

Electronic Data Management

In order for the ESD to function administratively, undergo periodic audits and provide for its legal requirements, it must manage its records properly. Therefore, the ESD requires its employees to retain and destroy electronic documents and email messages that are created, sent and received in the course of conducting official business in accordance with the Oregon Archives division records retention schedule. The ESD's specified retention system is to retain electronic documents and email messages as part of the network and email system.

Public records include any writing that contains information relating to the conduct of the public's business regardless of its physical form. More specifically, an electronic document or email message is a public record if it communicated formal approvals, directions for action, and information about contracts, purchases, grants, personnel, students and particular projects or programs. If an electronic document or email message is a public record then it is subject to retention requirements based on the content of the message. Records, including electronic documents or email, shall not be destroyed if they have been requested under the Public Records Law or if they are part of litigation, even if their retention period has expired.

Definitions

1. "Electronic mail (email)" – A means of exchanging messages and documents using telecommunications equipment and computers.
2. "Electronic document" – Documents created, generated, sent, communicated, received, or stored by electronic means.
3. "Retention Schedule" – A general schedule published by the State Archivist in OAR 166-005-0000 through OAR 166-400-0065 in which certain common public records are described or listed by title and a minimum retention period is established for each.

ESD employees should consult the complete retention schedule to determine the retention period of the electronic document or email. See http://arcweb.sos.state.or.us/rules/OARS_100/OAR_166/166_400.html.

Common electronic documents and emailed public records include, but are not limited to, the following:

1. Calendars and Scheduling Records – Minimum Retention: One year. OAR 166-400-0010(6).

2. Committee and Board Meeting Records – Minimum retention:
 - a. Board meeting minutes and agendas: Permanent;
 - b. Exhibits, other minutes, and supporting records: Five years after school year in which records were created;

Sound recordings, if transcribed or abstracted: One year after minutes approved. OAR 166-400-0010(9).
3. Staff Meeting Records – Minimum Retention: Until end of school year. OAR 166-400-0010(38).
4. Employee Time and Attendance Records – Minimum Retention: 4 years. OAR 166-400-0045(4).
5. Employee Personnel Records¹ – Records documenting school, district and ESD individual employee work history.

Records may include but are not limited to applications; notices of appointment; training and licensure (certification) records; records of health limitations; in service training records; salary schedules; tuition reimbursement records; personnel actions; performance evaluations; teacher evaluation reports; letters of commendation and recommendation; letters of reprimand; notices of disciplinary action; notices of layoff; letters of resignation; home address and telephone disclosures; emergency notification forms; oaths of office; grievance and complaint records; pension, retirement, disability, and leave records; and related correspondence and documentation. Minimum retention:

Retain employment applications (most recent and first successful), teacher licensure (certification) records, personnel actions, oaths of office, home address/telephone disclosures, emergency notification form (most recent): 75 years after date of hire.

- a. Retain grievance, complaint, and disciplinary records²: 3 years;
 - b. Retain all other records: 3 years after separation. OAR 166-400-0050(11).
6. Student Attendance Records – Records documenting the attendance of students in school.

Records may include but are not limited to teacher or school attendance register; classroom daily attendance sheet; weekly attendance and truancy records; excused and unexcused absence records; tardiness records; notes from parents/guardians; and related documentation. Minimum retention: Three years after school year in which records were created. OAR 166-400-0060(3).

¹Consult with your district’s collective bargaining agreement regarding personnel files.

²ORS 342.850 requires that “[a]ll charges resulting in disciplinary action shall be considered a permanent part of a teacher’s personnel file and shall not be removed for any reason.”

7. Student Behavioral Records:
 - a. Major student behavior infractions resulting in student's suspension or expulsion: Minimum Retention: Until student turns 21. OAR 166-400-0060(4);
 - b. Minor student behavior infractions not resulting in suspension or expulsion (i.e. referrals, records of conversations, parent notes, detention records, related correspondence). Minimum retention: Until end of school year. OAR 166-400-0060(5).
8. Educational Programs Student Records – Records documenting the placement and participation of students in educational programs such as TAG, alternative learning, or distance learning. Minimum retention:
 - a. Records that show compliance with all federal program requirements: Five years after school year in which records were created;
 - b. Other records: Three years after school year in which records were created. OAR 166-400-0060(12).
9. Special Education Student Records – Records documenting students participating in special education programs and early intervention special education services.

Records may include speech/hearing, academic, motor, occupational and/or physical therapy, vision/hearing, interdisciplinary team, and classroom observation reports; records relating to student behavior including psychological and social work reports; assessments obtained through other agencies; contact sheets; severity rating scales; test result records; physician's statements; parental consent records; educational program meeting records; request for hearing records; eligibility statements; individualized education plans (IEP); individualized family service plans (IFSP); and related correspondence and documentation. Minimum retention:

- a. Records documenting speech pathology and physical therapy services: Until student reaches age 21 or five years after last seen, whichever is longer;
- b. ESD copies, if program at district level: Transfer records to home district after end of student participation;
- c. Readable photocopies of records necessary to document compliance with state and federal audits retained by the former educational agency or institution when a student transfers out of district: five years after end of school year in which original record was created. OAR 166-400-0060(28).

Employee Responsibilities

1. Employee will evaluate the content and purpose of each electronic document or email message to determine which retention schedule defines the document or message's approved retention period.
2. Senders and creators are generally considered to be the person of record for an email message or electronic document. However, if recipients of the message or document take action as a result of the message, they should also retain it as a record.

3. It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
4. Employees shall retain electronic document or email that has not fulfilled its legally-mandated retention period as part of the network or email system.
5. Employees will promptly dispose of transitory, nonrecord and personal electronic documents or email messages from the network and email system.
6. Employees are responsible for ensuring that electronic documents and emails that are public records are properly archived prior to any district system auto clean-up schedules.