

CHAMBERSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: RECORDS MANAGEMENT

ADOPTED:

REVISED:

800. RECORDS MANAGEMENT	
<p>1. Purpose</p>	<p>The Board recognizes the importance of establishing and maintaining a Records Management Plan that defines district staff responsibilities and complies with federal and state laws and regulations.</p>
<p>2. Authority SC 518</p> <p>65 P.S. Sec. 67.901 Pol. 828</p>	<p>The Board shall retain, as a permanent record of the district, Board minutes, annual auditor's reports and annual financial reports. All other financial records, including financial account books, orders, bills, contracts, invoices, receipts and purchase orders, shall be retained by the district for a period of not less than six (6) years.</p> <p>All other district records shall be retained in accordance with state and federal law and regulations and the district Records Management Plan approved by the Board.</p> <p>The district shall make a good faith effort to comply with all proper requests for record production. Selective destruction of records in anticipation of litigation is forbidden.</p>
<p>3. Definitions</p> <p>65 P.S. Sec. 67.102</p>	<p>Electronic Mail (E-mail) System - a system that enables users to compose, transmit, receive and manage text and/or graphic electronic messages and images across local area networks and through gateways connecting other networks. This information consists primarily of messages but may include attachments such as calendars, directories, distribution lists, word processing documents, spreadsheets, and other electronic documents.</p> <p>Litigation Hold - a communication ordering that all records and data relating to an issue being addressed by current or potential litigation or investigation be preserved for possible production during the litigation or investigation.</p> <p>Records - information, regardless of physical form or characteristics, that documents a transaction or activity of the district and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the district. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.</p>

<p>4. Delegation of Responsibility</p>	<p>Records Management Plan - the system implemented by the district for the retention, retrieval, and disposition of all records generated by district operations.</p> <p>Records Retention Schedule - a comprehensive listing stating retention periods and proper disposition of records.</p> <p><u>Records Coordinator</u></p> <p>In order to maintain a Records Management Plan that complies with federal and state laws and regulations and Board policy, the Board designates the</p> <ul style="list-style-type: none"><input type="checkbox"/> Superintendent<input checked="" type="checkbox"/> Assistant Superintendent<input type="checkbox"/> Board Secretary<input type="checkbox"/> Business Manager <p>as the district's Records Coordinator who shall serve as the chairperson of the Records Management Committee.</p> <p>The Records Coordinator shall be responsible to:</p> <ol style="list-style-type: none">1. Ensure that training appropriate to the user's position and level of responsibility is provided. Such training may include:<ul style="list-style-type: none"><input checked="" type="checkbox"/> Operation, care and handling of the equipment and software.<input checked="" type="checkbox"/> Requirements of the Records Retention Schedule.<input checked="" type="checkbox"/> Protocols for preserving and categorizing district records.<input checked="" type="checkbox"/> Procedures and responsibilities of district staff in the event of a litigation hold.<input checked="" type="checkbox"/> Identification of what is and what is not a record.<input checked="" type="checkbox"/> Disposal of records.2. Review the Records Management Plan periodically to ensure that record descriptions and retention periods are updated as necessary.
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<p>Pol. 801</p> <p>SC 433</p>	<p>3. Identify, when the retention period expires, the specific records to be disposed of and ensure that all identified records are properly disposed of</p> <p>{ } monthly.</p> <p>{ } quarterly.</p> <p>{X} annually.</p> <p>{ } at regular intervals of _____.</p> <p><u>Records Management Committee</u></p> <p>A committee responsible for the development and recommendation of the district's Records Management Plan shall be established by the Board. The Records Management Committee shall give primary consideration to the most efficient and economical means of implementing the recommended Plan. Members of the Committee shall include the:</p> <ol style="list-style-type: none">1. Open Records Officer.2. Superintendent.3. Board Secretary.4. District solicitor.5. Information Technology Director or designee. <p>{X} Business Manager.</p> <p>{ } Assistant Superintendent.</p> <p>{ } Board member(s).</p> <p>{ } Outside consultant(s).</p> <p>{ } Other {_____}.</p> <p>The Records Management Committee shall meet</p> <p>{ } annually</p>
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<p>5. Guidelines</p> <p>65 P.S. Sec. 67.708 20 U.S.C. Sec. 1232g</p>	<p>{X} periodically</p> <p>to evaluate the effectiveness and implementation of the Records Management Plan and recommend changes as needed.</p> <p><u>Records Management Plan</u></p> <p>The district's Records Management Plan shall be the principal means for the retention, retrieval, and disposition of manual and electronic records, including e-mails. The Plan shall not rely primarily on backup systems to manage the retention and disposition of records.</p> <p>The Records Management Plan shall include:</p> <ol style="list-style-type: none">1. Comprehensive listing of records and data of the district.2. Criteria to distinguish records of the school district from the supplemental personal records of individual employees.3. System(s) of records storage and retrieval to be used, including in what form the records will be stored, maintained, reproduced, and disposed.4. Preservation measures to protect the integrity of records and data.5. Data map or flow chart detailing the sources, routes, and destinations of electronic records.6. Procedures and employee designated for determining whether an item is a record.7. Procedures for adding, revising or deleting records and data, and any other details necessary to implement the Records Management Plan.8. Records Retention Schedule.9. Provisions for the storage and retrieval of records in the event of an emergency or disaster.10. Staff positions authorized to access district records.
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11. Procedures to be implemented in the event of a litigation hold that immediately suspends disposition of all records relevant to the current or potential claim. Such procedures shall specify:

Who can initiate a litigation hold.

How and to whom a litigation hold is communicated.

Who will determine which records are subject to the litigation hold.

Who will be responsible for collecting and preserving such records and data.

Who will be responsible for monitoring and ensuring the district's compliance with the litigation hold.

In what format the records will be collected.

When possible, records and data shall be stored in their original form, including metadata, such as creation date, author, type of file, etc.

For any record not covered by the Records Retention Schedule, the Records Management Committee shall determine how long the record shall be kept and recommend any necessary revisions to the retention schedule.

The district shall maintain and dispose of records in a manner that protects any sensitive, proprietary or confidential information or individual privacy rights, and helps conserve natural resources.

Manual Records

Manual records, which include all records not stored electronically, shall be retained and disposed of in accordance with the Records Management Plan.

Manual records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The district shall develop and maintain adequate and up-to-date documentation about each manual record system. Documentation may:

List system title and responsible employee(s) or office.

Define the contents of the system, including record formats.

{X} Identify vital records and information.

{X} Determine restrictions on access and use.

Electronic Records

Electronic records shall be retained and disposed of in the same manner as records in other formats and in accordance with the Records Management Plan.

Electronic records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The district shall develop and maintain adequate and up-to-date documentation about each electronic record system. Documentation may:

{X} List system title and responsible employee(s) or office.

{X} Specify all technical characteristics necessary for reading or processing the records stored on the system.

{X} Identify all defined inputs and outputs of the system.

{X} Define the contents of the system, including records formats and database tables.

{X} Identify vital records and information.

{X} Determine restrictions on access and use.

{X} Describe update cycles or conditions.

E-mail Records

E-mail messages, in and of themselves, do not constitute records. Retention and disposition of e-mail messages depend on the function and content of the individual message.

Records on an e-mail system, including messages and attachments, shall be retained and disposed of in accordance with the district's Records Management Plan.

E-mail messages and attachments that do not meet the definition of records shall be deleted

<p>65 P.S. Sec. 67.506</p>	<p>{ } immediately.</p> <p>{ } every week.</p> <p>{ } every ten (10) days.</p> <p>{X} as required by the Records Management Plan.</p> <p>E-mail records may be maintained as an electronic record or be printed and maintained as a manual record.</p> <p>For each e-mail considered to be a record, the following information shall be retained:</p> <ol style="list-style-type: none">1. Message content.2. Name of sender.3. Name of recipient.4. Date and time of transmission and/or receipt. <p><u>Contractors</u></p> <p>Records created or maintained by contractors employed by the Board shall be retained and disposed of in accordance with the Records Management Plan.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 433, 518</p> <p>Right-to-Know Law – 65 P.S. Sec. 67.101 et seq.</p> <p>Family Educational Rights and Privacy Act – 20 U.S.C. Sec. 1232g</p> <p>Federal Rules of Civil Procedure – 16, 26, 34, 37, 45</p> <p>Board Policy – 004, 006, 105.2, 114, 138, 203, 203.1, 209, 212, 216, 216.1, 233, 314, 324, 326, 334, 601, 609, 610, 618, 619, 702, 706, 716, 801, 810, 810.1, 828, 830, 912</p> <p style="text-align: right;">PSBA Revision 4/08</p>
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SCHOOL DISTRICT

ADMINISTRATIVE
REGULATION

800-AR. RECORDS MANAGEMENT

In order to effectively implement the Records Management Plan, building administrators, department heads, and/or designated employees will be responsible for identifying and routing the various types of records and data that each department creates, gathers, uses or disseminates. Requests to add, revise or delete records will be approved and initialed by the Records Coordinator.

All records, whether created or stored on electronic systems, must be retrievable and available for the entire retention period listed on the Records Retention Schedule.

Before any record is converted to a different medium, i.e. paper to electronic, the district will determine that the authorized disposition of the records can still be implemented after conversion.

Electronic Records

The Records Management Committee will recommend appropriate media and systems for storing electronic records throughout their life.

The specific requirements for selecting storage media for electronic records include the following:

1. Permits retrieval in a timely fashion.
2. Facilitates the distinction between records and nonrecords as well as the distinction between employee records and school district records.
3. Retains the records in a usable format for the length of their required retention period.

The following factors will be considered before selecting storage media or when converting records from one medium to another:

1. Required retention period for the records.
2. Maintenance necessary to retain the records in that format.
3. Ability to index and search records.
4. Costs of storing and retrieving the records stored in that format.

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5. Density of the record.
6. Access time necessary to retrieve stored records.
7. Ability of the medium to run on equipment produced by multiple manufacturers.
8. Ability to transfer information from one medium to another.
9. Flexibility of the software to be used.
10. Compliance of the storage medium with current industry and/or government standards.

Before a document is created and maintained on an electronic records system, documents will be identified sufficiently to enable authorized personnel to retrieve, protect and carry out the disposition of documents in the system. Appropriate identifying information for each document maintained on electronic media may include: office of origin; file code; key words for retrieval; addressee, if any; signature; author; date; authorized disposition, coded or otherwise; and security classification, if applicable.

The district will ensure that records maintained in such systems can be correlated with related records on paper, microform, or other media.

The district must provide for the usability of image and index data for records stored on an electronic recordkeeping system over time by establishing:

1. Methods for all authorized users of the system to retrieve desired records.
2. Appropriate levels of security to ensure integrity of the records.
3. A standard interchange format when necessary to permit the exchange of records on electronic media using different software/operating systems and allow for the conversion or migration of records from one system to another.
4. Procedures for the disposition of records in accordance with the Records Retention Schedule.
5. Procedures for regular copying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records throughout their required retention period.
6. Similar security precautions required of paper records to be used when destroying or reusing electronic media that contain privacy-protected or confidential information. Electronic storage media containing such information must be electronically wiped clean or physically destroyed in such a manner that the information cannot be reconstructed.

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Record And Data Integrity

The district's records security program will:

1. Ensure that only authorized personnel have access to electronic records.
2. Provide for backup and recovery of records to protect against information loss.
3. Ensure that district personnel are trained to safeguard sensitive or classified electronic information.
4. Minimize the risk of unauthorized alteration or erasure of electronic records.
5. Ensure that electronic record security is included in a computer systems security plan.
6. Ensure that duplicate copies of permanent records are maintained in separate buildings or systems.

800-AR-1. RECORDS RETENTION SCHEDULE

How To Use The Records Retention Schedule

The Records Retention Schedule lists records that are created, received or retained as a result of district operations. The schedule includes a description of the records, format in which the records will be retained, classification of the records, retention period, and disposal code. The following information will assist in applying this schedule.

Record Formats

Media codes are used to identify the format(s) that the district may choose to maintain specified records and are assigned as follows:

- A. Paper
- B. Microform
- C. Electronic (machine readable)
- D. Audiovisual (tapes, movies, film strips, etc.)
- E. Cartographic (maps, drawings, blue prints, plans, etc.)
- F. Photographic

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Record Classifications

District records will be classified as follows, based on the information contained therein:

Public – These records will be made available for access and duplication in accordance with law, Board policy and administrative regulations.

Exempt – These records are exempt from public access by law.

Contains exempt information – These records contain information that is exempt from public access by law.

Confidential – These records are also exempt from public access but specifically designated as confidential or privileged by law, regulation or court order.

Records that are exempt from public access or contain information that is exempt from public access will be protected from unauthorized access in accordance with law, Board policy and administrative regulations. Any exempt information will be separated or redacted from an otherwise public record before being made available to a requester. Confidential records may only be accessed, released and/or disseminated by authorized personnel in accordance with law, regulation, or court order and will not be released under the district's discretionary authority to release exempt records.

Retention Periods

Retention periods listed on the schedule are given in years, unless otherwise indicated. Upon expiration of the retention period, all identified records will be disposed of in accordance with Board policy and this schedule.

Disposal Codes

Disposal codes are used to direct the final disposition of records. Records must be disposed of according to the assigned code listed on the schedule. Assigned disposal codes are as follows:

1. Routine Handling – No special precautions are necessary upon disposal. The records should be recycled or disposed of in accordance with standard district procedures.
2. Special Handling – The destruction of records containing privileged, confidential, exempt or sensitive information that requires special handling by shredding, burning, erasing or any other method that reduces information to an illegible condition.

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3. Archival Retention – Records requiring permanent retention or records that have sufficient archival or historic value must be preserved in perpetuity.
4. Delete – For use with electronic records. When electronic records have met their retention period, they will be deleted.

Records Not On Schedule

For any record not covered by the retention schedule, the Records Management Committee will determine how long the record must be kept and recommend any necessary revisions to the retention schedule.

Schedule

Record Description	Record Format	Record Classification	Retention Period (in years)	Disposal Code
Administrative Records				
Feasibility Studies	A,C	Public	3	1,4
PSSA Results	A,C	Public	Permanent	3
Public Record Requests ¹	A,C	Public	1 from date received	1,4
School District Report Cards	A,C	Public	Permanent	3
Strategic Plan	A,C	Public	One (1) copy permanent	3
Complaints/Challenges				
Investigation Records ²	A,C,D,E,F	Exempt	6 after final resolution	2,4
Regarding District Employee(s) ³	A,B,C	Exempt	7 after employment ends	2,4
Regarding Instructional Materials or District Programs	A,B,C	Public	6	1,4
District Organization Records				
District Boundaries/Attendance Areas	A,C,E	Public	Permanent	3
Photographs/Movies of Historical Value	C,D,F	Public	Permanent	3
Employment Contracts				
Administrative Compensation Plan	A,B,C	Public	One (1) copy permanent	3
Collective Bargaining Agreements	A,B,C	Public	One (1) copy permanent	3
Individual Employment Contracts/Board Resolutions	A,C	Public	4 after employment ends	1,4
Facility Use Records				
Applications	A,C	Public	6	1,4

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Record Description	Record Format	Record Classification	Retention Period (in years)	Disposal Code
Fee Schedule(s)	A,C	Public	Current	1,4
Financial Records⁴				
Accounts Payable	A,B,C	Public	6	1,4
Accounts Receivable	A,B,C	Public	6	1,4
Adopted Annual Budget	A,B,C	Public	10	1,4
Annual Financial Reports	A,B,C	Public	Permanent	3
Annual Audit Reports	A,B,C	Public	Permanent	3
Bank Statements	A,B,C	Public	6	1,4
Check Registers	A,B,C	Public	6	1,4
Deposit Slips	A,B,C	Public	6	1,4
General Ledger	A,B,C	Public	Permanent	3
Grant Records (Successful)	A,C	Public	6 after close of grant	1,4
Investment Records	A,B,C	Public	6 after cancellation	1,4
Purchase Orders	A,B,C	Public	6	1,4
Tax Collection Records	A,B,C	Public	6	1,4
Free and Reduced Lunch Program Records⁵				
Accounts/Audits	A,B,C	Public	5	1,4
Application for Participation ⁶	A,C	Exempt	5	2,4
Program Requirements	A,B,C	Public	5	1,4
Grievances/Arbitrations				
Complaint ⁷	A,B,C	Exempt	Permanent	3
District Response ⁸	A,B,C	Exempt	Permanent	3
Final Ruling/Decision of Arbitrator	A,B,C	Public	Permanent	3
Insurance Records				
Claims ⁹	A,B,C	Contains exempt information	6 after settlement	2,4
Policies/Contracts	A,B,C	Public	6 after expiration	1,4
Litigation Files				
Pleadings, Motions, Briefs, Other Filings	A,B,C	Public	7 after final conclusion of litigation	1,4
Decision/Ruling	A,B,C	Public	7 after final conclusion of litigation	1,4

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Record Description	Record Format	Record Classification	Retention Period (in years)	Disposal Code
Medical Records				
Medical Records (Employee) ¹⁰	A,C	Confidential	3 after employment ends	2,4
Medical Records (Employee Exposure to Toxic Substance) ¹¹	A,C	Confidential	30 after employment ends	2,4
Medical Records (Student) ¹²	A,C	Confidential	2 after graduation	2,4
Pre-Employment Medical Examination ¹³	A,C	Confidential	3 after employment ends	2,4
Payroll Records¹⁴				
Deduction Authorizations ¹⁵	A,B,C	Contains exempt information	6	2,4
Direct Deposit Forms ¹⁶	A,B,C	Exempt	6	2,4
Time Cards	A,B,C	Public	6	1,4
Wage and Tax Statements (W-2 Forms) ¹⁷	A,B,C	Contains exempt information	6	2,4
Withholding Allowance Certificates (W-4 Forms) ¹⁸	A,B,C	Contains exempt information	6 after employment ends	2,4
Personnel Records				
Attendance Records (Employees)	A,C	Public	3 after employment ends	1,4
Background Check Documentation ¹⁹	A,B,C	Confidential	4 after employment ends	2,4
Continuing Education/Professional Development ²⁰	A,C	Contains exempt information	3 after employment ends	2,4
Credentials (Certificates/Licenses)	A,B,C	Public	4 after employment ends	1,4
Discipline Records (Employees) ²¹	A,B,C	Exempt	7 after employment ends	2,4
Employment Application (Hired)	A,B,C	Public	7 after employment ends	1,4
Employment Application (Not Hired) ²²	A,C	Exempt	4 after position filled	2,4
Equal Employment Opportunity Reports ²³	A,C	Public	3	1,4
Evaluations (Employees) ²⁴	A,C	Exempt	3 after employment ends	2,4
Leave Records (FMLA) ²⁵	A,C	Confidential	3 after employment ends	2,4
Leave Records (Other) ²⁶	A,B,C	Contains exempt information	3 after employment ends	2,4
Pre-Employment Reference Checks ²⁷	A,C	Exempt	3 after employment ends	2,4
Resignations	A,B,C	Public	7 after employment ends	1,4

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Record Description	Record Format	Record Classification	Retention Period (in years)	Disposal Code
Retirement Records ²⁸	A,B,C	Contains exempt information	7 after employment ends	2,4
Property Records				
Building Blueprints ²⁹	C,E	Exempt	Permanent	3
Construction Contracts ³⁰	A,B,C	Public	12 after completion	1,4
Deeds and Related Records	A,B,C	Public	Permanent	3
Equipment Inventories	A,B,C	Public	6	1,4
Fixed Asset List	A,B,C	Public	Permanent	3
Inventory Disposal Records	A,C	Public	3 after disposition	1,4
Leases (Real Estate)	A,B,C	Public	Permanent	3
Leases (Equipment/Vehicles)	A,B,C	Public	6 after expiration	1,4
Pesticide Application Record ³¹	A,C	Public	3	1,4
Real Property Purchase or Sale	A,B,C	Public	Permanent	3
Purchasing Records (Goods and Services)				
Advertisements	A,B,C	Public	6 after completion	1,4
Bid Documents (Accepted)	A,B,C	Public	6 after completion	1,4
Bid Documents (Declined)	A,C	Public	3 after completion	1,4
Financial Information of Bidders ³²	A,C	Exempt	3 after completion	2,4
Specifications	A,B,C	Public	6 after completion	1,4
Written or Telephonic Price Quotations ³³	A,C	Public	3 after completion	1,4
Safety Records				
Accident Reports ³⁴	A,B,C	Contains exempt information	6	2,4
Emergency Preparedness Plan	A,C	Public	2 after revised	1,4
Material Safety Data Sheets (MSDS)	A,C	Public	Current	1
Safe School Act Reports ³⁵	A,B,C	Public	Permanent	3
Visitor Registration	A,C	Public	5	1,4
School Board Records				
Board Meeting Agendas	A,C	Public	1	1,4
Board Minutes (Approved) ³⁶	A,B,C	Public	Permanent	3
Board Policies and Procedures (Current)	A,B,C	Public	Permanent	3
Board Policies and Procedures (Old)	A,B,C	Public	Permanent	3

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Record Description	Record Format	Record Classification	Retention Period (in years)	Disposal Code
Ethics Statement of Financial Interest ³⁷	A,B,C	Public	5	1,4
Student Records	Refer to Student Records Plan			
Transportation Records (Drug/Alcohol Testing) ³⁸				
Negative or Below Limit Test Results	A,C	Exempt	1	2,4
Positive or Above Limit Test Results	A,C	Exempt	5	2,4
Records Related to Collection Process	A,C	Exempt	2	2,4
Records Related to Education and Training	A,C	Exempt	2 after employment ends	2,4
Refusal to Take Required Test	A,C	Exempt	5	2,4
Workers' Compensation Records ³⁹	A,B,C	Exempt	7 after claim closed	2,4

¹ See 65 P.S. Sec. 67.502(b)(2)(iii). See also 65 P.S. Sec. 67.506(a).

² See 65 P.S. Sec. 67.708(7)(vii)(viii), 67.708(16), 67.708(17).

³ See 65 P.S. Sec. 67.708(7)(viii), 67.708(17).

⁴ SC 518 requires permanent retention of annual auditor's reports and annual financial reports. SC 518 also requires districts to maintain all other financial records for at least 6 years.

⁵ SC 1337(e) requires free and reduced lunch accounts and records to be maintained not in excess of 5 years.

⁶ See 65 P.S. Sec. 67.708(6), 67.708(28), 67.708(30).

⁷ See 65 P.S. Sec. 67.708(7)(vii), 67.708(8).

⁸ See 65 P.S. Sec. 67.708(7)(vii), 67.708(8).

⁹ See 65 P.S. Sec. 67.708(5), 67.708(6), 67.708(27).

¹⁰ See HIPAA and ADA. See also 65 P.S. Sec. 67.102, 67.305, 67.708(5).

¹¹ See HIPAA. See also 29 CFR Sec. 1910.1020(e), 65 P.S. Sec. 67.102, 67.305, 67.708(5). 29 CFR Sec. 1910.1020(d) requires retention for at least 30 years after employment ends.

¹² See SC 1409, 28 PA Code Sec. 23.55. See also HIPAA, 65 P.S. Sec. 67.102, 67.305, 67.708(5). SC 1409 requires retention for at least 2 years after enrollment ends.

¹³ See 65 P.S. Sec. 67.102, 67.305, 67.708(5). See also HIPAA and ADA.

¹⁴ SC 518 requires all other financial records to be maintained for at least 6 years. 29 CFR Sec. 516.5, 516.6 and 1627.3(a) require certain payroll records to be maintained for 2 or 3 yrs.

¹⁵ See 65 P.S. Sec. 67.708(6).

¹⁶ See 65 P.S. Sec. 67.708(6).

¹⁷ See 65 P.S. Sec. 67.708(6).

¹⁸ See 65 P.S. Sec. 67.708(6).

¹⁹ See 22 PA Code Sec. 8.2(d), 23 Pa C.S.A. Sec. 6344.2, 55 PA Code Sec. 3490.132. See also 65 P.S. Sec. 67.102, 67.305.

²⁰ See 65 Pa. C.S.A. Sec. 67.708(6), 67.708(7), 67.708(15).

²¹ See 65 P.S. Sec. 67.708(7)(viii).

²² See 65 P.S. Sec. 67.708(7)(iv).

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- ²³ 29 CFR Sec. 1602.39, 1602.41 requires form EEO-5 and records necessary to complete EEO-5 to be maintained for 3 years.
- ²⁴ *See* 65 P.S. Sec. 67.708(7)(ii).
- ²⁵ 29 CFR Sec. 825.500(g). *See also* 65 P.S. Sec. 67.102, 67.305, 67.708(5). 29 CFR Sec. 825.500(b) requires retention for at least 3 years.
- ²⁶ *See* 65 P.S. Sec. 67.708(5), 67.708(6).
- ²⁷ *See* 65 P.S. Sec. 67.708(7)(i).
- ²⁸ *See* 65 P.S. Sec. 67.708(6).
- ²⁹ *See* 65 P.S. Sec. 67.708(3).
- ³⁰ 42 Pa. C.S.A. Sec. 5536 requires claims to be filed within 12 years from completion.
- ³¹ SC 772.2 requires retention for at least 3 years.
- ³² *See* 65 Pa. C.S.A. Sec. 67.708(22).
- ³³ SC 751, 807.1 require retention for 3 years.
- ³⁴ *See* 65 P.S. Sec. 67.708(5), 67.708(6). 29 CFR Sec. 1904.33(a) requires incident reports to be retained 5 years from end of calendar year.
- ³⁵ SC 1307-A (BEC) requires permanent retention.
- ³⁶ SC 518 requires permanent retention.
- ³⁷ 65 Pa. C.S.A. Sec. 1107(9) requires retention for 5 years.
- ³⁸ *See* 49 CFR 382.405 (limits on release of records). *See also* 65 P.S. Sec. 67.102, 67.305, 67.708(5). 49 CFR 382.401 lists applicable retention periods.
- ³⁹ *See* 65 P.S. Sec. 67.708(5), 67.708(6).

SCHOOL DISTRICT

ADMINISTRATIVE
REGULATION

800-AR-2. LITIGATION HOLD

When the district receives notice that the district is involved in litigation as a party to a lawsuit, the district is issued a subpoena by a party to a lawsuit in which it is not a party, an investigation concerning the district has commenced or may commence, or the district receives information that would lead a reasonable person to anticipate the possibility of litigation, the district will immediately take steps to ensure that any records and data that could be related to the ongoing litigation/investigation or potential litigation/investigation are preserved from deletion or destruction.

Actions to preserve records and data will include, but not be limited to, postponing or canceling any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notifying employees of a litigation hold to prevent the deletion and destruction of records and data that might be related to the litigation/investigation or potential litigation/investigation, and identifying records and data that are subject to preservation.

A litigation hold triggers the duty to preserve records and data that could otherwise be deleted or destroyed under the district's Records Management Plan.

The district solicitor(s) will be responsible for issuing a litigation hold that specifically describes the types of records and data that must be preserved and describes how those materials are to be maintained and stored. The litigation hold will be sent directly to the Records Coordinator, who will acknowledge receipt of the litigation hold. The litigation hold may be communicated initially by phone but will be followed by a written notification (fax, e-mail or letter).

The Records Coordinator, in consultation with the district solicitor(s), will decide which records and data are subject to the litigation hold and in which form the records will be retained or produced.

The Records Coordinator will be responsible for:

1. Coordinating the collection and preservation of records and data that are subject to the litigation hold.
2. Monitoring and ensuring the district's compliance with the litigation hold.
3. Checking periodically on the status of a litigation hold.
4. Ensuring that all steps taken by the district to identify and preserve relevant records and data are documented.

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The solicitor will inform the Records Coordinator of changes as they occur.