



Book	BHASD Policies
Section	800 Operations
Title	Record Retention
Code	826
Status	Active
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Purpose

It is the policy of Brandywine Heights Area School District that its records, including both paper and electronic, be retained only as long as determined necessary to meet legal, audit and management requirements. In each case, the official retention periods shall be as short as possible in order to minimize the use of valuable space, promote efficiency, assist in the day-to-day operations of the School District and reduce the cost of storage for unneeded records inventory.

Authority

This Record Retention Policy and Schedule has been formulated and approved by the Board of School Directors.

Delegation of Responsibility

This Record Retention Policy and Schedule shall be under the day-to-day supervision of the Superintendent or his/her designee, who may delegate responsibilities to others while maintaining the ultimate authority to enforce the Policy and Schedule.

Guidelines

1. **Training** - Employees will be provided a copy of the Records Retention Policy and Schedule and periodically receive training on how it should be applied. Litigation hold requirements must be a predominant topic in the training sessions.
2. **Litigation Hold** - When the School District has been given notice that a legal action is either pending or imminent or a government investigation will occur, destruction of records (documents) must be suspended immediately. Notice could occur before the filing of a Complaint, and assumes that the School District is previously aware of an incident or event that is subject to a suit.

The Superintendent or his/her designee must be made aware of events or incidents that are likely to lead to legal action. Counsel must be notified immediately. Counsel will be responsible for evaluating the defenses available to the School District, identifying the records (documents) that may be relevant to a legal action, and responding to the suspension of the retention and destruction policies and schedule.

3. Interpretation - The Superintendent or his/her designee will be responsible for interpreting any portions of this Policy statement or the School District Records Retention Schedule as they may apply to specific situations. Any communication involving specific records retention requirements should be checked against the School District's required ethical conduct.
4. Exceptions - Requests for exceptions from this Policy should be submitted to the Superintendent or his/her designee. In order to obtain an exception from this Policy, there must be a program that will assure compliance with the basic objectives stated above, at least as effectively as the School District's Records Retention Schedule.
5. Review - The Board Policy Committee must review this Policy and the Records Retention Schedule as needed. Any suggested changes should be submitted to the Superintendent or his/her designee. Changes in the Records Retention Schedule made necessary by changes or addition to the law must be communicated directly by the Superintendent or his/her designee to the Board Policy Committee who must cause appropriate changes to be made in the Records Retention Policy and Schedule.
6. Audit - The Superintendent or his/her designee is responsible for auditing the existence and content of the written records retention program and schedule. The Superintendent or his/her designee is responsible for auditing the actual implementation of the Policy and Schedule.

The School District if needed may hire an outside party to conduct an audit on compliance with this Record Retention Policy and Schedule and prepare a written audit report.

7. Storage - Designating appropriate storage is an important consideration. Documents must not only be preserved, they must be reasonably accessible. A storage system should permit the necessary records to be easily located, managed, searched, retrieved, and produced.

Storage is a critical consideration in responding to subpoenas, discovery requests, investigations, regulatory requests, educational and business needs. Accessibility can also facilitate the document destruction component of the records retention program.

Security of the records is critical for confidential records, particularly records pertaining to some transactions, financial and tax records; employee records such as personnel files, medical records, compensation records and insurance forms; student records; and government records designated as confidential and having restricted accessibility and protected privacy.

Preservation is an important storage consideration. A proper environment conducive to maintaining the integrity of the records is critical. This includes, but is not limited to, secure software, electronic security protections, acid-free folders, climate control, anti-magnetic interference, and fire protection. Off-site storage of vital records is permitted. Anti-virus, anti-spyware, anti-spam, and other software should be maintained and updated regularly.

8. Disaster Recovery - The Document Retention Program seeks to identify and preserve documents for disaster recovery where the informational value to the School District is so great, and the consequences of loss is potentially so severe to the continuity of the School District, that special protection is warranted. Records that qualify as disaster recovery records are:
 - a. Legal, financial, tax and organizational status records;
 - b. Obligations to employees, vendors, and students;
 - c. Ownership of assets and inventory;
 - d. Intellectual property and achievements not recognized elsewhere; and information on critical decision-making.
9. Archival Records - Records that have value beyond their original purpose because they document significant business activities, or services should be safeguarded as a permanent resource. The following considerations should apply to the preservation of records:

- a. An archival collection should be prepared that includes, among other things, the minute books, each annual auditor's report, each annual financial report, trademarks, copyrights, deeds, financial records, and photographs.
 - b. Special consideration should be made to evaluate whether in-school or outside protection is best.
 - c. Loaned or gifted archival materials to other sources should be maintained by the Business Office.
10. Records Retention Due to Pending Litigation - The School District records that need to be retained due to pending litigation or government investigations must be reviewed frequently. Contact must be made with the Superintendent or his/her designee to verify possession of the most current list of records that should be considered protected (i.e. not to be destroyed) due to pending litigation or in litigation or subject to government investigation. Be aware that the court considers all recorded information as a record regardless of the medium of storage of the information. All records that relate to pending litigation or regulatory proceedings must be retained during the pending litigation and/or proceeding.
11. Destruction - Proper disposal or destruction of paper and electronic records is required. Records must be destroyed by shredding, erasing, or otherwise modifying the information of the record to make the record unreadable, undecipherable or non-reconstructable through generally available means. See Record Destruction Policy 827.[1]