



Smithtown Central School District

26 New York Avenue, Smithtown, New York 11787

Mark Secaur, Ed.D.
Superintendent of Schools
(631) 382-2006

October 20, 2022

Dear Smithtown School Community:

Last year, I sent a letter to the school community to address concerns regarding communications sent to the Board of Education by community members and the School District's obligation to disclose such correspondence to requestors in accordance with the Freedom of Information Law (FOIL). This letter is meant to remind you of this concern.

While the Board of Education and the School District encourages everyone to voice their opinion to the Board of Education, it is important to remember that such communications may be subject to disclosure if requested. However, there are limited circumstances where portions of these correspondences would be precluded from disclosure.

We understand that some members of the community may wish to submit correspondence to the Board of Education in lieu of attending a Board of Education meeting and participating via Public Participation. However, the drafting of a letter does not make such communications confidential or precluded from disclosure pursuant to the Freedom of Information Law, especially if the communications are in relation to items on the Board of Education agenda. Correspondence submitted by members of the community related to agenda items are generally disclosable because the Board of Education is the governing body of the School District, and correspondence to the Board in relation to an item for consideration is part of the Board's deliberative process, similar to those who choose to speak at a Board of Education meeting.

That said, should a member of the public wish to share personal details about themselves or family members in a message to the Board of Education in support or opposition of a position for consideration, they can indicate that such message is being sent in confidence and therefore those portions of the correspondence with such personal details would not be subject to disclosure. However, the correspondence must expressly state that it is being sent in confidence. Please be advised that this would not preclude the entirety of the email from being disclosed; only the personal details would be redacted. In addition, the fact that a member of the community supports, or does not support, an item to be considered by the Board of Education would not be precluded from disclosure if shared in a correspondence to the Board of Education.

Lastly, it is important to remember that any communications with a student's teacher or administrator regarding a student would be considered an educational record pursuant to the Federal Education Rights and Privacy Act. Educational records cannot be disclosed to any

person other than the parent of that student without the express written permission of the parent of that student. As a result, if someone made a Freedom of Information Law request for communications between a parent of a student and that student's teacher or administrator, those communications would be precluded from disclosure in accordance with the Freedom of Information Law.

The School District wants to ensure that all members of the public understand the School District's obligation to comply with the Public Officers Law, specifically with regard to Freedom of Information Law requests for correspondence. We are thankful when community members engage the Board of Education and District Administration via correspondence and/or public participation at meetings and hope that this letter will better allow people to make informed decisions when communicating with the district.

Should you have any questions related to this, please feel free to email me at: msecaur@smithtown.k12.ny.us

Sincerely,

A handwritten signature in cursive script that reads "Mark Secaur".

Mark Secaur, Ed. D.
Superintendent