



# State of Michigan Records Management Services



## Record Retention Guide: Michigan Public Schools

This guide accompanies the General Schedule for Michigan Public Schools that was approved 4-11-2023.

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### Public Records

The Michigan Freedom of Information Act (FOIA) ([MCL 15.231-15.246](#)) defines public records as recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.”

### Retention and Disposal Schedules

Michigan law (MCL [399.811](#) and [750.491](#)) requires that all public records be listed on an approved Retention and Disposal Schedule that identifies the amount of time that records must be kept to satisfy administrative, legal, fiscal and historical needs. Schedules identify when records may be destroyed, and when certain records should be sent to the [Archives of Michigan](#) for permanent preservation. *Records cannot be destroyed unless their disposition is authorized by an approved Retention and Disposal Schedule.* All schedules are approved by the Records Management Services, the Archives of Michigan, and the State Administrative Board. There are two types of schedules that government agencies may use:

- [General Schedules](#): cover records that are common to a particular type of government agency, such as a public and charter schools, local school districts, public school academies and intermediate school districts. General schedules may not address every single record that a particular agency may have in its possession. *General schedules do not mandate that any of the records listed on the schedule be created.* However, if they are created in the

normal course of business, the general schedule establishes a minimum retention period for them.

- [Agency-Specific Schedules](#): cover records that are that are unique to a particular government agency, and that are not listed on a general schedule. Agency-specific schedules always override general schedules if a record is covered on both types of schedules. Agency-specific schedules only address the records of the agency named on the schedule and may not be used by another agency.

### **Record Maintenance**

Records can exist in a wide variety of formats, including paper, maps, photographs, microfilm, digital images, email messages, databases, etc. The record series listed on this general schedule do not specify the format that the record may exist in, because each school district that follows this schedule may choose to retain its records using different recording media. School districts are responsible for ensuring that all of their records (regardless of format) are properly retained and remain accessible during this entire retention period. All records need to be stored in a secure and stable environment that will protect them from tampering, damage, and degradation. Electronic records are dependent upon specific hardware and software to be accessed and used. It is important to understand that the original technology that is used to create electronic records will eventually become obsolete. As a result, school districts should work with their information technology staff to develop preservation plans for retaining electronic records with long-term (more than 10 years) retention requirements. Various laws (including the Records Reproduction Act, [MCL 24.401-24.406](#)) identify acceptable formats for retaining public records; agencies are responsible for [understanding](#) and complying with these laws.

### **Suspending Destruction**

School districts must immediately cease the destruction of all relevant records (even if destruction is authorized by an approved Retention and Disposal Schedule) if they receive a FOIA request, if they believe that an investigation or litigation is imminent, or if they are notified that an audit, investigation, or litigation has commenced. If relevant records exist in electronic formats (such as email, digital images, word processed documents, databases, backup tapes, etc.), the school district may need to notify its information technology staff. Failure to cease the destruction of relevant records could result in penalties.

### **Disaster Preparedness and Response**

Schools should identify which of their records are vital and need to be protected in case a disaster occurs. A disaster plan is helpful to define how the agency will try to prevent disasters and respond to disasters. If records are completely destroyed during a disaster and are not recoverable, the school should document which records were destroyed, and when/how the destruction occurred. This information should be kept until the destroyed records' retention period is met. If records are damaged (but not destroyed) during a disaster, the school is responsible for recovering those records that have not met their retention period yet. This may require the services of a vendor that specializes in disaster response. An [online guide](#) is available to assist with disaster preparedness and response.

### **Public Disclosure**

Select records series that are listed on this schedule may be exempt from public disclosure, in accordance with the provisions of various state and federal laws. Please consult with your attorney if you need additional information.

### **Preservation of Historical Records**

School districts generate some records that document the history of the school, its employees, and its students. The school district may decide to keep these records on-site in their school library or the administration offices. The Archives of Michigan may take responsibility for preserving historically significant records if a school district dissolves (such as board meeting records, annual reports, etc.). School districts can contact the Archives for assistance at 517-335-2576 or <https://www.michigan.gov/mhc/archives>.

### **Non-record Material**

[General Schedule #1](#) addresses the retention of “non-record” materials. These documents are broadly defined as drafts, duplicates, convenience copies, publications and other materials that do not document agency activities or are not the official source of truth for the agency. These materials can be disposed of when they no longer have reference value to the agency. School districts need to identify the “office of record” when multiple offices possess copies of the same record. The “office of record” is responsible for following the retention period that is specified. Duplicates do not need to be retained. Employees should keep non-record duplicates for the shortest amount of time necessary to satisfy their needs, and not longer than the retention period of the official record. If the official record is destroyed (in compliance with its Retention and Disposal Schedule), any non-record duplicates that still exist remain subject to FOIA and litigation requests. A more comprehensive definition of “non-records” can be found in the approved schedule.

### **School Election Records**

The retention periods for election records are covered by [General Schedule #23](#). School districts only need to retain these records if they are responsible for administering the election.

### **School Internet Site and Social Media Content**

Content published online, including social media postings, do not have a single retention period. The retention period depends upon the content of the document or post. School districts should treat their online publications and postings as duplicates, and they should maintain the official records according to the other items listed on the schedule. Internet technology is not designed to support the preservation of information. Information that is posted online that needs to be retained for more than a few years should be kept in a format and location that supports the retention period.

### **Student Academic Records**

- Personal information about a student may be collected on the CA-60 form/folder, on some other form that is used by the school district, and/or in a student information system/database.

- If a student drops out of school or dies, the records remain active until the expected graduation date, and must be retained in compliance with item #1400A-B.
- Schools remain responsible for retaining these records for the full retention period and they cannot give them to the student upon graduation.
- Schools are responsible for retaining records of students who transfer to another school district until the next school district requests the student's file (MCL 380.1135(4).) School districts may select to retain a copy of the records that are transferred to the other school district, however, they are not required to do so. If they do retain copies, those copies are "[non-records](#)."
- If the school district has a student information system (item #1400A-B) that contains student grades and attendance, the student information system is the official record.
- If a student participates in adult education, cooperative education (such as career and technical education), dual enrollment programs, and/or shared time programs, the applicable records should be retained by the home school district as part of the student academic record. Cooperative education programs must send the student's official records to the student's home district.
- If a child participates in an early childhood education program and remains in the school district, these records will become part of the student's academic record (item #1400A-B).
- Security incidents (see item #900) and security video recordings (see item #903) may meet the criteria of student educational records, and if so, would need to be retained in compliance with item #1400B.

### **Student Course Work**

Students are the owner of the work they produce while taking a class. Some districts allow students to store course work using school-owned storage locations (either paper or electronic). Districts are encouraged adopt a policy about the storage of student course work that defines when it will be deleted (such as at the end of the school year or upon graduation). Students should be notified at the beginning and end of each semester that if they want to keep their course work, they should save it to a storage location that they own before the policy is implemented

### **Special Education Student Records**

34 CFR 300.573 states that schools "shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. (b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation."

### **Dissolved Districts**

- If a school district is dissolved and absorbed by another school district(s), the records of the former school district must be transferred to the new district(s) to fulfill the remainder of their retention period.

- Intermediate School Districts may coordinate the retention of, or retain themselves, the records of closed public schools (if the files are not transferred to another open school) for the remainder of their retention period.
- When a public school academy is dissolved by its authorizer, a non-profit corporation or a receiver becomes responsible for compliance with this record Retention and Disposal Schedule for all records (not just student records) of the former public school academy.
- The Archives of Michigan may take responsibility for preserving historically significant records if a school district is dissolved (such as board meeting records, annual reports, etc.). School districts in this situation should contact the Archives for assistance at 517-335-2576 or <https://www.michigan.gov/mhc/archives>.

### **Records Management Can Help!**

State of Michigan Records Management Services is available to assist government agencies with their questions. Agencies may contact the Records Management Services at 517-335-9132 or via email at [recordscenter@michigan.gov](mailto:recordscenter@michigan.gov). Additional information is also available from the Records Management Services' website <http://www.michigan.gov/recordsmanagement/>, including online training, guidance documents, and general schedules.