

Part 8 - Legal and Legislative Records

8 - 1

ED/RDS
ITEM
NO.

DESCRIPTION OF RECORDS

DISPOSAL
AUTHORITY

1. Federal Register Files.

- a. Action Files. Records created during the proposed rule process of the codification of the regulations of the Department of Education, which consist of the original action memorandum, signed by the Secretary of the Department and other Department officials, and a copy of the regulations to be published in the *Federal Register*.

Disposition: **TEMPORARY**. Transfer to the Washington National Records Center 2 years after date of publication. Destroy 5 years after date of publication.

NARA Job No.
NI-441-93-04
Item 1a

- b. Background Records. Copies of internal comments and working papers pertaining to the process of the publication of Department regulations in the *Federal Register*.

Disposition: **TEMPORARY**. Transfer to the Washington National Records Center 2 years after the date of publication. Destroy 5 years after date of publication.

NARA Job No.
NI-441-93-04
Item 1b

2. Legislative Materials.

Legislative history files, consisting of a record copy of hearings, bills, or statutes pertaining to proposed legislation on which ED testified.

Disposition: **PERMANENT**. Transfer to the Federal Records Center. Offer to the National Archives when 20 years old.

NARA Job No.
NC-12-75-1
Item 5

3. Administrative Adjudication Case Files.

Consists of files on cases docketed for hearing and resolution by the Office of Hearings and Appeals. Includes but is not limited to cases under administrative appeal for violations, fines, misappropriations of Federal funds; program review determinations; paybacks; and determinations of college and university closing. These are the official dockets kept by the

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Office of Hearings and Appeals Administrative Law Judges. Each file contains all documents, exhibits, transcripts of hearings, decisions, orders and correspondence pertaining to each case from a charge, complaint or notice of appeal to final decision or order by the Administrative Law Judge.

Disposition: **TEMPORARY.** Cut off file at close of case. Retire to the Federal Records Center 1 year after cu off. Destroy 6 years after cutoff.

NARA Job No.
N1-441-97-4
Item 1

4. **Attorney Working Files.**

Consists of drafts, notes, background material and reference copies of documents, where the official record is placed in the docket (official case file).

Disposition: **TEMPORARY.** Cut off working files when case is closed. Destroy working files 60 days after cutoff.

NARA Job No.
N1-441-97-4
Item 2

5. **Case Tracking System.**

Logs, registers, and other records used to control or document the status of the official case files (dockets).

Disposition: **TEMPORARY.** Destroy card catalog or delete electronic tracking and control record when no longer needed for reference.

NARA Job No.
N1-441-97-4
Item 3
GRS 23, Item 8

6. **Decisions.**

Copies of decisions and interlocutory reviews of Administrative Law Judges, maintained in three-ring binders from 1972 to the present. (Annual accumulation: ca. 1/3 c.f.)

Disposition: **PERMANENT.** Cut off at end of calendar year. Transfer to the National Archives one year after cutoff.

NARA Job No.
N1-441-97-4
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7. Cases Pending Before U.S. Court of Appeals.

Files of cases pending before the U.S. Court of Appeals, which contain copies of pleadings, orders, decisions, and related records.

Disposition: **TEMPORARY**. Cut off files upon final decision by U.S. Court of Appeals or final step of appeal process. Destroy when information is published or when no longer needed for reference, whichever is later.

NARA Job No.
N1-441-97-4
Item 5