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EXPLANATION: PERSONNEL RECORDS

Editor's Note: The district had added custom language regarding a list of what teachers must submit for their personnel files, as well as a small paragraph at the end of this policy regarding the personnel directory. That custom language is not appropriate for Board policy. It is much more of an administrative function, and should be moved to administrative procedure GBL-API. I've shown the custom language in ~~strikeout~~. I've also added GBL-API to your update with the custom language added.

This policy has been updated for clarity and to comply with the requirements of the Every Student Succeeds Act. This new federal law changed the information parents/guardians could access regarding their students' teachers. MSBA has now clearly stated the items parents/guardians may have access to upon request. In addition, MSBA has expanded this policy to clearly address how personnel records will be stored and maintained, which records employees may access, and limitations on individual Board member access to confidential personnel records.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation	X	Public Info/Communications		Technology

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PERSONNEL RECORDS

It is the intent of the Board of Education to maintain complete and current personnel files, including all information necessary to comply with the Fair Labor Standards Act, for all district employees.

It shall be the responsibility of each teacher to submit the following credentials for his or her file prior to the opening of school:

1. — An official and complete transcript of college credits.
2. — A valid Missouri teaching certificate for the subjects or grades being taught.
3. — Additional hours of credit earned while the teacher is under contract.
4. — Withholding exemption certificates - Federal and Missouri.
5. — Membership number in the Public School Retirement System of Missouri.
6. — Social Security number.
7. — Current address and phone number.
8. — Request for Child Abuse or Neglect/Criminal Records form.

All applicants must submit the Request for Child Abuse or Neglect/Criminal Records form prior to employment.

It is the intent of the Board of Education to maintain complete and current personnel files for all district employees. Personnel records will include, but are not limited to: documentation of necessary certifications and licenses; compensation records; documentation of benefits received or offered and overtime or compensatory time earned; performance evaluations; records of disciplinary actions; and other records the district determines are necessary to effectively manage the employment relationship and verify compliance with relevant state and federal laws. Personnel records will be retained in accordance with the Missouri Secretary of State's applicable retention manuals.

Confidentiality

The district creates and maintains personnel records for district purposes, and in general personnel records will only be available to district employees or independent contractors who are authorized by the district to access the information. In accordance with law, individually identifiable personnel records, performance ratings and records pertaining to employees, former employees or applicants for employment are closed and not accessible to the public. However, the names, positions, salaries and lengths of service of employees must be available to the public upon request. In addition, the district will provide access to personnel records to the district's legal counsel, to state and federal agencies with appropriate authority, and in situations where the record is used to defend the district in a legal or administrative action.

The file of an individual employee will be considered confidential information and a closed record, to the extent allowed by the law, and will only be available to authorized administrative personnel and to the employee. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment are closed records under the Missouri Sunshine Law to the extent allowed by law. Pursuant to state law, the names, positions, salaries and lengths of service of all employees are public information and must be released upon request. In accordance with federal law, the district shall release to parents, upon request, information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals who are employed by a school receiving Title I funds and who provide instruction to their child at that school.

Storage

Personnel records will be stored in accordance with good data management practices and in such a manner that only authorized personnel who need to know the information as part of their duties with the district have access to the records. Files containing immigration records and files containing medical information regarding an employee will be kept separate from other personnel files.

Parent/Guardian Access

In accordance with federal law, at the beginning of each school year the district will notify the parents/guardians of each student attending any school receiving Title I funds that they may request information regarding whether the:

1. Student's teacher is certified to teach in the grade levels and subject areas in which the teacher provides instruction.
2. Student's teacher is teaching under emergency or other provisional certification status.
3. Student is provided services by a paraprofessional and, if so, the qualifications of the paraprofessional.

Employee Access

Upon request to and in the presence of the appropriate administrative official, any employee may inspect his or her own personnel file during regular working hours, with the exception of the ratings, reports and records created or obtained prior to the employment of the individual, including confidential placement papers and letters of reference.

Board Member Access

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An individual Board member has no greater access to confidential personnel records than any member of the public unless the Board member has been granted access by action of the Board or is serving in a capacity that requires such access.

If an individual Board member wants to view an employee evaluation or other confidential personnel information, the Board member may ask for the item to be put on the agenda for the next closed Board meeting. At the meeting, the Board member must explain why he or she has requested access to the record. If access is granted by the Board, the record will be available for all Board members to view at the meeting.

Employment contracts are not considered confidential personnel records, and individual Board members may inspect or copy these contracts upon request.

~~A directory of all personnel shall be made annually. Any change of address or telephone number during the year should be reported immediately to the office of the superintendent in order to update school records. Teacher lists are considered confidential and will not be distributed to any source other than the administration of Camdenton R-III Schools.~~

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised: 08/11/2003;

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
BBFA, Board Member Conflict of Interest and Financial Disclosure
CBG, Evaluation of the Superintendent
CFB, Evaluation of Principals
EHBC, Privacy Protection
KBA, Public's Right to Know KB, Public Information Program

Legal Refs: §§ 168.128, 610.021(13), RSMo.
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213
29 C.F.R. § 1630.14
Fair Labor Standards Act, U.S.C. §§ 201, *et seq.* - 216
29 C.F.R. Part 516

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Immigration Reform and Control Act, 8 U.S.C. §§ 1324, *et seq.*
~~No Child Left Behind Act of 2001~~ The Elementary and Secondary Education Act of
1965, 20 U.S.C. §§ ~~6301-7941~~ 6312
Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985)

Camdenton R-III School District, Camdenton, Missouri

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