 10 Risk Management records |
| 11 Child Accounting/attendance | 12 Curriculum/instruction records |
| 13 Facilities records | 14 Food Services records |
| 15 Library/Media Center records | 16 Student records |
| 17 Special Ed./Handicap records | 18 Transportation records |

2. School Records

- | | |
|------------------------------|-------------------------------|
| 19 Elementary school records | 20 Middle/Jr. High records |
| 21 High school records | 22 Alternative school records |

3. **DOCUMENTS/RECORDS/DATA, CLASSIFIED:** For the purposes of this policy and in compliance with the above referenced Utah Code, records will be categorized into 4 groups each of which have different definitions and access stipulations. Those groupings are titled: (1) public, (2) private, (3) controlled, (4) protected. GRAMA II section 306(2) allows the District to Classify a record at the time of the request under the time constraints hereinafter given. Each classification is defined below and each dictates how public or confidential a particular record is and who may have access.
4. **PUBLIC DATA DEFINED:** Records will be reviewed, inventoried, and classified as public according to the following criteria:
- A. Names, gender(if available), gross salary schedule compensation rates, job titles, job descriptions - including essential functions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment of former and present employees and officers.
 - B. Final opinions in administrative, adjudicative or judicial proceedings unless the proceedings were properly closed to the public.
 - C. Information from any proceeding or meeting which is compiled from a transcript, minutes, or report, including the record of all votes of each member of the Board of Education, except as provided by statute. (see "Open Meetings Act.")
 - D. Any administrative staff manuals, instructions to staff, and statements of policy or agreements.
 - E. Information and records concerning any contracts entered into by the district, including, but not limited to, records documentation compensation and compliance with the terms of the contract.
 - F. Information that deals with the receipt or expenditure of funds by the district, it's financial reports, annual reports, and financial audits.
 - G. Statistical records, and compilations, that contain data derived from private, confidential, or protected information, but that do not disclose private, confidential, or protected information (such as research).
 - H. **Student Records** are "protected" except the following which is declared "directory information" and will be made public unless the individual appeals in the manner which will be outlined hereafter: (see * and ** below)
 - 1. student's name, address, and telephone listing;
 - 2. date and place of birth;

NEBO SCHOOL DISTRICT BOARD OF EDUCATION
Exhibit

FILE # JO-E

CONSENT TO RELEASE EDUCATION RECORD OF PUPIL TO THIRD PARTY

School _____ District _____ Date _____

Pursuant to the Family Education Rights and Privacy Act of 1974, which requires consent for the release of information outside the school, I hereby give consent for the release of my education records as checked below to:

(Name of School, Institution, Agency, or Individual)

(Address)

Parents or students over 18 years of age may receive a copy of records sent to other agencies by making a request to the school and paying the fair cost of preparing and mailing the copy.

- Directory Information - This means student's name, address, telephone, date and place of birth, major field of study, degrees and awards received and most recent educational institution attended.
- Category A Data - This is Directory Information plus the record of academic achievements (grades) and attendance records.
- Category B Data - This is Category A data plus standardized aptitude and achievement testing results and the record of extra curricular activities.
- Transfer of records to another district or state. (Categories A & B only)
- Transcript of Credit. (Categories A & B only)
- (1) Grade Point Average (GPA) (2) Rank in Class (Circle one or both)
- College Admissions Testing Results (American College Testing - ACT., College Entrance Examination Board - CEEB, Scholastic Aptitude Test-SAT).
- Other _____

The above records will be used to:

- Transfer records to another school system where I expect to attend.
- Facilitate my admission to a post-high school educational institution.
- Assisting in securing employment.
- Other _____

Signed _____
(Student) Parent (if student is under 18 years of age)

Student's Birthday _____

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3. **DOCUMENTS/RECORDS/DATA, CLASSIFIED:** For the purposes of this policy and in compliance with the above referenced Utah Code, records will be categorized into 4 groups each of which have different definitions and access stipulations. Those groupings are titled: (1) public, (2) private, (3) controlled, (4) protected. GRAMA II section 306(2) allows the District to Classify a record at the time of the request under the time constraints hereinafter given. Each classification is defined below and each dictates how public or confidential a particular record is and who may have access.
4. **PUBLIC DATA DEFINED:** Records will be reviewed, inventoried, and classified as public according to the following criteria:
 - A. Names, gender(if available), gross salary schedule compensation rates, job titles, job descriptions - including essential functions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment of former and present employees and officers.
 - B. Final opinions in administrative, adjudicative or judicial proceedings unless the proceedings were properly closed to the public.
 - C. Information from any proceeding or meeting which is compiled from a transcript, minutes, or report, including the record of all votes of each member of the Board of Education, except as provided by statute. (see "Open Meetings Act.")
 - D. Any administrative staff manuals, instructions to staff, and statements of policy or agreements.
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 - F. Information that deals with the receipt or expenditure of funds by the district, it's financial reports, annual reports, and financial audits.
 - G. Statistical records, and compilations, that contain data derived from private, confidential, or protected information, but that do not disclose private, confidential, or protected information (such as research).

H. **Student Records** are "protected" except the following which is declared "directory information" and will be made public unless the individual appeals in the manner which will be outlined hereafter: (see * and ** below)

1. student's name, address, and telephone listing;
2. date and place of birth;
3. major field of study;
4. participation in officially recognized activities and sports;
5. weight and height of members of athletic teams;
6. dates of attendance at a school;
7. degrees and awards received;
8. the most recent educational agency or institution attended by the student.

* Parents or students who do not want the above information to be made public, must make a formal request in writing within 30 days after the student enters school each year.

** The district may assume that either parent (in case of divorce or separation) has the authority to inspect and review education records of their child unless the district has received evidence that there is a legally binding instrument, law, or court order governing the matter, which provides to the contrary.

I. **Employee information** which may be made available to the public on request, (current and former employees and contractors) includes:

1. the employee's name and gender;
2. salary schedule or contract fee information;
3. salary range of employee's job classifications;
4. the value and nature of employer-paid benefits;
5. the basis for and amount of any added remuneration in addition to salary, including expense reimbursement rates;
6. job title and description;
7. education, training, and work experience together with other information as it relates to qualifications for holding the current position;
8. dates of employment;
9. work location and work telephone number;
10. information which accounts for the employee's work time.

5. "PRIVATE DATA" DEFINED: The District hereby designates all documents identified in 63-2-302(1 through 11) as "private data", including specifically but not limited to:
- A. all personnel records contained in a personnel file, application, nominations, recommendations, or proposals for employment, advancement or appointment except that which is defined as public information above;
 - B. any employee evaluation or document related to or used in connection with an evaluation;
 - C. records showing military status;
 - D. records touching upon an individual's eligibility for unemployment benefits, insurance benefits, social services, or welfare benefits;
 - E. records touching upon an individual's personal finances;
 - F. records touching upon any individual's medical or psychological condition, past or present;
 - G. official records showing formal criminal charges against an employee and action are "private" unless in the discretion of the records officer, the charges are groundless or the charges are not sustained.

5.A. Those who may have access to "private" data:

Upon submission of an appropriate written request from the subject of the records, or the parent or legal guardian of an unemancipated minor who is the subject of the record, the district shall disclose private records and other private data only to:

- A. the subject of the record;
- B. the parent or legal guardian of an unemancipated minor who is the subject of the record;
- C. the legal guardian of a legally incapacitated individual who is the subject of the record;
- D. an individual who can appropriately document who they are and who:
 - (1) has a power of attorney from the subject of the record;
 - (2) submits a notarized release from the subject of the record;
 - (3) submits a notarized release from the subjects legal representative which is dated not more than thirty (30) days before the date the request is made;
 - (4) is in possession of an order of a court of competent jurisdiction to disclose such record.

6. "CONTROLLED" RECORDS/DATA DEFINED: The District hereby designates as controlled, any record which contains:

- A. medical, psychiatric or psychological data about any individual;
- B. information which would be detrimental to the subject's mental health or for the safety of that individual to disclose.

6.A. Those who may have access to "confidential" records/data: Upon submission of an appropriate written request dated not more than 30 days prior to its presentation to the District, the records manager shall provide access to this category of records to:

- A. a physician, psychologist or certified social worker upon the submission of a release from the subject of the record*;
- B. a court of competent jurisdiction*.

* All copies made from such records shall be marked "confidential"

7. "PROTECTED" RECORDS/DATA DEFINED: The District hereby designates as "protected" data, all records identified in Utah Code Annotated 63-2-304, including but not limited to:

- A. any document disclosing a trade secret;
- B. certain test questions or answers;
- C. any document the disclosure of which may give an unfair advantage to a person or entity proposing to enter into a contract;
- D. records touching upon the value of real property owned by the district;
- E. educator certification or evaluation records;
- F. any record that may jeopardize the life or safety of an individual if disclosed;
- G. any records which may jeopardize the security of district property or programs;
- H. records touching upon audits, audit techniques, procedures and policies;
- I. records touching upon issues of potential litigation;
- J. records touching upon collective bargaining strategy;
- K. records touching upon occurrences covered by the Division of Risk Management;
- L. records touching upon deliberations of the Board of Education acting in a judicial or review of prior decision capacity;
- M. records touching upon evaluations, appointment, retention decisions, or promotions generated in a meeting closed in accordance with the Utah Open and Public Meetings laws.
- N. student records shall be designated "education records" and the disclosure of such education records shall be governed pursuant to 20 U.S.C. 12-32(g) and 34 C.F.R. 99, et seq., and 34 C.F.R. 300, et

seq. The District may not release information related to educational records without parental consent, (see item "H**") except as provided by the Family Educational Rights and Privacy Act (FERPA). (See policy JO with respect to student records.) All student records shall be designated as "protected data" under Utah Code Ann. 63-2-202(3)

7.A. Those who may have access to "protected" records: The District shall allow examination of a record or provide one copy marked "confidential", upon presentation of an appropriate written request from:

- A. the subject of the records;
- B. a person having a power of attorney from the subject of the record;
- C. a person holding a notarized release from the subject of the record;
- D. an order from a court of competent jurisdiction.

8. **APPROPRIATE REQUESTOR OF RECORDS:** A person may request access to (inspect or have one copy of) a District's record if that person meets the requirements set forth in this policy, identifies themselves as the person they represent by giving evidence of their identity through a driver's license, passport, or a birth certificate accompanied with some form of official picture identification and submits a written request containing:

- A. the requestor's name;
- B. mailing address;
- C. daytime telephone number;
- D. a specific description of the record(s) requested;
- E. documentation as to the requestor's status as one entitled to access to such record(s) as required in "A" above;
- F. hold documents of authorization as may be required in the "access" sections mentioned above.

* No information shall be given over the telephone because of the difficulty of verifying the requester's identification, that is why the request is required to be in writing.

9. **ACCESS TO DISTRICT RECORDS - REQUIREMENTS:** Requests to view or obtain copies of district records should be addressed to the appropriate records officer during regular business hours as defined above. The records officer shall determine whether access to the requested record(s) is to be granted or denied.

- A. If the request is approved, the records shall be provided as soon as possible and not more than 15 days from the date the request was received.

- B. If the request is denied, the records officer must specify the reason, and the requester shall be informed of the right to appeal.
10. APPEAL OF A DENIAL OF ACCESS: If a request is denied, the requester shall file a written request for a hearing with the appropriate records manager at least 10 days prior to the desired hearing date.
- A. The records manager and requester will set a mutually convenient date, time and place for the hearing.
 - B. Both sides may be represented by legal counsel.
 - C. Within 30 days of the hearing, the hearing officer will notify the requester in writing of the managers decision.
 - D. The requester, if not satisfied, may appeal the decision to the Board of Education following the same guidelines as above.
11. REQUESTS FOR RECORDS FROM OTHER GOVERNMENTAL AGENCIES: Access to school records by other governmental agencies will follow the laws and orders of Courts, FERPA, EAHCA(94-142), and GRAMA.
12. PRIVILEGED DOCUMENTS: The District reserves the right to claim a privilege with respect to all documents which are subject to legal work, attorney-client, physician-patient, psychiatrist-patient or other statutory privilege.
13. PROCEDURES AND FEES FOR SEARCH AND/OR DUPLICATION OF RECORDS AUTHORIZED: A fee may be charged for the District's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record as follows:
- A. ten cents (\$.10) per page for each single sided copy and twenty cents (\$.20) per page for each double sided copy;
 - B. for the time spent by any district personnel searching for and compiling documents for copying, the individual will be charged at the rate of a lane 4 step 3 secretary. However, no fee may be charged for;
 - (1) making a record available to be viewed in the same context that the record is kept in the regular course of carrying on business to determine whether the record is subject to disclosure or;
 - (2) the requestor's inspecting the record;
 - C. an additional charge of five dollars (\$5.00) shall be charged for each document which has been requested to be certified.

b. First Year Educators

- (1) A first year educator will, AS SOON AT THE BEGINNING OF THE SCHOOL YEAR AS POSSIBLE and within the first month maximum, receive a visit from a consulting educator who will be assigned to each first year educator by the principal or his/her designee. The purpose of such visit will be to serve as an orientation to that field and area with regard to district programs, tracking in textbooks, etc. **THIS IS NOT A CLASSROOM OBSERVATION.**
- (2) Consulting educators will be assigned to each provisional and probationary educator by the principal or his/her designee. Consulting educators should be organized to serve the purpose of a specific request only and will make all necessary observations and consultations concerning that request until the need is satisfied.

c. The major purpose of peer consultation is to improve the quality of classroom instruction with positive suggestions and helps coming from those who are involved in the same type of program and have encountered the same problems.

7-5 Transportation and other costs incurred by the evaluation process shall be reimbursed by the district.

7-6 Recognition. The Joint Evaluation and Development Committee will serve as a recommending body only. The Board of Education and the Association will recognize this article (Article 7, Master Agreement, approved each year) as the official document governing evaluation.

Article 8

EDUCATOR FILES

8-1 The official personnel file located in the district office pertaining to an educator shall be maintained under the following conditions:

8-1-1 The educator has the right to examine the contents of his or her file.

8-1-2 Material originating with the school district relating to an educator's conduct, service, character, personality, and which might be considered derogatory, shall not be placed in an educator's file unless the educator has had an opportunity to read the material. The educator must acknowledge that the material has been read by affixing his/her signature on the actual copy to be filed. Such signature does not necessarily indicate agreement with the content of such material.

- 8-1-3 The educator shall have the right to answer any material filed, and his/her answer shall be reviewed by the superintendent or the superintendent's representative and attached to the file copy.

Article 9

ASSIGNMENTS AND TRANSFERS

9-1 Educator Assignments

- 9-1-1 Educators shall be notified of their tentative assignments for the ensuing year as soon as possible.
- 9-1-2 Educator assignments shall be made without regard to race, creed, color, sex, marital status, or membership in any educator organization.
- 9-1-3 It is the intent of the Nebo School District to give educators within the district first consideration in filling new positions.

9-2 Voluntary Transfers and Assignments

- 9-2-1 When a vacancy within a school or administrative unit in any professional position occurs, the administration/board will make any appropriate adjustments/reassignments that are deemed necessary. The resultant opening will be announced in the district's weekly bulletin. Copies of the bulletin, which have vacancy announcements, shall be posted in all schools during the regular school year, and these same bulletins, or a notice of vacancies shall be posted throughout the year at the district office. Also, a copy shall be mailed or delivered to the association president.
- 9-2-2 No vacancy shall be filled until the notice has been posted for a reasonable period of time which normally will be five working days. The notice will contain the type of vacancy, grade level or subject(s) to be taught, and starting date.
- 9-2-3 Educators who desire a transfer must submit a request on the approved form (See Appendix B) by March 15. The March 15 date does not apply to vacancies occurring after that date.
- 9-2-4 The superintendent shall make available to the association president any requested information pertaining to individual reassignments and/or transfers.
- 9-2-5 In the determination of requests for voluntary reassignment and/or transfers, the convenience and wishes of the individual educator will be honored to the extent that they do not conflict with the instructional requirements and the best interest of the school system. If more than one educator has applied for the same position, the career educator best qualified for that position shall be appointed and qualifications being

Q. EVALUATION PROCEDURES AND PERSONNEL FILES (See Pol. A9-1 & A9-2)

1. Periodic written evaluations of an employee's performance may be made by department directors and/or supervisors.
2. Evaluation procedures are necessary to assist employees to maintain satisfactory levels of performance.
3. Evaluations will be related to job performance and shall provide information to the employee to assist in increasing his work efficiency.
4. Evaluations will be used in providing information for making transfers, promotions, reductions in staff, and dismissal, if necessary.
5. The school administration shall maintain a personnel file in the office of the superintendent for each employee. The conditions under which these files are managed will comply with Article 9 of the professional agreement booklet which becomes part of this policy by reference.

R. PHYSICAL EXAMS AND REPORTS

1. At any time, upon the request of the superintendent, an employee shall furnish a report from a reputable physician, approved by the Board of Education, detailing the condition of health of said employee.
2. Employees who work in food handling services or who drive school buses must comply with the state and local department rules regarding periodic health checkups.

- 9-1-4 All performance documentation letters or reports should be submitted to the district for placement in the employee's personnel file.
- 9-1-5 Before submission of any performance documentation, letters or reports, each employee shall have an opportunity to review them, sign them and to keep a copy. Such signature indicates only that the employee has read the materials and is aware of the contents.
- 9-1-6 If the employee feels that any performance documentation submitted by the supervisor is incomplete, inaccurate or unfair, the employee shall have the right to submit to the district office within ten days the employee's own written statement which has been signed by the supervisor and placed in the file. Such signature indicates only that the supervisor has read the material and is aware of the contents.

9-2 **Files and Records**

- 9-2-1 The district office shall maintain an official permanent record file for each classified employee.
- 9-2-2 The file should contain the following items and other employment documents and records:
- a. Application for employment
 - b. Health examination report when necessary
 - c. Employee status form (yellow copy)
 - d. Pre-employment recommendations and records
 - e. Documentation of job performance
 - f. Other items pertinent to individual performance
- 9-2-3 Upon request, the employee will be allowed to inspect his or her own file except for pre-employment recommendations and records and such other information as may be privileged under law and not subject to the employee's inspection.