

U.S. Department of Education Comprehensive Records Disposition Schedules

Introduction

The ED Comprehensive Records Disposition Schedules (ED/RDS) are issued by the Office of the Chief Information Officer, Information Management Group. For Records Management guidance and information, contact the Department's Records Officer in the Office of the Chief Information Officer, Information Management Group, at (202) 708-9265.

This document provides disposition schedules unique to the Department of Education's program and administrative records, i.e., research and development, general correspondence, grants and loans, educational program records, and other common or housekeeping functions; and certain non-textual records. The record schedules in this document cancel and supersede all previously issued authorizations for the disposition of records described herein.

This document also includes some record schedules relating to other functions that are common to most Federal agencies published in the General Records Schedules (GRS) issued by the National Archives and Records Administration (NARA).

When it becomes difficult to decide whether files are record or non-record materials the Principal Office Records Liaisons or the Department's Records Officer should be consulted to determine the record or non-record status of a particular file.

Custodians of records should maintain administrative records separately from program records. Usually, administrative subject files have a short retention period of less than three years. Program subject files may be needed by the Department for ten years or more, and may have archival value as well. Retention schedules must be approved by the Archivist of the United States.

If administrative records are mixed with program records and cannot be economically separated, the entire file should be kept for the period of time approved for the program records. Similarly, if copies of documents covered by these schedules are part of a subject or case file which documents activities different from those covered by the ED/RDS or the GRS, they should be treated in the same manner as the files of which they are a part.

The schedules also provide for the retirement of non-current records to a Federal Records Center

(FRC). Individual items may specify retirement to an FRC before destruction. Records Centers will not accept records immediately eligible for disposal. Records retired to an FRC should have a retention period of twelve months or more before they will be accepted for storage. Where special circumstances, such as lack of filing equipment or space, make it imperative that records be retired, exceptions can be made to this policy. The decisions are made on an individual basis by the FRC.

The Records Disposition Schedules include sixteen (16) records series. Some of the records series are prefaced with an introductory page defining and describing the scope of the particular records series being introduced.

The schedules are presented in a manner designed for easy reading and understanding. The following column headings are used in the presentation of our records disposition schedules: ***Description of Records, Disposition, and Disposal Authority***. Definitions of the column headings are described below:

- ***Description of Records.*** File units or documents arranged according to a filing system and which are kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use
- ***Disposition.*** (1) The action taken regarding records no longer needed in current office space. These actions include transfer to agency storage facilities, such as "close-out" records holding stations or Federal Records Centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. Disposition is the third stage of the records life cycle. (2) The action taken regarding non-record materials when no longer needed, including screening and destruction.
- ***Disposal Authority:*** (1) Legal approval, empowering an agency to transfer permanent records to the National Archives or to carry out the disposal of temporary records. Approval must be obtained from the National Archives and Records Administration (NARA) and the General Accounting Office if the records relate to fiscal matters. (2) The agency's approval of disposition instructions for non-record, non-official materials.

The disposition instructions in this publication are to be implemented without further approval from the Department's Records Officer. Records created before January 1, 1921, must be offered to the National Archives and Records Administration for appraisal once the records are identified.

Files stored on microfilm or optical disk are governed by the ED/RDS and the GRS disposition schedules. If the file has a permanent disposition, the documents must be transferred to a Federal Records Center (FRC) after verification of microfilm or optical disk for permanent storage.

Records Disposition Procedure For Terminating Organizations and Programs

When terminating a major activity, office, or organizational unit, the following steps must be taken:

Steps:

1. Review the ED Records Disposition Schedules and the General Records Schedules to determine those records eligible for immediate destruction, those with unexpired administrative, legal, or fiscal value that are appropriate for transfer to the successor office or storage in a Federal Records Center, and records evaluated as having permanent value requiring transfer to the National Archives and Records Administration.
2. Destroy non-record materials, such as reference materials, extra copies of publications and reports, and any records identified as eligible for immediate destruction in step #1 above, except materials that may be used by the successor office or agency. Non-record materials contained in the official Department libraries and clearinghouses should not be destroyed. Contact the Library of Congress to determine if it is interested in all or part of the collection.
3. A Standard Form 115 (SF 115), *Request for Records Disposition Authority*, describing (a) all unscheduled files for which immediate destruction authority is requested, (b) all unscheduled files with unexpired administrative, legal, or fiscal value, that must be retained temporarily at the Federal Records Centers before final disposition action, and all unscheduled electronic files. Due to Federal Register requirements, allow at least 120 days for approval of the SF 115.
4. Arrange for the orderly transfer of active, operating records to the appropriate successor office or organization, and be sure to provide copies of all file plans and directories.

5. For non-current records, scheduled for destruction 12 months after the organization's termination, prepare a *SF 135 Records Transmittal and Receipt Form*, to transfer the records to a Federal Records Center. To the extent possible, an SF 135 should be submitted at least 20 days before shipment. The Federal Records Center will not accept records without an approved disposition schedule.

The following conditions should be satisfied:

- a. If a successor office has been given responsibility for the records, indicate the name of that office on the SF 135.
 - b. If no successor office is designated, be sure to include on the SF 135 any restrictions on access, such as Privacy Act, and any other Federal restriction on release.
6. Identify personal papers and remove them from the organization's records. ***Ensure that only "personal papers" are removed from Federal custody.*** It is essential to remind all employees that Federal Law (18 U.S.C. 2071) imposes severe penalties for the unauthorized destruction or removal of Government records.
 7. Prepare an *SF 258, Request Transfer, Approval, and Receipt of Records to National Archives of the United States*, for all records with permanent value, in accordance with the Department's Records Disposition Schedules.

In accordance with laws and Federal regulations governing the disposition of records, each principal office of the Department of Education is responsible for creating and preserving evidential and historical records containing adequate and proper documentation of its functions, policies, decisions, procedures, and essential transactions of its activities (44 U.S.C. 3101 and the Federal Records Act of 1990, 44 U.S.C. 396(a) and its amendments).

All documents that pertain to the above requirements are of permanent value and must be prepared for storage at a Federal Records Center with an eventual submission to the National Archives.

Removal of Personal Papers by Officials and Others When Leaving the Department

As with all Federal property, the disposition of records must be authorized. Periodic disposal of non-current, temporary records can and does save space, money and time. However, under provisions of the law, Department records may be destroyed only with the approval of the Archivists of the United States or in accordance with the ED Records Disposition Schedules or the General Records Schedules which are published by the National Archives and Records

Administration as a supplement to the Department's disposition schedules. Department officials, unless expressly authorized by the National Archives to do so, **may not remove Department records from the agency or destroy them, even when leaving office.**

Official records are made or received in the conduct of Department business. They relate directly to the functions of the Department and they document those functions. These characteristics, and not their physical form or format, determine records status.

Personal papers that are maintained in a Federal office must be filed separately from official papers in order to (1) avoid inadvertent destruction or removal of official record material, (2) facilitate retrieval of official files and to enhance operational efficiency, and (3) eliminate the likelihood that personal papers will be confused with official records and **be made available under the Freedom of Information Act.** In those cases where both personal papers and official business are received in personal correspondence, the material pertaining to official business must be extracted and included in the official files.

The legal definition of records (44 U.S.C 3105) specifically excludes "**extra copies of documents preserved only for convenience of reference.**" Extra documents are commonly regarded as non-record materials and are disposable without reference to the requirements of Chapter 33, Title 44 U.S.C. 3105.

Federal Laws:

Federal Law (44 U.S.C. 3105) requires heads of Federal agencies to establish safeguards against the removal or loss of Federal records. These safeguards include notifying agency officials that (1) the alienation and destruction of records in agency custody is governed by specific provisions of Chapter 33, Title 44, U.S.C. and (2) criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. & 44 U.S.C. 3106); and require heads of Federal agencies to notify the National Archives and Records Administration of any actual or threatened unlawful removal or destruction of records in their custody. The Archivist of the United States has been delegated authority to assist agency heads in initiating action through the Attorney General of the United States for the recovery of records unlawfully removed, and (44 U.S.C. 3101) agencies are responsible for creating records that are essential to transactions of the agency and for preserving such records. Adequate and proper documentation consists of those records that:

1. Protect the legal and financial interests of the Government and its citizenry;
2. Assist agency officials and their successors in making informed policy and program judgments; and

3. Provide the information required by Congress and others for oversight of the agency's activities, by identifying and ensuring the existence of those records that are necessary to properly document the activities of the agency in order to:
 - a. reconstruct the evolution of the predecessor's decisions without having to rely upon word-of-mouth;
 - b. furnish the successor with a written rationale for actions that have been taken; and
 - c. leave an enduring record that reflects personal contribution to the agency.

Legal Definitions:

Federal Records:

According to 44 U.S.C. 3301, the term includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business, preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved only for convenience of reference, and stocks of publications and of processed documents, are not included.

Non-record Materials:

U.S. Government-owned informational materials excluded from the legal definition of records. Includes extra copies of documents kept only for convenience of reference, stocks of publications and of processed documents, and library or museum materials intended solely for reference or exhibition.

HOW TO PREPARE RECORDS FOR TRANSFER TO AN FRC

1. Remove all non-record material and extra copies before packing boxes.
2. Put all material in folders, binders, or envelopes, as appropriate. The FRC will not accept accessions containing loose papers with rubber bands.
3. Label all folders, binders, and envelopes properly. All folder labeling must be on the tab at the top of the folder. Label binders and envelopes appropriately.
4. Letter-size folders must face the front of the box (the side without the staples), and legal-size folders must face the left side of the box.
5. Each accession containing non-textual records must have the appropriate code in the series description section (6(f)) of the SF 135 (Records Transmittal and Receipt).
6. Inclusive and/or cutoff dates listed in the series description section (6(f)) of the SF 135 must match the box contents.

There are additional requirements for permanent records, unscheduled records, or records which must be sampled.

1. The FRC cannot accept mixed accessions of permanent and temporary records in the same accession or two or more series of permanent records in the same accession. Each series must be transferred separately.
2. Each accession must be listed on a separate SF 135.
3. Each accession must have a complete box listing of all folder, binder and envelope titles. All folders must be in the same order listed on the box list. All folders, binders and envelopes are arranged numerically; the box list may list only the first and last files in each box. All missing numbers must be included.
4. One copy of the box list must accompany the original SF 135. A list is not needed for the copy which becomes your receipt. Keep a copy of the list for future records retrieval.

If the above procedures are not followed, the FRC may require you to come to the Center to correct the situation or the accession may be returned to the agency for correction.