

DISTRICT RECORDS

BP 3580 (a)

Note: Alaska Statute 40.21.070 requires districts to follow the state records retention program to the extent practical.

School district records shall be developed, maintained and disposed of according to this policy and requirements of federal and state laws and regulations. Records, regardless of format, should remain accessible and durable for their prescribed retention period. Electronic records, including email, should be administered under operating policies and procedures, ideally in an unaltered format, to ensure that the records remain authentic and trustworthy for their full retention period.

Note: In 2007, the Federal Rules of Civil Procedure underwent a major revision to include electronic discovery rules. The Federal Rules mandate that entities, including school districts, retain documents that are relevant to a claim or defense to a claim. Thus, electronically stored information that is relevant to a claim must be saved for an extended period of time. Even inadvertent destruction of electronic data, for example pursuant to your email purging procedures, can result in sanctions for your district if you are involved in litigation. A "litigation hold" is a directive to parties not to destroy any documents, including electronically stored information in all of its various forms, that might be relevant to a legal proceeding, or that might lead to the discovery of relevant information. In the event the district becomes aware of actual or threatened litigation, audit, or investigation that may concern a group of records, those records should not be disposed of until authorized to do so upon advice of your attorney.

The Superintendent or designee shall undertake the preservation and retention of records and data, including electronically stored information, when there becomes a likelihood that potential litigation will occur.

Irreplaceable, vital school district records must be protected against destruction in the event of a fire, flood, earthquake, terrorist act or other disaster. Vital records are those containing critical information essential to the continuity of operations, or the protection of the rights and interests of the school district, its students, and staff. The Superintendent or designee shall identify vital records and implement measures to ensure that these documents are preserved.

Note: A.S. 40.21.080 provides that public records may not be destroyed except on the authority of the local governing body. The Board may authorize by policies or regulations disposal of "routine records." The district should establish regulations defining its routine records, and time limits for retention of all records.

The School Board ~~may approve~~ authorizes the destruction of records having no legal or administrative value or historical interest, following retention for those periods described in the Model Records Retention Schedule and emails for the periods described in the Capstone Retention Schedule.

Retention of Email

The Model Retention Schedule does not include a schedule specifically for how long emails should be retained as records. The School Board recognizes that a significant amount of district correspondence is conducted by e-mail, the volume of which has increased over the years. It is not in keeping with principles of efficient records management to archive all district e-mail on an

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indefinite basis, particularly as many e-mails do not pertain to the transaction of official business and lack archival value. Further, an e-mail retention system which relies on end-user determinations of archival value would constitute an undue burden on district staff and would be an inefficient use of the district's resources.

For these reasons, the School District adopts the Capstone approach recommended by the National Archives and Records Administration (NARA) for retention of e-mails and adopts the following specific retention schedule:

<u>Type of Employees/Official</u>	<u>Length of Retention</u>
<u>School Board Members and Superintendent</u>	<u>Permanent</u>
<u>Executive Management and Directors</u>	<u>Six years (after end of contract)</u>
<u>All other employees (teachers, principals, and other staff)</u>	<u>Three years (after end of contract)</u>

NARA Capstone Approach: Capstone offers organizations the option of using a more simplified and automated approach to managing email, as opposed to using either print and file systems or records management applications that require staff to file email records individually. Using this approach, an organization can categorize and schedule email based on the work and/or position of the email account owner. The Capstone approach allows for the capture of records that should be preserved as permanent from the accounts of officials at or near the top of an organization or an organizational subcomponent. An agency may designate email accounts of additional employees as Capstone when they are in positions that are likely to create or receive permanent email records. Following this approach, an organization can schedule all of the email in Capstone accounts as permanent records. The organization could then schedule the remaining email accounts in the agency or organizational unit, which are not captured as permanent, as temporary and preserve all of them for a set period of time based on the agency's needs. Alternatively, approved existing or new disposition authorities may be used for assigning disposition to email not captured as permanent.

Non-Retention of Transitory Records

The District is required only to retain records used to transact official District business. Transitory records are not recognized as official District business. As such, employees are prohibited from conducting official District business via transitory means, including by text message, chat program, or instant message program.

The Superintendent or designee shall establish administrative regulations in accordance with AS 40.21.070 so that district personnel will know how district records are to be maintained or destroyed. The Superintendent or designee shall ensure the confidentiality of district records as permitted or required by law.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

(cf. 5125 - Student Records)

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Note: Participants in the E-rate program have specific document retention requirements. Under FCC rules, program beneficiaries must “retain all records related to the application for, receipt and delivery of discounted services for a period of five years after the last day of service delivered” in any particular funding year. FCC Rule § 54.516. Specifically, eight categories of documents must be retained: prebidding process, bidding process, contracts, application process, purchase and delivery of services, invoicing, inventory, and forms and rule compliance.

Legal References:

ALASKA STATUTES

09.25.120-09.25.220 Public Records Act

14.03.115 Parental Access

14.17.910 Restrictions governing receipt and expenditure of money from public school foundation account

40.21.010-40.21.150 ~~Management and preservation of~~ Public Records

ALASKA CONSTITUTION

art. 1, sec. 22, Right to Privacy

UNITED STATES CODE

5 U.S.C. § 552a – Privacy Act

20 U.S.C. § 1232g & 34 CFR Part 99 – Family Educational Rights & Privacy Act

ALASKA ADMINISTRATIVE CODE

4 AAC 27.085 ~~Competitive pupil transportation proposals~~

Adopted 6/01

Revised 9/97 – AASB

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