

## RECORDS MANAGEMENT

**[NOTE: In 2018, the Maine State Archives, a department of the Office of the Secretary of State, replaced its *Rule Chapter 10, Rules for Disposition of Local Government Records* with the current *Local Government Records Retention Schedules*. As a result of the revision, the schedules pertinent to schools are all in one place: Schedule 18 ---School Records. Schedule 18 is available on the State's website at <https://www.maine.gov/sos/arc/records/local/school/aug2019.pdf>.**

**The earlier version of this policy was developed in recognition of the amendments to the Federal Rules of Civil Procedure related to discovery of evidence maintained in electronic form (“e-discovery”) that became effective December 1, 2006. We remind boards and school administrators that although records can be made and stored in a variety of traditional and digital forms, email can be an especially valuable source of evidence in litigation because people are often less careful in composing emails than they would be in “hard copy” communications or memos. Email communications sent and received should be preserved with the same care as records/data created and maintained in other formats.**

The Board is aware that records of various kinds are created and received as the school unit educates its students and manages the operations of its schools.

For the purpose of this policy, “records” are all documentary materials made or received and maintained by the school unit in accordance with law or rule, or in the transaction of its business. Records may be created and received in multiple formats including but not limited to print, handwriting, audio and videotapes, and in various digital forms (on hard drives, servers, CDs, disks, flash drives, etc.). Records specifically include email and other electronic communications that are created sent, and received.

Attention to the proper retention and disposal of the school unit’s records is essential not only for compliance with laws and regulations, but to protect the legal interests of the school, staff, and students and to ensure that the school unit is managed effectively.

The school unit will comply with all applicable laws, rules, and schedules pertaining to the routine retention, storage, and disposal of records and with its obligation to preserve records when litigation is reasonably anticipated or has commenced.

The Superintendent/designee(s) shall be responsible for developing a records management program for the assignment of responsibility for various kinds of records and the management, storage, and disposal of the school unit’s records that is consistent with applicable laws and rules and which allows for retrieval of records when necessary.

The Superintendent/designee will also be responsible, by methods he/she deems appropriate, for informing school unit employees of this policy, making them aware of the kinds of documents, data, and materials that must be saved and those which may be disposed of or deleted, and of any specific procedures employees need to follow. The Superintendent may delegate records management responsibilities to the Technology Director, school administrators, or other school unit personnel as he/she deems appropriate in order to facilitate the implementation of this policy.

### **Board Records**

The Board shall keep such records as are necessary for the transaction of its business. The Superintendent shall act as custodian of Board records in his/her role as Secretary of the Board and will be responsible for storing Board and subcommittee minutes, reports, and studies commissioned by the Board, and other Board documents, data, and materials in a manner consistent with this policy and with applicable laws and rules.

**[NOTE: Board members should be aware that their email communications sent or received that pertain to Board business may be subject to disclosure as public records and discoverable as evidence in the event of litigation.]**

Legal Reference: 5 M.R.S.A. § 91 et seq. (Archives and Records Management Law)  
Maine Secretary of State, Maine State Archives, Local Government Records  
Retention Schedules)  
Maine Department of Education Rule Chapter 125 (Basic School Approval)

Cross Reference: BEA- Board Use of Electronic Mail  
GBJ- Personnel Records and Files  
GBJC- Retention of Application Materials  
GCSA- Employee Computer and Internet Use  
JRA- Student Education Records

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