

**RECORD RETENTION SCHEDULE POLICY**

In compliance with Idaho Code § 33-506, the Board of Trustees of Mountain Home School District No. 193 (MHSD) 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 person having personal custody and control of the public records in question. If no such designation is made by the district, then custodian means any public official (e.g. board member, administrator) having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives. 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.
- **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 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.

“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 the district’s FERPA policy.

### **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**

The district’s official records, and any copy thereof that may be deemed to be confidential and/or not intended to be disseminated to the public, will be shredded before being disposed.

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 or litigation is imminent.

3. If the district believes or has been notified that an investigation, claim, administrative review or hearing, or litigation is imminent.
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, and district records shall be retained and/or disposed of according to the District Records Retention Schedule Procedure.

### **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.

If relevant records exist in electronic formats such as email, digital images, word-processed documents, databases, backup tapes, etc., the district shall notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties against the District.

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 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 established and/or required by the district's information technology department. Email trash folders may be purged as often as established and/or required by the district information technology department.

**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.

**LEGAL REFERENCE:**

Idaho Code 33-701(8) Fiscal Year - Payment and Accounting of Funds

Idaho Code 33-407 Return of Canvass of Elections

Idaho Code 33-506 Organization & Government of Board of Trustees

Idaho Code 33-508 Duties of Clerk

Idaho Code 56-209h Administrative Remedies

Idaho Code 74-101(3)(12)(13)(16)

Idaho Records Management Guide (August 2013), available at:

[http://history.idaho.gov/sites/default/files/uploads/RC\\_2014\\_%2002\\_%2018%20Idaho%20State%20Records%20Manual.pdf](http://history.idaho.gov/sites/default/files/uploads/RC_2014_%2002_%2018%20Idaho%20State%20Records%20Manual.pdf)

[http://history.idaho.gov/sites/default/files/uploads/Human\\_Resource\\_Records\\_Book\\_0.pdf](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/Payroll_Records_Book_0.pdf)

[http://history.idaho.gov/sites/default/files/uploads/Administrative\\_Records\\_Book.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:** July 21, 2015

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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.