

The Madison Public Schools shall maintain personnel records on all employees for a period of 55 years beyond termination, as prescribed by State law. Such records shall include information necessary for effective personnel administration. Access to such records shall be limited, as prescribed by law and under the direct supervision of the Superintendent. Confidential documents shall not be released without the written consent of the employee.

The Superintendent, on behalf of the Madison Board of Education, shall notify the employee and a collective bargaining representative, if any, by certified mail when a request is made for disclosure of the employee's personnel, medical or similar files, (1) in the case of confidential records protected by law, or (2) if the Superintendent reasonably believes disclosure would invade the employee's privacy.

Any records not of a confidential nature will be disclosed unless written objection is received from the employee or his/her collective bargaining representative, within seven (7) business days of receipt of said individual's receipt of notification from the Superintendent.

Records of a teacher's performance and evaluation shall not be released without the written consent of the teacher.

Records maintained or kept on file by the Board, which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

All materials within personnel records shall be made available for inspection by the employee and a collective bargaining representative, if any, at a mutually agreeable off-duty time, in the presence of an appropriate administrator or his/her designee. Upon request, an employee will be provided a copy of supervisory records and reports

#4112.6 (cont.)

maintained in said employee's personnel records, as a guide to evaluation of his/her performance.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents / guardians upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school.

Files containing medical information regarding an employee will be kept separate from other personnel files.

The Board of Education directs the Superintendent or his/her designee to take the necessary steps to ensure compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Compliance activities shall include conducting an audit to determine applicability of HIPAA to District operations, recommending policies to the Board, implementation of administrative regulations, including record keeping procedures, preparation of necessary documents, employee training and all other activities necessary to ensure compliance.

Legal Reference: 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)
65 Fed. Reg. 50312-50372
65 Fed. Reg. 92462-82829
63 Fed. Reg. 43242-43280
67 Fed. Reg. 53182-53273
Connecticut General Statutes:
1-206 Denial of access to public records or meetings.
1-213 Agency administration. Disclosure of personnel, birth and tax records.
1-214 Objection to disclosure of personnel or medical files
1-215 Record of arrest as public record
10-151a Access of teacher to supervisory records and reports in personnel file.
10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138)
PL 107-110, No Child Left Behind Act, Sec. 1119.
The Americans with Disabilities Act

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