

277 – Record Retention and Destruction. The definition of "custodian" is updated in this policy to fall in line with amendments made to the public records law during the 2018 legislative session.

Soda Springs School District No. 150 establishes the following guidelines to provide administrative direction pertaining to the retention and/or disposal of district records in connection with the district's obligations under the Idaho Public Records Act, the Uniform Requirements, Cost Principles, and Audit Requirements for Federal Awards, and Education Department General Administrative Regulations (EDGAR).

DEFINITION

"Custodian" means the district employee(s) having personal custody and control of public records in question of the district, or authorized access thereto, including those employees who have been appointed to respond to requests for public records and other district information on a routine basis, and the designees of all such appointed custodians. For purposes of this policy, there are three (3) types of custodians:

- Official Custodian of Records. This is the person who is the official custodian for the entire district. The official custodian of the district is the *superintendent [or identify other official custodian as designated by the Board]*.
- Original Custodian. The originator of a paper or email message or the creator of an electronic record if that person is a district employee; otherwise it is the district employee to whom the message is addressed or to whom the record is sent. If the record is transferred, by agreement or policy, to another person for archival purposes, then that person becomes the legal custodian.
- Records Manager. The administrator responsible for responding to public records requests and coordinating record retention and destruction activities for the district, including coordination of electronic records retention and off-site document storage and disposal activities.

"Electronic Record" means a non-erasable, optical image where additions, deletions, or changes to the original document are not permitted by the technology. An electronic record, for purposes of this policy, accurately reflects the information set forth in the record at the time it was first generated in its final form and is accessible. Emails are electronic records. The original of an electronic record is the one saved on the hard-drive of the original custodian's computer or under that person's name on a server. A paper printout of an electronic record is a copy, not the original.

"Record" means recorded information, in any form, including data in computer systems, created or received and maintained by an organization or person in the transaction of business or the conduct of affairs and kept as evidence of such activity, and includes any writing relating to the conduct of the district's business prepared, owned, used or retained by the district regardless of

physical characteristics. A record can exist in a number of formats, including various sizes of paper (original or photocopy), microfilm or any microform, electronic media, optical disk media, CD, Mylar, sepia, blue line, photograph, audio and video tape, punched cards, books, maps.

Examples of the types of records typically maintained by the district include but are not limited to the following:

- *General correspondence, including letters and e-mail*
- *Handwritten notes and electronic notes*
- *Completed forms and reports and the data used to complete reports*
- *Personnel documentation, including applications, testing and scoring materials, grievances, correspondence, performance evaluations, and payroll information*
- *Websites and social media pages (e.g. Facebook, YouTube) created by the district*
- *Audio and video tapes*
- *Final, complete and signed (if applicable) documents (e.g. grant applications, contracts, etc.)*
- *Plans, photographs or drawings*
- *Data in spreadsheets and databases*
- *Financial records, including but not limited to budgets, accounting ledgers, all supporting documentation for expenditures, copies of checks, bank statements, etc.*

Examples of records that are typically not maintained by the district include the following:

- *Convenience copies (extra identical copies created only for convenience of reference or research)*
- *Drafts of documents and informal notes that have no further value to the district*
- *Copies of documents furnished to fulfill a public records request*
- *Blank forms/stocks of publications (provided one copy should be retained for archives to demonstrate compliance or proof of program activities in relation to federal programs compliance monitoring)*
- *Library or museum materials*
- *Textbooks, maps used for instruction, and other instructional material*
- *Personal or junk e-mail*
- *Ccs of e-mails (or letters) or convenience copies of e-mails (or letters)*

“Student Record” means any item of information (in any format, written, electronic, or other) that is directly related to an identifiable district student (current or former) and is maintained by the district or by a district employee in the performance of his or her duties. Student records are maintained in accordance with district policy 681 and 686 [*or identify other applicable policy numbers*].

RECORD RETENTION

Records of the district will be retained in accordance with applicable state and federal law and the records retention schedule selected in this policy below. Where more than one law applies to

retention of a particular record, the district will retain the record for longest period of time required.

FEDERAL PROGRAMS RECORDS

Records relating to federal program grants will be retained in accordance with EDGAR requirements and Idaho State Department of Education (SDE) guidance for a period of six (6) years. Such records include all records that fully show:

- The amount of funds under a grant or subgrant;
- How the subgrantee uses those funds;
- The total cost of each project;
- The share of the total cost of each project provided from other sources;
- Other records to facilitate an effective audit;
- Other records to show compliance with federal program requirements; and
- Significant project experiences and results.

DESTRUCTION OF RECORDS

District records maintained on tangible mediums will be shredded or destroyed. Records maintained electronically will be destroyed as determined appropriate by the district's information technology department in coordination with the records manager. The records manager will maintain a log that documents the date of destruction of records.

The district will immediately cease the destruction of all relevant records, even if destruction is authorized by an approved retention schedule, for the following reasons:

1. If the district receives a public records request. Records relating to a public records request that is denied will then be retained for a period of at least 180 days from the date of mailing of the notice of denial or partial denial (the appeal period), until a decision has been rendered on the petition for review, or as otherwise statutorily provided, whichever is longer.
2. If the district believes that an investigation, claim, administrative review or hearing, or litigation is imminent.
3. If the district is notified that an investigation, claim, administrative review or hearing, or litigation has commenced.
4. If the district believes or has been notified that a state or federal audit or investigation is imminent or has commenced.

RETENTION SCHEDULE

This district adopts the *State Board of Education Record Retention Schedule* of the *Idaho Records Management Guide*, revised 2008, (including the Administrative, Human Resource and Payroll Records Retention Schedules) and all subsequent amendments to the guide as approved by the Idaho State Board of Education, for the retention and disposal of district records.

The retention schedule authorizes, but does not require, the disposal of records after the expiration of the assigned retention period. Retention may be required beyond the periods listed, and nothing prevents the district from retaining records longer than the period scheduled.

ELECTRONIC RECORDS

Information stored on the district's systems and equipment, including email, email attachments, and Web postings are records of the district if they contain information that relates to the conduct of the district's business or its students, teachers, other employees or contractors. The district's email system is provided at district expense to assist employees with carrying out district business by allowing a means for internal communication and external communication with selected individuals and organizations. The email system is to be used for district-related purposes only.

A district email account is not intended for permanent storage of email. It is each employee's responsibility to save and/or file email that he or she wishes to access, or that are district records and required to be retained by law. District electronic records shall be either: (1) saved to an electronic system other than the district email account; (2) electronically archived; or (3) printed on paper and filed as appropriate. Duplicates or personal/junk email should be deleted from the system immediately. These emails do not meet the definition of record and therefore should not be stored on district servers. All other emails will be retained according to the following:

[the district should choose Option A or Option B]

OPTION A – Regular Purging of Email

The district may access and, to the extent required or allowed by law, disclose any email received, sent or stored in a district email account. The district may retain or dispose of an employee's email, whether an employee is currently or formerly employed by the district. Email account inboxes and outboxes may be purged as often as *once a year by [or other timeline, e.g. every six months]* the district's information technology department. Email trash folders may be purged as often as every [## of days (e.g. 90)] by the district information technology department or contractor.

OPTION B – Retaining Emails for the Same Period of Time as Other District Records

The district may access and, to the extent required by law, disclose any email received, sent, or stored in a district email account. The district may retain or dispose of an employee's email, whether an employee is currently or formerly employed by the district. The district superintendent or designee shall ensure that emails are retained as district records in accordance

with their classification as described in the district's selected retention schedule. Email trash folders may be purged as often as every [## of days (e.g. 90)] by the district's information technology department or contractor.

LITIGATION HOLDS

When litigation against the district or its employees is filed or threatened, the law imposes a duty upon the district to preserve documents and records that pertain to the issues in the litigation. As soon as the district's attorney becomes aware of pending or threatened litigation, a legal hold directive will be issued to the official custodian of records. Similar holds will be issued in the event of actual or likely government audits or investigations.

A legal hold directive overrides any records retention schedule that may otherwise have called for the transfer, disposal, or destruction of the relevant records, until the hold has been removed by the district's attorney. Email and computer accounts of separated employees that have been placed on a legal hold will be maintained by the district until the hold is released. No employee who has been notified by the superintendent or the district's attorney may alter or delete an electronic or paper document that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal.

EMPLOYEE DEPARTURES

The following procedure should be followed for an employee who has announced a decision to leave the district's employ:

The employee is responsible for transferring and/or emptying his or her hardcopy and electronic files (including those in Word, Excel, PowerPoint, email, and any other electronic format), assuring that any records that must be maintained in accordance with this policy and any applicable legal holds are appropriately maintained. The employee should ask his or her supervisor or the information technology department or contractor for assistance with this project, if necessary.

Before the computer used by the employee is assigned to anyone else and/or wiped clean, the employee's supervisor must take all steps necessary to ensure that all records on that computer are retained in accordance with this policy and any applicable legal holds.

STUDENT RECORDS

Student records will be maintained in accordance with Policy No. 681, Student Records, and Policy 686, Permanent Student Records.

**LEGAL REFERENCE:**

Idaho Code §33-506 – Organization and Government of Board of Trustees

Idaho Code §§74-101(3), (12), (13), (16) – Public Records Act

Idaho Records Management Guide, available at:

http://history.idaho.gov/sites/default/files/uploads/Human_Resource_Records_Book_0.pdf

http://history.idaho.gov/sites/default/files/uploads/Payroll_Records_Book_0.pdf

http://history.idaho.gov/sites/default/files/uploads/Administrative_Records_Book.pdf

Education Department General Administrative Regulations (EDGAR) – 2 CFR Part 200

34 C.F.R. §§75.730 – 75.731

34 C.F.R. §§76.730 – 76.731

Federal Rules of Civil Procedure 26 and 34

ADOPTED:**AMENDED:**

**Language in text set forth in italics is optional.*

The *Idaho Records Management Guide* provides guidance for developing and maintaining a district records management program. It contains information on establishing a records management program, electronic document management, public records access, storage requirements, and e-mail retentions considerations.