

Schedule 39-106

DEPARTMENT OF EDUCATION

GENERAL COUNSEL

January 19, 2010

Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE
39-106
AGENCY, BOARD OR COMMISSION DEPARTMENT OF EDUCATION
DIVISION, BUREAU OR OTHER UNIT GENERAL COUNSEL
Supersedes Edition of September 27, 2005

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE <i>ROGER D. BREED</i>	
TITLE <i>Roger D. Breed - Commissioner</i>	DATE <i>Jan. 11, 2010</i>

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE <i>Doreen Koontz</i>	DATE <i>1/14/2010</i>
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PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE <i>Dawn Hauff</i>	DATE <i>1/14/10</i>
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PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE <i>Jim A. Lane</i>	DATE <i>1/19/10</i>
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RMA 01005D

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Specialist in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

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SCHEDULE 39-106 – DEPARTMENT OF EDUCATION – GENERAL COUNSEL

39-106-1 CERTIFICATION INVESTIGATION FILES

Certification Investigation case files, including: complaints, investigation reports, correspondence and other documents relating to such cases, including dismissals or disciplinary actions.

Dispose of case files after the following specified number of years following the final decision; except that a copy of an order or other document that represents a final decision on discipline in each case (authorized by or taken by the Commissioner) shall be maintained permanently:

CASE FILES RESULTING IN DISMISSAL, SUSPENSION OR REINSTATEMENT

DECISIONS: Dispose of after 5 years.

CASE FILES RESULTING IN REVOCATION, REPRIMAND OR ADMONISHMENT

DECISIONS: Dispose of after 10 years.

CASE FILES RESULTING IN VOLUNTARY SURRENDER DECISIONS: Dispose of after 20 years.

Other than the final decision document, any of the individual records and non-record materials in such files may be separately purged prior to the number of years specified above for the entire case file at the Commissioner of Education's discretion in accordance with State Agency General Records Schedule 124 for the specific type of record.

39-106-2 DUE PROCESS HEARING FILES

Records of contested cases under the State Administration Procedures Act filed with the State Board of Education.

FILES: Dispose of 20 years after final decision, except that copies of final orders shall be maintained permanently.

FINAL ORDERS: Retain one (1) copy permanently.

39-106-3 PRIVATE POSTSECONDARY CAREER SCHOOL INVESTIGATION FILES

Investigation case files dealing with applications for agent permits or complaints involving agents or private postsecondary career schools, including: investigation reports, correspondence and other documents relating to such cases.

FILES: Dispose of case files 10 years after the final decision, except that a copy of an order or other document that represents the final decision in each case shall be maintained permanently.

FINAL ORDERS OR FINAL DECISION DOCUMENTS: Retain one (1) copy permanently.

Other than the final decision document, any of the individual records and non-record materials in such files may be separately purged prior to the number of years specified above for the entire case file, at the Commissioner of Education's discretion in accordance with State Agency General Records Schedule 124 for the specific type of record.

39-106-4 REGULATION DEVELOPMENT (OFFICIAL RULEMAKING RECORD) FILES (CLOSED FILES)

These files contain materials related to Nebraska Department of Education's coordination of the rulemaking process under Section 84-906.01 of the Revised Statutes of Nebraska, which include, but are not limited to, all of the records described in that statute section plus the following: the rulemaking docket sheet; the routing sheet approving the hearing draft of the regulation development request with the Commissioner's and/or Deputy Commissioner's signed approval attached; the filed and stamped copies of the public notice; hearing draft; copies of the letter to the Secretary of State and the Legislative Council; the final fiscal impact statement; the explanatory statement; a copy of the Attorney General's Office approval and/or correspondence; the final agency checklist; the filed and stamped copies of the final regulations, the certificate of adoption, a disk or CD of hearing draft approved by the State Board of Education; an audio recording of the public hearing; and relevant substantive correspondence. These files are closed when the final rule is filed with the Secretary of State of Nebraska.

FILES: Transfer to the State Records Center 10 years after closing date; destroy 20 years after closing date. A copy of the final stamped regulations shall be maintained permanently.

FINAL STAMPED REGULATIONS: Retain one (1) copy permanently.

39-106-5 SPECIAL EDUCATION DUE PROCESS CASE FILES

Records of due process cases filed under 92 NAC 55 involving special education disputes.

FILES: Dispose of 20 years after final decision or after no longer needed to provide educational services to the student, whichever is later, except that copies of final orders shall be maintained permanently.

FINAL ORDERS: Retain one (1) copy permanently.

39-106-6 STUDENT TEACHING INVESTIGATION FILES

Investigation case files dealing with applications for permission to student teach, including: investigation reports, correspondence and other documents relating to such cases.

Dispose of case files 10 years after the final decision.

39-106-7 TEACHER CERTIFICATION CRIMINAL HISTORY DOCUMENTATION

Fingerprint cards and criminal history reports of persons applying for Nebraska Certificates that are received by the General Counsel's Office.

Dispose of after the end of each calendar year.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.

RMA 03006D

VOLUME ESTIMATING GUIDE

(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter-size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal-size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
Lateral File, 4 drawer/shelf letter-size	9 Cu. Feet	149.94 lbs	15,003	288 MB
Lateral File, 4 drawer/shelf legal-size	12 Cu. Feet	199.92 lbs	20,004	384 MB
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb