

Records Management 101: Public Schools Edition

Records Analysis Services Section

Library of Virginia

Virginia Public Records Act

Code of Virginia 42.1-77

“Public record” or “record” means recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency.

“A public record is defined by its content not its format which means that a record’s medium has no bearing.”

What is NOT a Record?

- ✓ **Reference Material**

Textbooks, trade journals, presentation handouts, and copies of official records (i.e., manuals and policies).

- ✓ **Administrative & Personal Correspondence**

Meeting times, lunch dates, staff association memos, FYI memos, spam, etc.

- ✓ **Stationery**

- ✓ **Blank Forms**

- ✓ **Publications for Distribution**

Roles of an Agency

- Designate a Records Officer.**
- Identify the records within your school system and how they are stored.**
- Create and maintain a records management program including a policy.**
- Routinely destroy records according to the LVA retention schedules.**

Goals of Records Management

- 1. Minimize litigation risks**
- 2. Ensure federal, state, and regulatory compliance**
- 3. Increase accessibility and organization of records**

Retention Schedules

Always ensure you are using the most recent schedule!

General Schedules

- **GS-19, Administrative Records**
- **GS-02, Fiscal Records**
- **GS-16, General Services**
- **GS-33, Information Technology**
- **GS-03, Personnel Records**
- **GS-21, Public Schools**

https://www.lva.virginia.gov/agencies/records/sched_local/index.htm

Retention Schedules FACTS (1 of 2)

✓ Schedules are consistently updated

- ✓ Schedules should be viewed by going directly to the website and not downloaded and/or printed.

✓ Retention periods are not suggestions

- ✓ The retention of schedules are created by legislative codes and directives of the VA Department of Education.

✓ Destruction should happen routinely

- ✓ Records not accounted for on a retention schedule cannot be destroyed.
- ✓ Records destruction should be facilitated no later than the end of the year in which the retention has expired.

Retention Schedules FACTS (2 of 2)

Student's scholastic records are referenced as cumulative records within the Library of Virginia, GS-21, Public School schedule. Student's cumulative records are separated by long-term and short-term.

LONG-TERM

Generally consists of a student's transcript, school attendance, name change documentation, immunization verification (or certificate), termination information, and access/disclosure of student record forms.

SHORT-TERM

Generally consists of a student's SOL test scores, VAP results, physical examinations, registration/enrollment records, special education documentation, and health information progress notes.

Student Records

**While student records are to adhere to Virginia Public Records Act,
there are certain statues that restrict public access:**

FERPA

Family Educational Rights and Privacy Act

HIPAA

Health Insurance Portability and Accountability Act

Management of Records

Records are not defined by their format, as their medium has no bearing on the definition of a record.

No matter the format, records should be stored in a secure environment to ensure the protection of PII of student records.

The management and retention of paper records should apply to digital and electronic records.

The use of document management systems should incorporate records retention to ensure the disposition of records.

Content, Not Format

Student records can be within email, databases such as Parchment, VA IEP, and PowerSchools, and/or network drives. No matter the format, student records should be prioritized for the protection, organization, and accessibility.

LVA's AID FOR RECORDS MANAGEMENT

- ✓ Facilitate records management training for school officials.
- ✓ Consult with public schools regarding the use of third-party vendors for long-term records storage.
- ✓ Assist with developing a records management program.

Records Destruction (1 of 2)

The RM-3 Process

1. Form Creator

- Can be anyone in the agency who completes the entire form, selects the RO, and identifies the Approving Official.

2. Approving Official

- This person reviews the form to account for any litigation holds and/or pending FOIA requests on the records within.

3. Records Officer

- Reviews the form for accuracy and chooses who will perform the actual destruction of records.

4. Affirmation of Destruction

Records Destruction (2 of 2)

Code of Virginia §42.1-86.1

“Each agency shall ensure that records created after July 1, 2006, and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter...”

What does timely manner mean?

The Library of Virginia interprets “timely manner” to mean that records scheduled for destruction will be destroyed no later than the end of the year (calendar or fiscal) in which the retention period expires.

Tip: Organize records by active and inactive records.

Common Questions

➤ **When do I *actually* destroy the records?**

Actual destruction happens AFTER the form is approved by the Records Officer.

➤ **Can we have multiple Approving Officials?**

Yes, you can enter any personnel that is certain that the records have no legal holds, pending FOIA requests, etc. Only one person's name can be listed.

➤ **If we use a shredding vendor, what date do we report on the RM-3 form?**

Use the date of destruction provided by the vendor, not the date of pickup.

➤ **Do I destroy copies in the same manner as the original record?**

Yes. No RM-3 is needed for the destruction of copies.

➤ **Can I put a year range for records on the RM-3 form?**

Yes.

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