

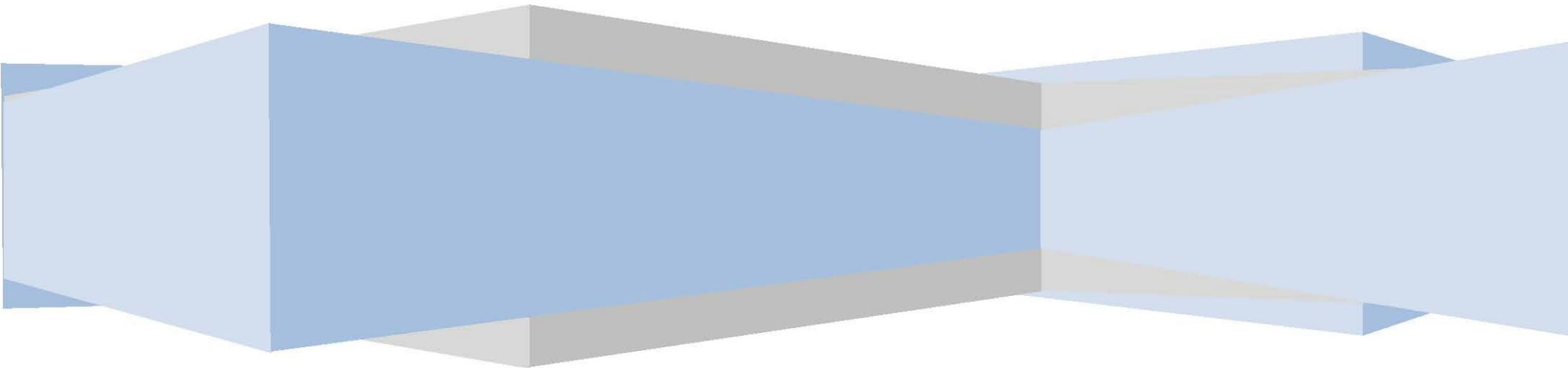
Exhibit: Policy 823

Wisconsin Records Retention Schedule for School Districts

—Covers both hard copy and electronic records—

May 2010
Revised June 2015

Wisconsin Department of Public Instruction
Tony Evers, State Superintendent
Madison, Wisconsin



Wisconsin Records Retention Schedule for School Districts

Introduction

School districts accumulate thousands of pages of records every year—records that soon become obsolete. Questions arise frequently regarding records retention, destruction, and the interpretation of statutes relating to transfer of records. In response to requests for assistance, the state superintendent has revamped this document to examine the issues of records retention and development of strategies for handling records common to all school districts. **The retention periods listed cover both hard copy and electronic records.**

Section 19.21(6) provides statutory guidance for the policy development, retention, transfer, and destruction of school district records. A school district, except a first class city school district, may provide for the destruction of obsolete school records. Prior to any such destruction, at least 60 days' notice in writing of such destruction shall be given to the Wisconsin State Historical Society, which shall preserve any records it determines to be of historical interest. The Wisconsin State Historical Society may, upon application, waive the notice. The period of time a school district record shall be kept before destruction shall be not less than the current year plus six years unless a shorter period of time is fixed by the Public Records Board under s. 16.61(3)(e) and except as provided under sub. (7). This section does not apply to pupil records under s. 118.125.

Section 19.21(6) of the Wisconsin statutes states the following:

- School districts may provide for the destruction of obsolete school records except for pupil records under s. 118.125. However, prior to any destruction, at least 60 days' written notice must be given to the Wisconsin State Historical Society. The prior notice requirement enables the preservation of school records determined by the Wisconsin State Historical Society to be of historical interest. The Wisconsin State Historical Society may waive the notice requirement.
- The period of time a school district record must be kept before destruction must not be less than seven (7) years, unless a shorter period of time is fixed by the Public Records Board.
- This Wisconsin School District Records Retention Schedule (WSDRRS) provides recommended retention periods for records common to all school districts, denotes records of historical importance, and describes a process for transfer of records to the Wisconsin State Historical Society as well as a procedure whereby the Wisconsin State Historical Society may waive the notice requirement.

School districts that adopt the WSDRRS will find the retention, destruction, and transfer of records to the Wisconsin State Historical Society more manageable.

Adoption of the WSDRRS will:

- Enable disposal of some records in less time than the seven years generally required by the statutes;
- Provide guidance regarding those school district records that should be preserved locally or are of interest to the Wisconsin State Historical Society; and
- Eliminate paperwork for both the school district and the Wisconsin State Historical Society.

District Options: The Schedule serves as a guidepost against which to check the individual needs of each school district. A school district may adopt the entire Schedule, individual sections, or a modified version. The Public Records Board along with the Wisconsin Department of Public Instruction recommends that school districts adopt the WSDRRS and submit the Notification Form to the Wisconsin State Historical Society.

Retention of records applies to both hard copy and electronic formats. Additional information about electronic records is covered in **Section 7, Electronic Records** of this document.

To Adopt the Schedule

School districts are advised to adopt the Schedule even though they may not have all the records listed in it. A school district may adopt the entire schedule, individual sections, or a modified version. A school district may develop a Schedule with different retention periods from those listed. For records to be retained less than seven years, the school district may not adopt a retention period shorter than that indicated in the Schedule without the approval of the Public Records Board. A new Schedule, or list of modifications, must be sent with the Notification Form. Specific school district records can be listed in **Section 6, Miscellaneous Records**. An adopted Schedule becomes the district's policy on record retention, destruction, and local preservation and/or transfer of records to the Wisconsin State Historical Society.

Date Adopted By School District:

Date First Issued: Revised Date:

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1.0 Administrative Records

1.1.0 School Board Records Retention Period*

1.1.0 School Board Meeting Minutes and Agenda Packets Permanent

1.1.0 School Board Records Retention Period***

1.1.2 School Board Committee Meeting Minutes and Agenda Packets 3 years

1.1.1 School Board Meeting Minutes 3 years

1.1.3 School Board Committee Meeting Minutes 3 years

1.1.4 School Board Committee Meeting Minutes 3 years

1.1.5 School Board Committee Meeting Minutes 3 years

1.1.6 School Board Committee Meeting Minutes 3 years

1.1.7 School Board Committee Meeting Minutes 3 years

1.1.8 School Board Committee Meeting Minutes 3 years

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1.1.24 School Board Committee Meeting Minutes 3 years

1.1.25 School Board Committee Meeting Minutes 3 years

1.1.26 School Board Committee Meeting Minutes 3 years

1.1.27 School Board Committee Meeting Minutes 3 years

1.1.28 School Board Committee Meeting Minutes 3 years

1.1.29 School Board Committee Meeting Minutes 3 years

1.1.30 School Board Committee Meeting Minutes 3 years

1.1.31 School Board Committee Meeting Minutes 3 years

1.1.32 School Board Committee Meeting Minutes 3 years

1.1.33 School Board Committee Meeting Minutes 3 years

1.1.34 School Board Committee Meeting Minutes 3 years

1.1.35 School Board Committee Meeting Minutes 3 years

Historical Value**

X

Historical Value**

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

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X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

Suggested Keeper of the Records

District Administrator

Suggested Keeper of the Records

District Administrator

District Administrator

Administrative Staff Designee

District Administrator

Administrative Staff Designee

District Administrator

District Administrator

District Administrator

District Administrator

District Administrator

Requester

District Administrator

District Administrator

District Administrator

Business Office

District Administrator

District Administrator

District Administrator

Author

Business Office

Author

District Administrator

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1.1.4	Management Team Meeting Minutes	3 years		District Administrator
1.1.5	Reports to the School Board	3 years	X	District Administrator
1.1.6	School Board Policies and Procedures	Until superseded	X	District Administrator
1.1.7	School Board Correspondence	3 years		District Administrator
1.1.8	Management Guidelines	Until superseded	X	District Administrator
1.1.9	Legal Opinions	7 years	X	Requester
1.1.10	Notice of Meetings	7 years		District Administrator
1.1.11	Petitions	7 years	X	District Administrator
1.1.12	Referendum Results	Permanent	X	Business Office
1.1.13	Complaints to the School Board	3 years		District Administrator
1.1.14	Newsletters/Bulletins	1 year	X	Author
1.1.15	Special Project Studies/Reports/Strategic Plans/Task Force Reports	3 years	X	Author
1.1.16	Management Correspondence/Memos	1 year, unless subject to complaint, or lawsuit, or is a record type that requires longer retention.		Author
1.1.17	Election Notices	2 years following the elections		Business Office
1.1.18	Election Petitions	2 years following the elections		Business Office
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1.1.14	Newsletters/Bulletins	1 year	X	Author
1.1.15	Special Project Studies/Reports/Strategic Plans/Task Force Reports	3 years	X	Author
1.1.16	Management Correspondence/Memos	1 year, unless subject to complaint, or lawsuit, or is a record type that requires longer retention.		Author
1.1.17	Election Notices	2 years following the elections		Business Office
1.1.18	Election Petitions	2 years following the elections		Business Office
1.1.19	Election Poll Lists	2 years following the elections		Business Office
1.1.20	Election Tally	2 years following the		Business Office

Date Adopted By School District:

Date First Issued: Revised Date:

1.0 Administrative Records

1.1.0 School Board Records	Retention Period*	Historical Value**	Suggested Keeper of the Records	
1.1.1	School Board Meeting Minutes and Agenda Packets ***	Permanent	X	District Administrator
1.1.2	School Board Committee Meeting Minutes	Permanent	X	District Administrator
1.1.3	Citizens Advisory Committee Meeting Minutes	3 years	X	Administrative Staff Designee
1.1.4	Management Team Meeting Minutes	3 years		District Administrator
1.1.5	Reports to the School Board	3 years	X	District Administrator
1.1.6	School Board Policies and Procedures	Until superseded	X	District Administrator
1.1.7	School Board Correspondence	3 years		District Administrator
1.1.8	Management Guidelines	Until superseded	X	District Administrator
1.1.9	Legal Opinions	7 years	X	Requester
1.1.10	Notice of Meetings	7 years		District Administrator
1.1.11	Petitions	7 years	X	District Administrator
1.1.12	Referendum Results	Permanent	X	Business Office
1.1.13	Complaints to the School Board	3 years		District Administrator
1.1.14	Newsletters/Bulletins	1 year	X	Author
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7.0 Electronic Records

General record schedules cover records in all media. However, Chapter 12, § Administrative Code 12, Electronic Records Management-Standards and Requirements, became effective May 1, 2001. The purpose of this rule is to ensure that public records in electronic format are preserved, maintained, and remain accessible for their designated retention period. Because of frequent technological change, including hardware and software obsolescence and media degradation, agencies must take steps to manage and protect electronic records for as long as they are needed. To meet business needs and protect the legal, financial and historical interests of internal business operations and Wisconsin citizens, agencies must prepare and execute migration plans for electronic records as necessary to prevent them from becoming inaccessible during their retention periods.

Retaining Records

Records may be delayed from destruction, but only under the following conditions:

- Records are required for an IT system, business program, performance, financial, or security forensic audit;
- Records are relevant to an actual or imminent legal proceeding; or
- A relevant public record request has been received and not completed.

Before disposing of a record, the office managing the record must determine if an audit, litigation, or public record request is pending. And notably, after a public records request has been filed, Wisconsin law forbids the destruction of any relevant record until the request is granted, or at least 60 days after the request is denied, and court orders may extend this time period. Wis. Stats. § 19.35(5). If agency staff members have questions regarding Wisconsin's Public Records Law, then the agency's legal custodian of records will provide further guidance.

Official records that are inactive, but not yet expired should be transferred to a low-cost, record storage facility, such as the State Records Center.

Confidentiality of Records

Some records series, in whole or in part, contain confidential records as related to security, and protected personal information. If in doubt as to whether or not a specific record is confidential, it is always a good idea to check with agency legal counsel. If your agency does not have a legal counsel, an Assistant Attorney General in the Department of Justice will provide advice.

Personally Identifiable Information (PII)

Some records in this schedule contain personally identifiable information as defined by Wisconsin law. Wis. Stats. § 19.62(5). Public access to and security of personally identifiable information is often restricted by law. Therefore, agencies should be aware of the requirements in Wisconsin Statutes, Chapter 19, as well as all applicable program specific laws or regulations. Such records should also be destroyed as confidential. If in doubt as to whether a specific record contains personally identifiable information, it is a good idea to check with agency legal counsel.

For Further Assistance

For assistance, please contact the following individuals:

--for general information on records management and technical assistance:

Executive Secretary, Public Records Board, 4622 University Avenue
Madison, WI 53702 (608) 266-2996

--for information or questions about historical records:

Archives Collection Development, State Historical Society, 816 State
Street, Madison, WI 53706 (608) 264-6469.

--for information on records-related requirements of the Department of Public Instruction:

Data, Forms, and Records Management Section
Department of Public Instruction, 125 South Webster Street,
Madison, WI 53702 (608) 267-9154

The Wisconsin Department of Justice provides guidance to the public on the public records law, s. 19.31-39, Wis. Stat. Inquiries may be made by calling (608) 266-3952. Guidance may also be found in the Department of Justice's Public Records Law Compliance Outline, available at <http://www.doj.state.wi.us/>.

8.0 E-Mail as Public Records

E-Mail Records

E-mail messages are public records like any other record. That is, they are public records if they are made or received by any governmental employee in connection with the transaction of public business. The local and state records management policy does not distinguish among media with regard to the definition of records. By definition, "public records" means all books, papers, maps, photographs, films, recordings, optical disks, electronically formatted documents, or other documentary materials, regardless of physical form or characteristics, made or received by any state agency or its officers or employees in connection with the transaction of public business (s. 16.61(2)(b), Wis. Stats.).

All e-mail messages, including personal communications, could be subject to investigatory review or discovery proceedings in legal actions. Some courts have set legal precedents for making use of e-mail communications as evidence. Haphazard filing procedures, incomplete recordkeeping, and the use of informal language in e-mail messages may misrepresent governmental agencies in legal proceedings. As with other records, no e-mail record may be destroyed after someone requests it until the request is granted, 60 days have elapsed following denial of the request, and litigation on the record's availability is complete and any court order has been complied with.

E-mail records also fall within the definition of "record" under the Open Records Law (s. 19.32(2), Wis. Stats.):

"Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks.

"Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library. (s. 19.32(2), Wis. Stats.)

Electronic mail records are subject to these law citations.

A. Archiving and Retention

Electronic mail is normally backed up to ensure system integrity and reliability, not for the sole purpose of future retrieval, although backups may at time serve the latter purpose incidentally.

Attachments (files created in other applications software) are an integral part of e-mail. For e-mail documentation to be adequate, complete, and reliable, the e-mail message, any attachments, and the transmission history (routing, date, and time) may be needed. The use of different applications software among users and senders can lead to inoperable or garbled files for the receiver. The growing use of standard software is assisting to solve this problem.

E-mail users should be aware that generally it is not possible to assure the longevity of electronic mail records for record-keeping purposes, in part because of the difficulty of guaranteeing that electronic mail can continue to be read in the face of changing formats and technologies and in part because of the changing nature of electronic mail systems. This becomes increasingly difficult as electronic mail encompasses more digital forms, such as embracing compound documents, usage of digital technology, voice recognition, audio and video media, and imaging in addition to text. Furthermore, in the absence of the use of authentication systems, it is difficult to guarantee that e-mail documents have not been altered, intentionally or inadvertently.

E-mail records that have administrative, legal, fiscal, historical, or audit significance should be saved beyond the designated system retention to either a secure network folder or a shared network file in a manner that facilitates backup and access. Staff should, on a regular basis, review e-mail and delete items that do not need to be retained. Such maintenance can reduce the burden on servers and improve the overall performance of the system yet ensure that the requirements of records management are observed. The agency E-Mail Coordinator should be available for assistance or technical advice on how to assure that needed e-mail records are preserved before the system deletion occurs.

B. Disclosure and Restricted Access without Consent

The electronic mail system is provided at government expense to conduct official governmental business. Incidental and occasional personal use is permitted, but such messages will be treated no differently from other messages. The governing agency has authority to obtain access to the contents of any employee's electronic mail files without the permission of the employee. Such circumstances include unavailability of the employee, a potential disciplinary issue, or preservation of e-mail from possible destruction.

Inspection, monitoring, or disclosure of electronic mail without the consent of the user of such e-mail will be permitted when required by and consistent with law, if there is reason to believe violations of law or policy have taken place, when performing periodic checks for excessive personal use of e-mail, and for meeting time-dependent, critical operational needs.

Electronic mail has become a preferred way of communicating for many individuals, including school board members. Because e-mail communications as described herein may constitute public records under the Public Records Law and because such e-mail must be retained pursuant to records retention requirements, school board members and school administrative staff should formulate policy and procedures to ensure that records are properly managed and preserved. School district staff and school board members must be aware that although e-mail can be an efficient and convenient means of communications, the use of e-mail creates obligations to ensure that communications are preserved for public information purposes. School board members should presume that any e-mail that they receive or send related to school district business is a record and should take steps to preserve such e-mail consistent with the guidance provided herein.

C. Definitions

Electronic Mail System/Services: Any messaging system that depends on computing facilities to create, send, forward, reply to, transmit, store, hold, copy, download, display, view, read, or print computer records for purposes of simultaneous communication across computer network systems between or among individuals or groups, that is either explicitly denoted as a system for electronic mail or is implicitly used for such purposes, including services such as electronic bulletin boards, listservs, and newsgroups.

E-Mail Record/E-Mail: Any or several electronic computer records or messages created, sent, forwarded, replied to, transmitted, stored, held, copied, downloaded, displayed, viewed, read, or printed by one or several e-mail systems or services. This definition applies equally to contents of such records and to transactional information associated with such records, such as headers, summaries, addresses, and addressees.

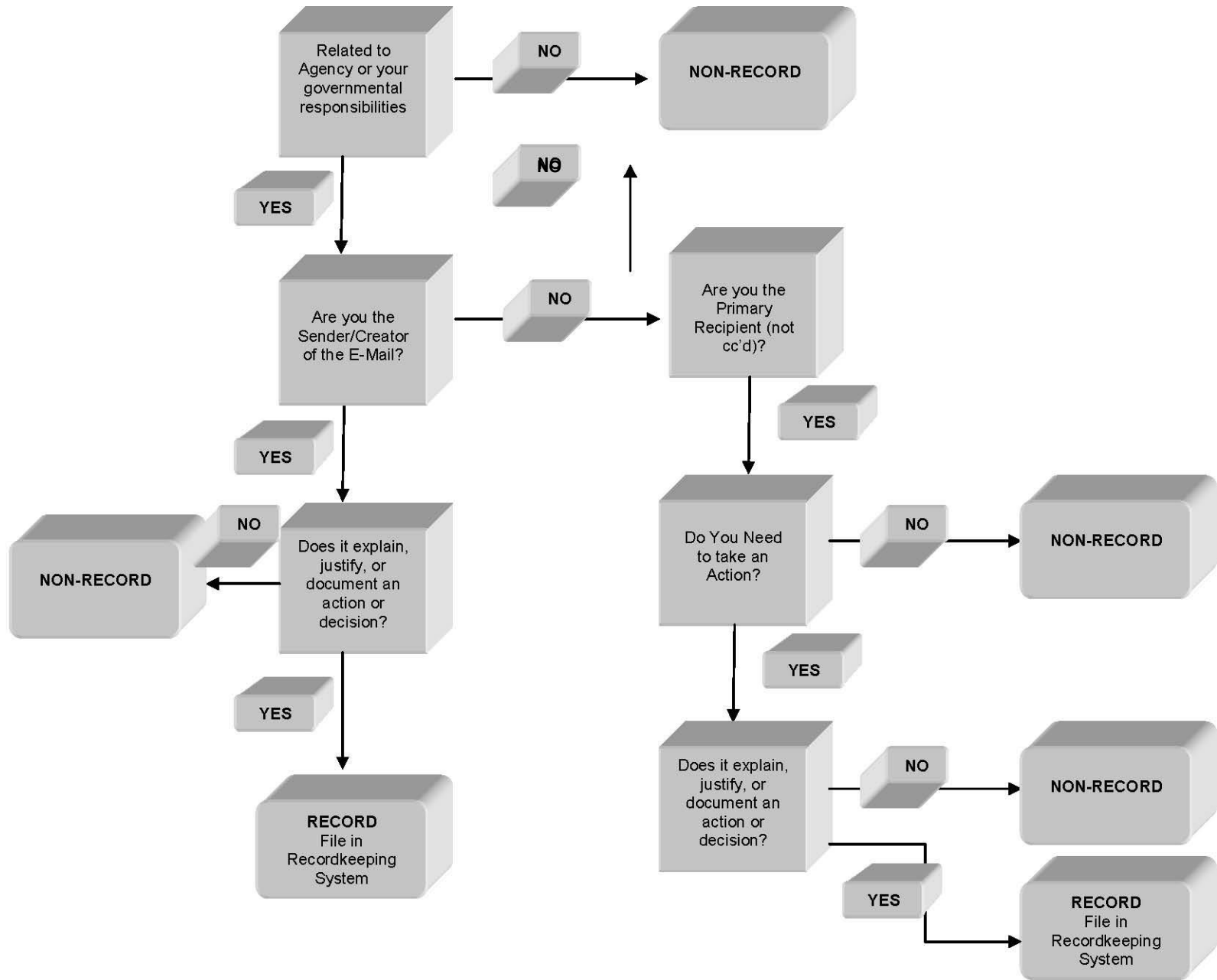
Possession of E-Mail: An individual is in “possession” of an e-mail record, whether the original record or a copy or a modification of the original record, when that individual has effective control over the location of its storage. Thus, an e-mail record that resides on a computer server awaiting download to an addressee is deemed, for purposes of this policy, to be in the possession of that addressee.

Holder of an E-mail Record: An e-mail user who is in possession of a particular e-mail record, regardless of whether that e-mail user is the original creator or a recipient of the contents of the record.

Open Records: For many years Wisconsin has had a strong emphasis on openness in government in general and on public access to governmental records in particular. This has been expressed in statutory form as a presumption of a public right of access to governmental records. The Open Records Law (s.19.32, Wis. Stats.) states that since “representative government is dependent upon an informed electorate...all persons are entitled to the greatest possible information regarding the affairs of government.” There is a presumption of public access. However, the law recognizes the need for some records to be exempted from disclosure by more specific state and federal law and case law principles, such as the “balancing test”: whether the public interest is best served by disclosure or nondisclosure. State and federal confidentiality laws that are more specific than the Open Records Law will usually take precedence.

E-Mail as a Public Record Flowchart

How to decide if an e-mail is a public record.



9.0 The Education Department's General Administrative Regulations (EDGAR)

EDGAR consolidated into a single document uniform requirements for the administration of U.S. Department of Education grants. The administrative regulations provide specific provisions for retention of federal program records. EDGAR provides for a five year retention period. If any litigation, claim, negotiation, audit or other action involving the records has commenced before the end of the five year period, the records must be retained until completion of the action and resolution of all issues or until the end of the **five year period**, whichever is later.

The following is a listing of federal educational programs covered by these EDGAR provisions:

No Child Left Behind Act of 2001—ESEA Reauthorization

Title I Improving the Academic Achievement of the Disadvantaged

- Part A Basic Programs
- Part B Student Reading Skills Improvement Grants
 - Subpart 1 Reading First
 - Subpart 2 Early Reading First
 - Subpart 3 Even Start
- Part C Migrant Education
- Part D Neglected and Delinquent or At Risk
- Part F Comprehensive School Reform
- Part G Advanced Placement
- Part H School Dropout Prevention

Title II Teachers

- Part A Teacher and Principal Training and Recruiting Fund
- Part B Math and Science Partnerships
- Part C Innovation for Teacher Quality
- Part D Enhancing Education through Technology

Title III English Language Acquisition, Language Enhancement, and Academic Achievement Act

Title IV 21st Century Schools

- Part A Safe and Drug Free Schools and Communities
- Part B 21st Century Community Learning Centers
- Part C Environmental Tobacco Smoke

Title V Promoting Informed Parental Choice and Innovative Programs

- Part A Innovative Programs
- Part B Public Charter Schools
- Part C Voluntary Public School Choice

Title VI Flexibility and Accountability

- Part A Improving Academic Achievement
- Part B Rural Education Initiative

Title VII Native Americans and Alaskan Education Program

- Part A Indian Education
- Part B Native Hawaiian Education
- Part C Alaska Native Education

Title VIII Impact Aid

Title IX General Provisions

- Parts A through F—Definitions, flexibility, Consolidation, Waivers, Uniform Provisions

Title X, Part C Education of Homeless Children and Youth

Carl Perkins Vocational Education Act
Individuals with Disabilities Education Act (IDEA)—Part B
IDEA Preschool Grant

State Grants also hold the five year retention period. State Grants to Local Education Agencies (LEAs) include:

- P-5 Program
- Head Start Program
- Alternative Education Grants
- AODA Prevention/Intervention Grants
- Grants to Mentors
- Peer Review and Mentoring
- Talented and Gifted Program Grants
- Advanced Placement Grants
- English for Southeast Asian
- STEM Grants
- Grants for Nurses
- Consolidation Grants