

ARTICLE 12. RECORDS RETENTION

ARTICLE 12. RECORDS RETENTION POLICY.....	2
I. RECORDS RETENTION.....	2
A. PURPOSE	2
B. PHILOSOPHY AND SCOPE	2
C. RECORDS RETENTION STANDARDS.....	2
D. DEFINITIONS.....	4
E. EDUCATION BOARD’S RESPONSIBILITIES	6
F. CUSTODIAN OF RECORDS RESPONSIBILITIES	6
G. RECORDS MANAGEMENT OFFICER.....	7
H. RECORDS MANAGEMENT OFFICER DESIGNATION	7
I. RECORDS MANAGEMENT OFFICER DUTIES	7
J. RECORDS MANAGEMENT PROGRAM	8
K. RECORDS CONTROL SCHEDULES.....	8
L. RETENTION PERIODS.....	8
M. RECORDS RETENTION SCHEDULE.....	9
N. DESTRUCTION OF RECORDS.....	9
O. EXCEPTIONS TO DESTRUCTION OF RECORDS	9
P. RECORDKEEPING	10
Q. PRESERVATION OF RECORDS	10
R. ELECTRONIC STORAGE	10
S. FEDERAL INVESTIGATIONS AND BANKRUPTCY	10

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 1 of 10

ARTICLE 12. RECORDS RETENTION POLICY

I. RECORDS RETENTION

A. PURPOSE

The purpose of this policy is to define records retention standards for Division employees to use as a guide to records management related decision-making.

B. PHILOSOPHY AND SCOPE

The integrity of the Division's records is crucial to operations and to maintaining the confidence and trust of funding agencies. The Division protects and maintains records needed for complying with legal and regulatory requirements, and for the financial and operating needs of the division.

Effective records management is vital to ensuring that proprietary and essential information is protected, readily available, and that record storage is efficiently controlled with reasonable retrieval costs. Division records shall mean documentary material in any form in which they exist (i.e. written, printed, typed, magnetic and electronic).

The Division shall maintain records in compliance with applicable laws, policies and guidelines of the SRPMIC government policies, or the requirements of the applicable funding agency, whichever is more stringent.

C. RECORDS RETENTION STANDARDS

1. REGULATORY COMPLIANCE

The Division shall comply with the records retention requirements of regulatory and funding agencies as they apply to each program area. While this policy references the primary regulations governing records retention, if additional or complimentary requirements from other regulatory or funding agencies are applicable, those requirements shall be met.

2. INCORPORATION OF REGULATORY CHANGES

Any changes in the regulations and/or guidelines that are adopted by regulatory and funding agencies subsequent to the adoption of this policy are hereby incorporated into this policy.

3. PRIMARY RECORDS SCHEDULE

The Arizona State Library, Archives and Public Records Retention Schedule for "School Divisions and Charter Schools" standards shall be the primary records retention

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 2 of 10

schedule. In all cases the Arizona State Library, Archives and Public Records Retention Schedule for “School Divisions and Charter Schools” standards shall be compared to the requirements for a specific program area and the more stringent standard shall apply.

4. EARLY CHILDHOOD EDUCATION PROGRAM STANDARDS

The Early Childhood Education Program will maintain records in compliance with the requirements of the U.S. Department of Health and Human Services (DHHS) Head Start “Records Retention and Access” statement. This statement is hereby incorporated in this policy by reference. Employees can access these requirements from the DHHS Head Start website or from Education Division SharePoint Administration > Records Retention page.

5. SALT RIVER ELEMENTARY SCHOOL STANDARDS

The Education Division Elementary School will maintain records in compliance with requirements of the applicable Bureau of Indian Affairs (BIA), “Indian Affairs Records Schedule”. These standards are hereby incorporated in this policy by reference. Employees can access these requirements from the BIE or from Education Division Administration office.

6. SALT RIVER HIGH SCHOOL AND ACCELERATED LEARNING ACADEMY STANDARDS

The Education Division High School and Accelerated Learning Academy will maintain records in compliance with the Arizona State Library, Archives and Public Records Retention Schedule for “School Divisions and Charter Schools”. These standards are hereby incorporated in this policy statement by reference. Employees can access these requirements on the Arizona State Library, archives and Public Records website or on the Education Division SharePoint Administration > Records Retention page.

7. OTHER EDUCATION DIVISION PROGRAMS

Except as noted in this policy, all other Division Programs will comply with requirements of SRPMIC Policy 3-3 Records Keeping Systems including financial and grant records.

These standards are hereby incorporated in this policy statement by reference. SRPMIC Administrative Policy 3-3 can be accessed on the SRPMIC Administrative Policies and Procedures Intranet page and on the Education Division Administration office.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 3 of 10

8. AREAS OF CONFLICT OR OMISSION

If it is determined that the governing records retention schedules are not specific regarding the retention of specific records, an individual evaluation will be made to ensure compliance with all applicable laws, policies and guidelines governing or affecting that Educational program. If there is an apparent conflict within a standard, the more stringent requirement shall apply.

9. RESPONSIBILITY

During the budget year of the term of a contract or grant and three years thereafter, it shall be the responsibility of the Finance Office, and the administering Department or Program to manage, maintain and retain all records pertinent to the operation of that program during the budget year or term of grant or contract. Access shall be granted for audit and examination purposes, to any books, documents, papers and records which are related or pertinent to the operation of the project, contract, or grant to those to have a right to such information. Additionally, the Principal/Site Leader, Director and/or Manager for each program area shall be responsible for being aware of all regulatory requirements for records management and for maintaining records in accordance with such requirements.

D. DEFINITIONS

1. CUSTODIAN

“Custodian” means the designated government position or public officer who by applicable law, ordinance, or administrative policy is in charge of an office that creates or receives government records.

2. ESSENTIAL RECORD

“Essential record” means any Division record necessary to the resumption or continuation of Division operations in an emergency or disaster, to the re-creation of the legal and financial status of the Division, or to the protection and fulfillment of obligations to the public.

3. GOVERNMENT RECORD

“Government record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted, created or received by a Division or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 4 of 10

1. Extra identical copies of documents created only for convenience of reference or research by Division officers or employees.
2. Notes, journals, diaries, and similar documents created by a Division officer or employee for his or her own personal convenience.
3. Blank forms, stocks of publications, and library and museum materials acquired solely for the purposes of reference or display.

4. PERMANENT RECORD

“Permanent record” or “record of permanent value” means any government or Division record for which the retention period on a records retention schedule is listed as permanent. AzLAPR standards shall apply to the schools receiving public funds, which are Salt River High School and Salt River Accelerated Learning Academy. AzLAPR does not apply to the Salt River Elementary School, Early Childhood Education Center nor does it apply to other tribal education departments. However, aspects of the AzLAPR standard or retention schedules may be utilized as a best practice standard where approved by the Education Board and where not in conflict with any other applicable law or policy.

5. RECORDS CONTROL SCHEDULE

“Records control schedule” means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the Division, their retention periods, and other records disposition information that the records management program may require. The Superintendent/Director or designee shall oversee the records control schedule.

6. RECORDS MANAGEMENT

“Records management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

7. RECORDS MANAGEMENT OFFICER

“Records Management Officer” means the Superintendent/Director or designee.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 5 of 10

8. RECORDS RETENTION SCHEDULE

“Records retention schedule” means a document issued by the Records Management Officer establishing mandatory retention periods for school and/or Division records.

9. RETENTION PERIOD

“Retention period” means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

E. EDUCATION BOARD’S RESPONSIBILITIES

In implementing the Records Retention Policy and the SRPMIC Policy Records Keeping Systems 3-3, the Education Board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all Division records.
2. Cause policies and procedures to be developed for the administration of the program under the direction of the Superintendent/Director, who may also be acting as the Records Management Officer and custodian of records or who may designate responsibilities as deemed necessary.
3. Facilitate the creation and maintenance of Division records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the division and designed to furnish the information necessary to protect the legal and financial rights of the division, the Community, and persons affected by the Division’s activities.
4. Facilitate the identification and preservation of Division records that are of permanent value.
5. Facilitate the identification and protection of essential Division records.
6. Cooperate with Community and applicable funding agencies for compliance.

F. CUSTODIAN OF RECORDS RESPONSIBILITIES

In implementing this policy, the Custodian of Records is the Superintendent/Director and/or designee(s). The Division’s Custodians of Records shall:

1. Carry out the policies and procedures established by the Division for the efficient and economical management of records and in carrying out the requirements of this policy.
2. Adequately document the transaction of Division business and the services, programs, and duties for which they and their staff are responsible.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 6 of 10

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the Division’s records management program.

G. RECORDS MANAGEMENT OFFICER

The Education Board shall designate the Superintendent/Director as the Records Management Officer for the Division, who may then designate a portion or up to the entire role to a designee(s). The designee may be an individual, an office, or a position.

H. RECORDS MANAGEMENT OFFICER DESIGNATION

The individual name, the office, or position of the Records Management Officer shall be entered into the minutes of the Education Board and, for the purposes of the Salt River High School and Salt River Accelerated Learning Academy, be filed by the Records Management Officer with AzLAPR within 30 days after the date of the designation.

Where disclosure was necessary to AzLAPR, any subsequent designations of a new individual or a new office or position shall be entered into the minutes and reported to AzLAPR in the same manner as the original designation. Additionally, if the order designating a Records Management Officer designates an office or position rather than an individual, a new holder of that office or position must file the holder’s name with AzLAPR within 30 days after the date of assuming the office or position.

I. RECORDS MANAGEMENT OFFICER DUTIES

The Records Management Officer shall:

1. Assist in establishing and developing policies and procedures for a Division’s records management program as required by the Records Retention Policy and/or the SRPMIC Policy Records Keeping Systems 3-3 and/or applicable funding agency.
2. Administer the records management program and provide assistance to the custodians in order to reduce costs and improve record-keeping efficiency.
3. In cooperation with the custodians of records, prepare and file records control schedules, amended schedules, and lists of obsolete records.
4. In cooperation with the custodians of records, prepare or direct the preparation of requests for authorization to destroy records.
5. In cooperation with the custodian of records, identify and take adequate steps to preserve Division records of permanent value.
6. In cooperation with the custodian of records, identify and take adequate steps to protect essential Division records.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 7 of 10

7. In cooperation with the custodian of records, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a Division's records management program.
8. Disseminate to the Education Board and custodian of records information concerning state laws, administrative rules, and government policies relating to the Division's records.
9. In cooperation with the custodian of records, establish procedures to ensure that the handling of records is carried out with due regard for the duties and responsibilities of the custodian that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

J. RECORDS MANAGEMENT PROGRAM

The Education Board may establish a records management program to be administered by the records management officer. The program shall provide methods and procedures to enable the Education Board, the custodian of records, and the Records Management Officer to fulfill the duties and responsibilities concerning management and preservation of records. It may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of the Records Retention Policy and/or the SRPMIC Policy Records Keeping Systems 3-3 and/or applicable funding agency.

K. RECORDS CONTROL SCHEDULES

The Records Management Officer shall prepare a records control schedule listing the following records and establishing a retention period for each:

1. All records created or received by the Division;
2. Any record no longer created or received by the Division that is still in its possession and for which the retention period on a records retention schedule issued by AzLAPR has not expired, provided that AzLAPR continues to apply to such record; and
3. Any record no longer created or received by the Division that is still in its possession and for which the retention period on a records retention schedule issued by AzLAPR has expired but which will not be destroyed for justifiable reason, provided that AzLAPR previously applied to such record.

L. RETENTION PERIODS

A retention period for each record listed on the records control schedule shall be determined by the Education Board or under its direction. A retention period may not be less than a retention period prescribed by applicable law, regulation, or rule of court; or

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 8 of 10

if pertaining to the Salt River High School or Accelerated Learning Academy, a retention period for the record established on a records retention schedule issued by AzLAPR.

M. RECORDS RETENTION SCHEDULE

For a copy of the records retention schedule, please submit a request in writing to the Superintendent/Director.

N. DESTRUCTION OF RECORDS

A Division record may be intentionally destroyed under any of the following conditions as it relates to the school, funding agency and applicable requirements defined in this policy.

The record is listed on a records control schedule and either its retention period has expired or it has been electronically stored in accordance with applicable requirements. The following criteria shall be met before the destruction of records occurs:

1. The record appears on a list of obsolete records as issued or approved by the Records Management Officer or, where applicable, is approved by AzLAPR as an obsolete record; or
2. Where AzLAPR is applicable, a destruction request is filed with and approved by AzLAPR for any record not listed on an approved control schedule; or
3. A court issues an expunction order for the destruction or obliteration of the records, pursuant to this Records Retention Policy and/or the SRPMIC Policy Records Keeping Systems 3-3 and/or applicable funding agency; or
4. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by AzLAPR.

O. EXCEPTIONS TO DESTRUCTION OF RECORDS

A Division record with the subject matter known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A Division record that is subject to a valid and legal request for public records may not be destroyed until the request is resolved.

The Division shall not destroy a student’s education record, as defined by the Family Educational Rights and Privacy Act, if there is an outstanding request to inspect and review the record.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 9 of 10

P. RECORDKEEPING

The Education Board may require that the Records Management Officer keep accurate lists of records destroyed, their volume, and other information of records management activities.

Recordkeeping responsibilities will be as follows:

- A. All financial and cost accounting records will be kept by the Finance Office.
- B. All grant and contract awards and Tribal budget information, including revisions, modifications, adjustments and pertinent correspondence will be kept on file by the appropriate school and/or Division Administration.
- C. All back up documentation and paperwork relative to work performed shall be kept on file by the school and/or operating program and/or department.

The Superintendent/Director or designee will develop guidelines for disposition of records after the required retention period.

Q. PRESERVATION OF RECORDS

Permanent records shall be stored under conditions that meet the requirements of SRPMIC Policy 3-3 Records Keeping Systems.

R. ELECTRONIC STORAGE

Division record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of regulatory and funding agencies as they apply to each program area and the rules under this policy and SRPMIC Policy 3-3 Records Keeping Systems.

S. FEDERAL INVESTIGATIONS AND BANKRUPTCY

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation may be subject to criminal action.

APPROVED:	SUPERSEDES:	EFFECTIVE DATE:
Education Board Approved 1/9/2017	Records Retention Policy 2/22/2011	Eff. 1/9/2017
		Page 10 of 10