

Retention and Disposition Schedule for New York Local Government Records (LGS-1)

Introduction and
Revisions of Interest

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Pittsford Schools

New Schedule

What is the goal and why are we doing this?

“May 21, 2020

The State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments on August 1st, 2020. The new schedule, Retention and Disposition Schedule for New York Local Government Records or LGS-1, will supersede and replace:

CO-2 Schedule for use by counties (2006),

MU-1 Schedule for use by cities, towns, villages, and fire districts (2003),

MI-1 Schedule for use by miscellaneous local governments (2006), and

ED-1 Schedule for use by school districts, BOCES, County Vocational Education and Extension Boards, and Teacher Resource and Computer Training Centers (2004)”

- Think consolidation;
- Remember, you will only be using portions of the 400-page manual. Don't be intimidated.
- Deb Carpenter Records Maintenance Officer (RMO) or, Jeff Cimmerer Data Privacy Officer (DPO) can help you.

New Schedule

What is the goal and why are we doing this?

Local governments must adopt **LGS-1** prior to utilizing it, even if they adopted and have been using the CO-2, MU-1, MI-1, or ED-1 Schedules. Governing boards of local governments will have a five-month period – between August 1st, 2020 when LGS-1 is issued and January 1st, 2021 when the four existing schedules expire – to adopt the Schedule by resolution (a model resolution is available on the State Archives' website). Local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted. There is no need to notify the State Archives of LGS-1 adoptions, but local governments should keep a record of the date of adoption and maintain the resolution permanently.

*Pittsford has formally adopted these guidelines;
BOE Records Retention Policy #5670;*

<http://www.archives.nysed.gov/news/new-schedule-lgs-1-retention-and-disposition-schedule-new-york-local>

New Schedule

What is the goal and why are we doing this?

The purposes of this schedule are to:

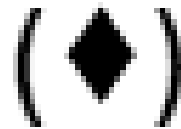
- 1) ensure that records are retained as long as needed for administrative, legal and fiscal purposes;
- 2) ensure that state and federal record retention minimum requirements are met;
- 3) ensure that records with enduring historical and other research value are identified and retained permanently; and
- 4) encourage and facilitate the systematic disposal of unneeded records.

<http://www.archives.nysed.gov/news/new-schedule-lgs-1-retention-and-disposition-schedule-new-york-local>

New Schedule

What is the goal and why are we doing this?

The organization and formatting of the LGS-1 is similar to the existing four schedules. Section heading names have been retained. Because of the consolidation, the LGS-1 contains more sections. Local government can ignore those that are not applicable. As with previous schedules, items that are new or significantly revised have been indicated. Each schedule item has been assigned a new, unique number; however, the unique numbers of the four existing schedules have been provided allowing cross referencing. In addition, each schedule item contains the record series title and description, retention period, and any notes.



- *Diamonds are your friend especially if you have previously used the ED-1 manual*
- *Items on this Schedule preceded by a diamond symbol (◆) are either new to this edition, or have been substantially changed from the previous edition.*

<http://www.archives.nysed.gov/news/new-schedule-lgs-1-retention-and-disposition-schedule-new-york-local>



Pace Yourself

Overall Changes

**Retention and
Disposition Schedule
for New York Local
Government Records
(LGS-01)
2020**

Consolidated Schedules CO-2, MU-1, MI-1, and ED-1 into a new LGS-1 Schedule. This allows expanded use of items by various local governments and ensures that schedule items are consistent for various local governments.

- Focus on aspects that pertain to your job.
- This is cyclical.
- When in doubt, ask your supervisor, the RMO, the DPO or a trusted experienced colleague
- We could be audited by the NYS Comptroller



Overall Changes



- Make sure you save a PDF or print a copy for easy reference.
- Mark pages or sections that you typically use.
- This should be within easy reach.

Overall Changes

RECORDS RETENTION AND DISPOSITION
SCHEDULE ED-1
Section 185.12, 8NYCRR (Appendix I)

FOR USE BY
SCHOOL DISTRICTS
BOCES
COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS
TEACHER RESOURCE AND COMPUTER TRAINING CENTERS

Assigned new unique numbers to each item. There are references to former schedule numbers for each item. In addition, there are plans to provide a spreadsheet and database with cross references to the new and old item numbers on the State Archives website.



908

NEW

ED1 146

Old Item Reference

- You should eventually discard the old ED-1 manual if you inherited one.
- Carryover or note past markings if available.

Overall Changes

**Retention and
Disposition Schedule
for New York Local
Government Records
(LGS-01)
2020**

Added a reference to NYS Department of Health's vital records (e.g., birth, **marriage**, death, and burial transit records) to introduction, along with a summary of their retention and disposition requirements.



Overall Changes

**Retention and
Disposition Schedule
for New York Local
Government Records
(LGS-01)
2020**

Removed references to specific **types of media** (e.g., videotapes) and made media neutral (e.g., video recordings).

Why can't I just use the old manual?

- Think updates. (retention values)
- Updates use aligned modern terms.



Overall Changes

**Retention and
Disposition Schedule
for New York Local
Government Records
(LGS-01)
2020**

Eliminated the “**Miscellaneous**” section and added items to the “**General Administration**” section.



Overall Changes

**Retention and
Disposition Schedule
for New York Local
Government Records
(LGS-01)
2020**

Updated **legal references** as appropriate.



Overall Changes



- Updated references to specific **forms**.
- We have sent an email to you with the most up to **box labels** that you should use.
(District adopted form)
- Sidenote, only use District approved storage boxes; Call Deb if you need some; please do not use copier paper boxes as they tend to explode!
- Another note, call maintenance for box pickup.

Changes

School Districts and BOCES Section

General Administration Section

- **Page 1** Renamed this section, formerly titled “General.”
- **Page 18** Reduced the retention period for course registration records from 3 years to 0 after no longer needed. Made consistent with similar item in State General Schedule. **81 ED1 400**
- **Page 10** Added a sub item to meeting files item to clarify and reduce retention of meeting notes. **48 ED1 3**
- **Page 10** Added a new item for internal meeting records or those meetings not governed under Open Meetings Law. **49**
- **Page 10** Added a new item to cover records of external group meeting files where employee is a representative of the government. **50**
- **Page 15** Clarified the public access television item to distinguish from video recordings of public meetings. **72 ED1 314**
- **Page 15** Increased the retention period to 5 years from 3 years for records covering photocopying and other reproductions. Satisfies the statute of limitations for criminal litigation involving copyright infringement (17 USC §507(b)). **69 ED1 398**
- **Page 18** Split the training records item (ED-1, item 400) to allow for Continuing Teacher and Leader Education (CTLE) sponsors courses and workshops that have 8-year retention periods. Eligible entities include school districts, BOCES, teacher centers, local governments, and colleges/universities. **81 ED1 400**
- **Page 2** Added a reference to “disadvantage-owned business” (DBE) records to the existing “minority and women-owned business” (MWBE) records schedule item. **8 ED1 172**
- **Page 10** Added a note to voice recordings item: industrial development agencies must post recordings on website for at least 5 years. **51 ED1 2**
- **Page 6** Updated the retention period for child abuse reports to age 55 based on Child Victims Act. **27 ED1 140**
- **Page 14** Folded consent forms into publications and photos item. **68 ED1 11**

Numbers in RED represent updated sections in LGS-1

Changes

Administration

879 Questionnaire on student race and ethnicity

responsive to state and federal statistical data requirements:

RETENTION: 3 years or 3 years after audit, review, or investigation is completed, whichever is later

884 Commencement records

a. Official copy of commencement program or other publication:

RETENTION: PERMANENT

b. Other commencement records, including but not limited to copies of speeches, press clippings and press releases, and event planning and logistics records:

RETENTION: 6 years

NOTE: Appraise these records for historical significance prior to disposition.

Records such as speeches and photographs may have continuing value for historical or other research and should be retained permanently. Contact the State Archives for additional advice.

885 Alumni directory or other master summary record of alumni and all other degree recipients, such as published alumni catalog, providing names of alumni, years of graduation, and other information such as degrees granted and place of residence:

RETENTION: PERMANENT

Changes

Administration

888 ED1 462 Residency determination records for student, other than information contained in cumulative education record file, and including hearing record

a. For cases where determination is decided through a hearing:

RETENTION: 1 year after date of final determination or 1 year after student no longer enrolled in district, whichever is longer

b. For cases where residency is verified without a hearing:

RETENTION: 1 year after date of final determination

889 ED1 469 Appeal or petition to the Commissioner of Education along with related records, when not related to a specific series of records listed on this Schedule:

RETENTION: 3 years after resolution of appeal or petition

NOTE: This item includes, but is not limited to, appeals filed pursuant to Sects. 310 and 3012-c and -d, Education Law (latter relates to annual professional performance reviews (APPR)). Appeals or petitions relating to specific series of records listed on this Schedule should be retained as part of or as long as that respective series.

Changes

Health

899 ED1 137

Student's health record

including but not limited to health history; individualized health care plan; immunization record; results and recommendations from examination, screening, or treatment; parent or guardian referral and permission record; and teacher's comments

a. Summary record or individual records when not posted to summary record:

RETENTION: 0 after individual attains age 27

b. Individual records when posted to summary record, except blood and body fluids incident report:

RETENTION: 1 year after end of school year

c. Individual immunization record, including authorization and/or parental

RETENTION: 6 years, or 3 years after individual attains age 18, whichever is longer

NOTE: These records may be requested beyond their minimum legal retention period by persons needing proof of certain immunizations for college admission or other purposes. The State Archives recommends that school districts and BOCES evaluate the need to retain immunization records longer than the stated minimum retention period for these purposes.

d. Blood and body fluids incident report, even when posted to summary record:

RETENTION: 0 after individual attains age 27

e. Physician authorization to resume athletic activity after a traumatic brain injury:

RETENTION: PERMANENT

Changes

Instruction

908 ED1 146

Examinations

including test answer papers, **examination scoring certificates** and Regents examinations:

RETENTION: 2 years after end of school year

NOTE: Scores may be used in annual professional performance reviews (APPR).

913

Unused Regents examinations

RETENTION: 1 year after end of school year

NOTE: Completed examination and test papers are covered by item 908 in the Instruction subsection and item 948c in the Student Records subsection.

Changes

School Safety

Section NOTE: For building security records and video recordings maintained for security purposes, see item nos. 811 and 846 in the Public Property and Equipment section. Other items previously in this subsection may be found in the General Administration section.

927 ED1 492 School violence and dangerous school records

NOTE: Requests for transfer and related records of individual students are covered by item no. **948b** in the Student Records: Academic Records subsection.

a. Violent and disruptive incident (**VADIR**) and **Dignity for All Students Act (DASA)** reports and summary records, including copies of summary information submitted to the State Education Department (SED):

RETENTION: 0 after youngest person involved attains age 27

NOTE: Summary records may need to be retained longer.

926 ED1 491

Pittsford Schools

“District-wide school safety and building-level emergency response plans”

Changes

Special Education

Addressed an inconsistency in retention of **health records** in special education student file item and student health record item. Removed the reference to "**health records**," as these should be maintained with the student health records.

Changes

Student Records

Page 286 Added the following section note: Provisions of the **Common Core Implementation** Reform Act (Chapter 56 of the Laws of 2014, Part AA, Subpart B), NYS Education Law § 305(45) and (46)), and SED's implementing regulations (Section 104.3 of the Regulations of the Commissioner of Education), **prohibit school districts and BOCES from including a student's individual scores on a State administered standardized English language arts (ELA) or mathematics assessment for grades 3 through 8 on the student's transcript, and from maintaining these scores in the student's permanent record.**

Page 286 Added a note clarifying students covered under this item and filing of transgender names:

This covers resident full-time students, including those receiving home instruction and non-resident full-time students paying tuition. The birth names of transgender and gender nonconforming students should be stored in a separate folder from the student's permanent academic record in part "a" and kept confidential, but maintained permanently.

Changes

Student Records

949 ED1 281

Student records covering non-district students, and students attending high school equivalency, alternative learning, driver's education, and adult education courses including records related to the National External Diploma Program (NEDP) and Comprehensive Adult Student Assessment Systems (CASAS)

NOTE: This does not cover non-resident full-time students paying tuition. Their records are covered by item no. 948. This item does cover records of students who pay tuition and reside in another district, but take occasional courses in the district where these records are maintained. It also covers records of resident students taking high school equivalency or non-diploma courses and adult residents taking BOCES career and technical education courses.

905 ED1 143

Individualized home instruction plan (IHIP), worksheets, and other related home schooling records:

RETENTION: 6 years after student graduates or would normally have graduated from high school

Changes

Student Records

971 Student emergency contact record, including the names, addresses, phone numbers, and other information for individuals designated as student emergency contacts. Information may be used in conjunction with school safety and disaster plans:

RETENTION: Destroy when information is superseded or student leaves the district, whichever is shorter

948 ED1 275, Student cumulative education record file (including "permanent record card")

NOTE: This covers resident full-time students, including those receiving home instruction and non-resident full-time students paying tuition. The birth names of transgender and gender nonconforming students should be stored in a separate folder from the student's permanent academic record in part "a" and kept confidential, but maintained permanently.

a. Cumulative achievement record equivalent (sometimes known as "Permanent Record Card") for elementary and secondary school, New York State career development and occupational studies (**CDOS commencement credential, and skills and achievement commencement credential**), including but not limited to information on school entry, withdrawal and graduation, subjects taken, grades received from examinations, career plan in effect during the school year in which

the student exits high school, and work skills employability profile:

RETENTION: PERMANENT

Changes

Student Records

948 ED1 275

Student cumulative education record file (including "permanent record card")

NOTE: This covers resident full-time students, including those receiving home instruction and non-resident full-time students paying tuition. The birth names of transgender and gender nonconforming students should be stored in a separate folder from the student's permanent academic record in part "a" and kept confidential, but maintained permanently.

b. Other student records, including but not limited to registration record; **screening evaluation reports; home language questionnaire, English language proficiency identification assessment results**, and related records; remedial program participation record; Section 504 evaluations, accommodation plans and related records; state assessment opt out records; counselor notes; teacher comments;

correspondence; and transfer or discharge notice:

RETENTION: 6 years after student graduates or would normally have graduated from high school

j. **Unclaimed diplomas:**

RETENTION: 1 year

Changes

Student Records

948 ED1 275 Student cumulative education record file (including "permanent record card")

i. Copies or abstracts of student records, sent by a high, middle, and/or intermediate school in another district to elementary, middle, and/or intermediate school which student had attended, and which district does not operate a high, middle school, and/or intermediate school itself:

RETENTION: 0 after no longer needed

NOTE: For copies of student records received from other school districts that do operate a high, middle, and/or intermediate school, use item no. 19.

k. Proof of residency records for student, excluding residency investigations and hearing records:

RETENTION: Retain most current until 6 years after student graduates or would normally have graduated from high school. Destroy older proofs 6 years after superseded.

Changes

Student Records

972 Records of compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and related legislation concerning access to student education records and participation in surveys on or activities in designated areas

a. Request for hearing on content of student education records, decision of hearing, and student statement on content of disputed record:

RETENTION: Retain for the same period the disputed records are maintained

b. Record of requests for access to and disclosures of personally identifiable information from the student education records, as required by FERPA regulations:

RETENTION: Retain for the same period the requested records are maintained

NOTE: For records of requests for student information which are not subject to FERPA requirements, see item no. 53 in the General Administration section. Requests by students for information on themselves are covered by item no. 948.

c. Request for nondisclosure of directory information or non-participation in surveys on or activities in designated areas:

RETENTION: 1 year after request is terminated or is no longer valid or 1 year after the concerned records are no longer maintained

d. Consent for records disclosure:

RETENTION: 1 year after consent is terminated or 1 year after the concerned records are no longer maintained

e. Waiver of right to inspect and review confidential letters and statements placed in student education records:

RETENTION: 1 year after waiver is terminated or 1 year after the concerned records are no longer maintained

f. Directory Information Policy Statement:

RETENTION: PERMANENT

g. Annual or other notice of rights under FERPA or related legislation concerning access to student records or participation in surveys on or activities in designated areas:

RETENTION: 3 years after issued or superseded or obsolete, whichever is later

Changes

Teacher Resource and Computer Training Center

984 ED1 296

Workshop records

a. Official copy of brochure or other publication announcing and describing workshops to be offered:

RETENTION: PERMANENT

b. Attendance records for workshop:

RETENTION: 8 years

c. Records of credits awarded for workshop attendance (if applicable):

RETENTION: 0 after posted to individual earnings (in-service) credit record NOTE: If credits are awarded for workshop attendance, and these are not posted to individual earnings (in-service) credit record, these records must be retained for 55 years.

d. Workshop development records, including, but not limited to, course proposal, instructor's name and curriculum vitae, and evaluation of the need for the course:

RETENTION: 8 years

Changes

(School) Transportation

1001 ED1 303

School bus driver qualification file

including but not limited to driver training certificates, character references, application for employment, physical examination, driving examination and training records

a. For employees of school district or BOCES:

RETENTION: 6 years after termination of employment

b. For individuals who are not employees of school district or BOCES:
RETENTION: 3 years

Changes

(School) Transportation

1294

School bus photo violation monitoring system records

NOTE: Recordings from school bus cameras used for security purposes are covered by item no. 846 in the Public Property and Equipment section. Case investigation records are covered under item no. 1222 in the Public Safety section.

a. When recording relates to specific case investigation:

RETENTION: Retain as long as the case investigation to which the recording relates is retained

b. When recording does not relate to specific case investigation:

RETENTION: 6 months

Summary and Questions

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