

SUBJECT: **RECORDS MANAGEMENT POLICY**

Supersedes:

Effective: March 12, 2009

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Approved by: Detroit Board of Education

1.0 Policy

The Board of Education, recognizing that document retention is vital to the efficient operation of the School District and enacts the following record retention policy:

1.1 Applicability

This record retention policy shall apply to all employees, students, agents, independent contractors, and volunteers of the School District.

2.0 Records

Pursuant to Michigan law, a "public record" shall be defined as any record prepared, owned, used, in the possession of, and retained by a public body in the performance of an official function, from the time that it is created. Records exist in many formats, including, but not limited to paper, electronic, photographic, map, microfiche, tape, hard drive, diskette, zip drive, DVD, CD, transparencies, charts, graphs, voicemail, PDA data, and text messages/instant messages. Regardless of the format, all records shall be retained in accordance with this record retention policy.

2.1 Email/Electronic Records

Email/electronic records shall be treated no differently than hard copy records. Each individual who sends or receives email/electronic records is responsible for retaining each applicable email/electronic record in accordance with this record retention policy. Wherever possible, each individual shall create subfolders within their individual email/electronic record system to store those email/electronic records which qualify as a public record. Each individual is responsible for record retention and shall provide all email/electronic records which qualify as public records to the system administrator for storage upon terminating their relationship with the School District.

The General Superintendent shall work in conjunction with the system administrator to determine the most cost effective and reliable method of ensuring electronic record retention in accordance with this record

retention policy, and shall publish that method to all individuals to whom this record retention policy applies.

3.0 Non-Records

This record retention policy shall not apply to "non-records" as defined within General Schedule #1, available from the Michigan Department of History, Arts and Libraries website. "Non-records" include, but are not limited to, extra copies of documents retained only for convenience of reference, and letters of transmittal/routine correspondence that do not document significant activities of the School District. A more comprehensive list may be found within General Schedule #1. Each individual is solely responsible for ensuring that records in their possession are "non-records" rather than records subject to this record retention policy.

4.0 Retention

All public records shall be retained according to the schedules listed below. All retention requirements shall be treated as minimum retention periods. Retention for longer periods is authorized if the individual has reason to believe that a record may be required beyond the minimum retention period for the efficient operation of the School District.

Public records shall be retained in accordance with General Schedule #2 (Educational Bulletin #522), authored by the Michigan Department of History, Arts and Libraries, which is attached as Exhibit "A". (General Schedule #2 is also available on the Michigan Department of History, Arts and Libraries website.) Documents not addressed within General Schedule #2 may not be disposed of without approval of the Michigan Department of History, Arts and Libraries.

4.1 Exception to Minimum Retention Period

One exception to the minimum retention period contained in General Schedule #2 shall be for records pertaining to collective bargaining and grievances, which shall not be destroyed or discarded without permission from the Superintendent or his/her designee. A second exception shall apply to public records contained within General Schedule #2 which are also addressed by State and Federal regulations and statutes which require record retention for a period longer than that which is required within General Schedule #2. Should there be a conflict between the retention period contained within a regulation or statute and those contained in General Schedule #2, individuals shall abide by the longer retention period. Further, individuals shall retain public records until the expiration of any applicable statutes of limitations.

Should an individual have questions regarding applicable retention periods, that individual shall address their question to the General Superintendent, who shall determine whether to seek advice of legal counsel.

5.0 Disposal

5.1 Public Records. Public records which have reached their minimum retention period contained within General Schedule #2 (or State and Federal regulations and states, whichever is longer), and which are no longer required for the efficient operation of the School District, may be disposed of. Disposal shall be made by a method which is guaranteed to ensure privacy of sensitive or confidential information. Special attention shall be made to records protected by FERPA, records containing private information, financial records, background checks, medical records, and those containing social security numbers. The superintendent or his/her designee shall publish a document which prescribes the method of document disposal. No other method of disposal shall be utilized.

5.2 “Non-public Records”. "Non-public records" may be destroyed at any time by any method. Please check with the FOIA coordinator and superintendent to assure the records are "non-public records."

6.0 Litigation, Investigations, and Freedom of Information Act Requests

No records that are the subject of litigation, a pending investigation request, or a pending FOIA request shall be destroyed without permission from the superintendent, even if otherwise scheduled for destruction pursuant to this policy. Any individual with knowledge of pending litigation, a pending investigation, or a Freedom of Information Act request shall immediately inform the superintendent. The superintendent shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation, or Freedom of Information Act request. Should questions arise as to what records are relevant to the pending litigation, pending investigation, or Freedom of Information Act request, the superintendent shall direct the immediate cessation of the disposal of all School District records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation, or Freedom of Information Act request shall remain in effect for the duration of the litigation, investigation, or until the Freedom of Information Act request had been fully processed.

7.0 Failure to Adhere to this Record Retention Policy

Failure to adhere to this record retention policy may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, termination of the volunteer relationship, or expulsion from school.

Further, removal, mutilation, or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000.

Attachments to Policy 9.25: None

See also: General Schedule #1
General Schedule #2 (Educational Bulletin #522)

Legal References: MCL 399.5
20 USC § 1232g Family Educational Rights and Privacy Act of 1974
20 USC § 7908 (NCLB)
MCLA § 600.2165

Labor Contract References: None

See also: None