

PERSONNEL RECORDS

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.

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 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.

FILE: GBL
Critical

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

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.

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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: 10/08/1998

Revised: 01/09/2003; 05/11/2017

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
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 - 216
29 C.F.R. Part 516
Immigration Reform and Control Act, 8 U.S.C. § 1324
The Elementary and Secondary Education Act of 1965, 20 U.S.C. § 6312
Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985)

Nixa Public Schools, Nixa, Missouri