

# Dell Rapids School District #49-3

## Policies and Regulations Code: GBL PERSONNEL RECORDS



### GBL PERSONNEL RECORDS

A file of personnel records shall be maintained in the Superintendent's office for each employee of the School District. A file shall be kept for all resigned or retired employees, including such essential information as specified by state and federal laws.

#### CONFIDENTIALITY

Personnel information concerning district employees is generally confidential. Some personnel information is "public record" and must be released to any person upon request:

- (1) salaries,
- (2) routine directory information, consisting of employee's name and address, and subject to the employee's right to direct that his/her address not be disclosed), and
- (3) employment applications and related materials submitted by individuals hired into executive or policymaking positions within the District.

However, any current or prior contract with any public employee and any related document that specifies the consideration to be paid to the employee is by law a public document and to which the public has the right to examine and make memoranda and abstracts therefrom during regular school hours.

Pursuant to state law, any record or document, regardless of physical form, created by the District in connection with the evaluation of the Superintendent constitutes personnel information and is not open to inspection or copying.

Records of an employee's evaluation shall not be released without the written consent of the employee unless authorized or required by law.

Files containing medical information regarding an employee, including employment accommodations pursuant to Americans with Disabilities Act (ADA) and Rehabilitation Act Section 504, will be kept separate from other personnel files and shall not be released without the written consent of the employee unless authorized or required by law.

#### USE OF PERSONNEL RECORDS

All the contents of the personnel records file shall be available for inspection by the employee concerned. The district reserves the right to have a member of the Superintendent's office staff present at the time the employee inspects his or her personnel file. Similarly, at the time the record is reviewed, the employee shall have the right to have present a representative of his or her own choosing, if desired.

The employee shall have the right to respond in writing to all materials contained in the personnel file. Responses shall become part of the file.

Any complaints directed towards an employee, which are placed in the personnel file, are to be promptly called to the employee's attention in writing. Anonymous material or material from an unidentified source will not be placed in an employee's file unless it is signed by the person making the comment and the employee is informed of the comment and afforded the opportunity to include a written response in the file.

### **PARENTAL NOTICE**

Consistent with and in accordance with No Child Left Behind, if the District receives Title I funds, at the beginning of the school year the District shall inform the parents of children attending school that the parents may request information regarding the professional qualifications of their children's teachers. Upon receipt of a parental request for this information, the District shall provide the following information:

- (1) whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
- (2) whether the teacher is teaching under "Plan of Intent" status,
- (3) the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree, and
- (4) whether the child is provided services by paraprofessionals and, if so, their qualifications.

The District shall provide a response to the parents' request in a timely manner. In addition, parents shall be provided timely notice that their children have been assigned or have been taught for four or more consecutive weeks by teachers who are not highly qualified.

**Legal References:**Public Law 107-110 (No Child Left Behind Act of 2001)

**[SDCL 1-27-1.5 \(7\) \(Records not open to inspection\)](#)**

**[SDCL 1-27-1.5 \(15\) \(Records not open to inspection\)](#)**

**[SDCL 13-42-70 \(Evaluation records and documents not open to inspection or copying\)](#)**

Adopted: November 23, 1992

Reviewed: February 9, 1998

Revised: August 11, 2014