



ADMINISTRATIVE COMMUNICATIONS SYSTEM
U.S. DEPARTMENT OF EDUCATION

DEPARTMENTAL DIRECTIVE

OM:6-106

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Approved by: _____/s/_____
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Records Retention and Disposition Schedules

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I. Purpose

The U.S. Department of Education (ED) is required by the Federal Records Act of 1950 (44 U.S.C. § 3101-3107), referred to hereafter as “the Act,” to make and preserve records containing adequate and proper documentation of its organization, function, policies, decisions, procedures, and essential transactions as promulgated by **Directive OM: 6-103 *Records and Information Management Program***. The Act also requires agencies to review and update their records retention and disposition schedules on a bi-annual basis. The Office of Management (OM), Regulatory Information Management Services (RIMS), is responsible for the bi-annual review and, if necessary, update of ED’s records schedules.

This document prescribes using the Administrative Communications System (ACS) process for ED review of draft records schedules pertaining to ED-specific records following review and approval by the Principal Offices (PO) responsible for creating and maintaining those records. Subsequent to completion of the ACS process, ED is required to submit the proposed schedules to the National Archives and Records Administration (NARA) for formal approval.

In compliance with the Act and ED’s records management directive, ED conducted a comprehensive review and update of all of its records schedules. The review included an inventory of records, interviews with subject-matter experts in POs and development of new or revised draft schedules. In addition to applicable content changes, ED simplified the format of the records schedules to be more user-friendly.

ED’s new and revised records schedules are categorized according to the business lines identified in ED’s Enterprise Architecture: Grants, Loans, Evaluation, Research & Statistics, Information Dissemination, Compliance, Administration (common to all offices) and Administration/Departmental (specific to departmental offices). This provides a common nomenclature and also reflects NARA guidance and current Federal agency practice to simplify and reduce the number of records schedules.

II. Policy

It is ED’s policy that the ACS is the official process for ED review of and comment and concurrence on ED-specific records schedules prior to submission to NARA for official approval. Upon receipt of NARA approval, new schedules will supersede existing schedules and be included in ED’s mandatory-use ***Comprehensive Records Retention and Disposition Schedule***.

It is ED’s policy that the *Comprehensive Records Retention and Disposition Schedule* includes the General Records Schedule (GRS), which encompasses the full range of administrative records that are common to Federal agencies. The GRS is promulgated by NARA for mandatory use government-wide. GRS records schedules applicable to ED and in ED’s simplified format will be made available on connectED.

III. Authorization

The Act, as amended and codified in chapters 29, 31, and 33 of Title 44 of the United States Code, requires all Federal agencies to make and preserve records containing documentation of their organization, functions, policies, decisions, procedures, and essential transactions; it is the statutory basis for ED's records and information management program. The Act and its Government-wide implementing regulations at Parts 1220 through 1238 of Title 36 of the Code of Federal Regulations (CFR), define the scope of the records management policies that ED must implement.

The Act also defines the method by which a Federal agency must dispose of its records. ED may destroy records only in accordance with the federal requirements specified in Chapter 33 of the Act. Destruction is allowed only under the authority of ED's records disposition schedules (as approved by NARA) and the NARA-issued GRS described in 36 CFR § 1228.100. NARA's regulations on records creation, maintenance, and disposition are set forth in Part 12 of Title 36 of the CFR.

ED's records and information management program is established by **OM: 6-103** *Records and Information Management Program*.

IV. Applicability

This guidance applies to all headquarters and regional ED offices.

V. Definitions

The following records management terms are extracted from *A Federal Records Management Glossary* (1993), published by NARA:

- A. **Administrative records** (also known as facilitative records) are the records that reflect routine, transitory, and internal housekeeping activities relating to subjects and functions common to all offices. Examples include training, personnel, and travel reimbursement files;
- B. **Cut-off** is breaking or ending files at regular intervals, usually at the close of a fiscal or calendar year, to permit their disposal or transfer in complete blocks. Case files are generally cut off at the end of the calendar year in which the case is closed;
- C. **Disposition instructions** are mandatory instructions for the disposition of the records (including the transfer of permanent records and disposal of temporary records) when they are no longer needed by the agency;
- D. **Disposition schedules** are documents that provide continuous authority to dispose of recurring series or systems of records, or to transfer them to the National Archives or a certified records center;

- E. **Electronic records** are records stored in a form only a computer can process;
- F. **General Records Schedules** (GRS) provide mandatory disposal authorization for temporary administrative records common to several or all agencies of the Federal Government. They are issued by the Archivist of the United States under the authority of 44 U.S.C § 3303a(d). The GRS include records relating to civilian personnel, fiscal accounting, procurement, communications, printing, and other common functions;
- G. **National Archives and Records Administration (NARA)** establishes policies and procedures for managing U.S. Government records. NARA assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring non-current records to Federal records centers, and conducts periodic evaluations of ED programs for compliance;
- H. **Non-record materials** (also called non-records) are U.S. Government-owned informational materials excluded from the legal definition of records. These include 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;
- I. **Permanent records** (sometimes called archival records) are those records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes;
- J. **Programmatic records** (also known as substantive records) are records created, received, and maintained by ED in the conduct of its mission functions for which ED is accountable.
- K. **Record-keeping requirements** are statements in statutes, regulations, or directives that provide general and specific information on particular records to be created and maintained by ED;
- L. **Records** are all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency or department of the U.S. Government under Federal law or in connection with the transaction of public business and preserved, or appropriate for preservation, by that agency or department 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 the data in them (44 U.S.C. § 3101, Definition of Records);
- M. **Records schedule** (also called records disposition schedule, records control schedule, records retention schedule, or schedule) is a document providing mandatory

- instructions for what to do with records (and non-record materials) no longer needed for current government business, with provision of authority for the final disposition of recurring or nonrecurring records. This includes the SF-115 (Request for Records Disposition Authority form), the General Records Schedules, and the agency records schedule, which when completed becomes a comprehensive records schedule that also contains agency disposition instructions for non-record materials;
- N. **Records series** are file units or documents arranged according to a filing system or 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 form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use;
- O. **Retention period** is the period of time that records must be kept;
- P. **Temporary records** are records approved by NARA for disposal, either immediately or after a specified retention period; and
- Q. **Transfer** is the act or process of moving records from one location to another, especially from office space to agency records storage facilities.

VI. Responsibilities

- A. The **Secretary** is responsible for ensuring the creation and preservation of records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of ED. Operational responsibility for this program is delegated to the Assistant Secretary for Management and re-delegated to the **Director, Regulatory Information Management Services (RIMS)**.
- B. **The Director, RIMS**, is responsible for ensuring the coordination of the development of internal and external review of records schedules in conjunction with POs. For the purpose of ACS review, RIMS is the originating office for the ACS document (records schedule). Operational responsibility for this program is assigned to **ED's Records Officer**, within the Records Management and Information Compliance Branch within RIMS.
- C. **ED's Records Officer**, within RIMS/Records Management and Information Compliance Branch, is ED's point of contact for all proposed schedules. The Records Officer will serve as the liaison between NARA and POs for the purpose of scheduling on-site appraisal visits and coordinating responses to NARA questions.
- D. **Principal Officers, Secretary's Regional Representatives, and Program Directors** will ensure that requests for changes to proposed retention and disposition requirements will include risk and cost-benefit analyses. These officials are also responsible for ensuring timely access to staff and records for NARA on-site

appraisal visits. This includes identifying points of contact who are knowledgeable about the subject records and who are authorized to represent the office.

VII. Procedures and Requirements

The following information and guidance apply to content review of the draft records schedules. For information about the ACS review process itself, please refer to Directive OM-1:101 Administrative Communications System.

The overall schedule approval process includes the following parts:

- Internal review and concurrence through the ACS process,
- Submission of ED-approved schedules to NARA for official review and approval,
- NARA evaluation of the schedules, which may include on-site visits to physically review records, or to conduct interviews with key personnel,
- Resolution of any NARA comments or requested changes to an agency's draft records schedules,
- Publication by NARA of new schedules in the Federal Register for a public comment period,
- Resolution of public comments, if any,
- NARA approval of the schedules as indicated by the signature of the Archivist of the United States, and
- ED issuance of the schedules through notification to stakeholders and publishing schedules on connectED.

A. ED Review Process

Schedules may be submitted for ACS review individually or as a group (i.e., schedules may be aggregated by lines of business per the Enterprise Architecture). All schedules are reviewed by the originating custodial PO and the Office of the General Counsel (OGC). Within OGC, the attorney with the knowledge and understanding of the records will take the lead on the review of the schedule, with appropriate consultation with other attorneys in OGC, as needed. For example, the schedule covering the records of the FSA Ombudsman is reviewed by the programmatic attorney in OGC who works primarily with the FSA Ombudsman.

Certain schedules are ED-wide in scope and are reviewed by all POs. An example of an ED-wide records schedule is the schedule covering controlled correspondence files.

Some schedules will be reviewed by the originating PO plus other stakeholders. Stakeholders are those POs that, while not originating the records, have an interest in how and for how long the records will be retained. Stakeholder review will ensure that all interested parties have an opportunity to provide input into the retention of records on which they may depend.

The OGC will review all records schedules for legal sufficiency.

The steps listed below describe the process used to review the schedules.

1. RIMS develops the draft schedules in conjunction with the originating PO.
2. RIMS submits the draft schedules through the ACS review process.
3. ACS reviewers examine all the information in the draft schedule to confirm its accuracy.
4. POs substantively review the following sections:
 - Description of Records
 - Retention Period
 - Cut-off
 - Disposition Instructions
 - Specific Legal Requirements

Please see Appendix B of this directive for a template with an explanation of the sections contained within a records schedule.

The schedule section descriptions are given below:

Schedule Location Number: Three digit internal tracking number assigned by ED.

Draft Date: Date of last change to draft schedule.

Title: Title of the group of related records covered by this schedule.

Principal Office: Primary Office responsible for the records.

NARA Disposition Authority: Schedule tracking number assigned by NARA. Upon approval of the schedule by NARA, this number is used to authorize records disposition.

Description: Information about the type and content of records covered by the schedule.

Disposition Instructions: Information about when files are closed (cut off) and what happens to them after that point.

Implementation Guidance: Specific instructions for creating, maintaining or disposing of the records.

Arrangement/Annual Accumulation: Information on how the records are filed and the yearly accumulation. This information is required only for permanent records.

Previous Disposition Authority: Listed here are old schedule approval numbers that has been, or will be, superseded by this schedule.

Legal Requirements: Any statutory or regulatory requirements pertinent to the creation, use, and disposition of the records.

Specific Restrictions: Access restrictions imposed by the Privacy Act or other confidential information handling requirements.

Line of Business: The line of business to which the records relate per ED's Enterprise Architecture.

5. POs should use the following questions to structure their review and evaluation:

- Are the records covered by the schedule accurately and fully described in the "Description of Records" section?
- Is the retention period adequate to meet the business needs for the records, also known as administrative value?

All records have administrative value because they are necessary to conduct an organization's current business. The duration of this value may be long or short. Some records, such as directives, have long-term administrative value. Others, such as messenger service files, have short-term administrative value. Many records at operating unit levels within Principal Offices have short-term administrative value because they are correspondence duplicated elsewhere, reports summarized at higher organizational levels, or logs serving as temporary controls.

- Is the retention period adequate for any fiscal needs associated with the records?

Records with fiscal value document ED's financial transactions and obligations. They include budget records, which show how expenditures were planned; voucher or expenditure records, which indicate the purposes for which funds were spent; and accounting records, which classify and summarize ED expenditures.

- Are the cut-off instructions (see Definitions) understandable and able to be implemented?

- Are the disposition instructions (see Definitions) understandable and able to be implemented?
 - Is the retention period adequate for any legal requirements relating to the records?

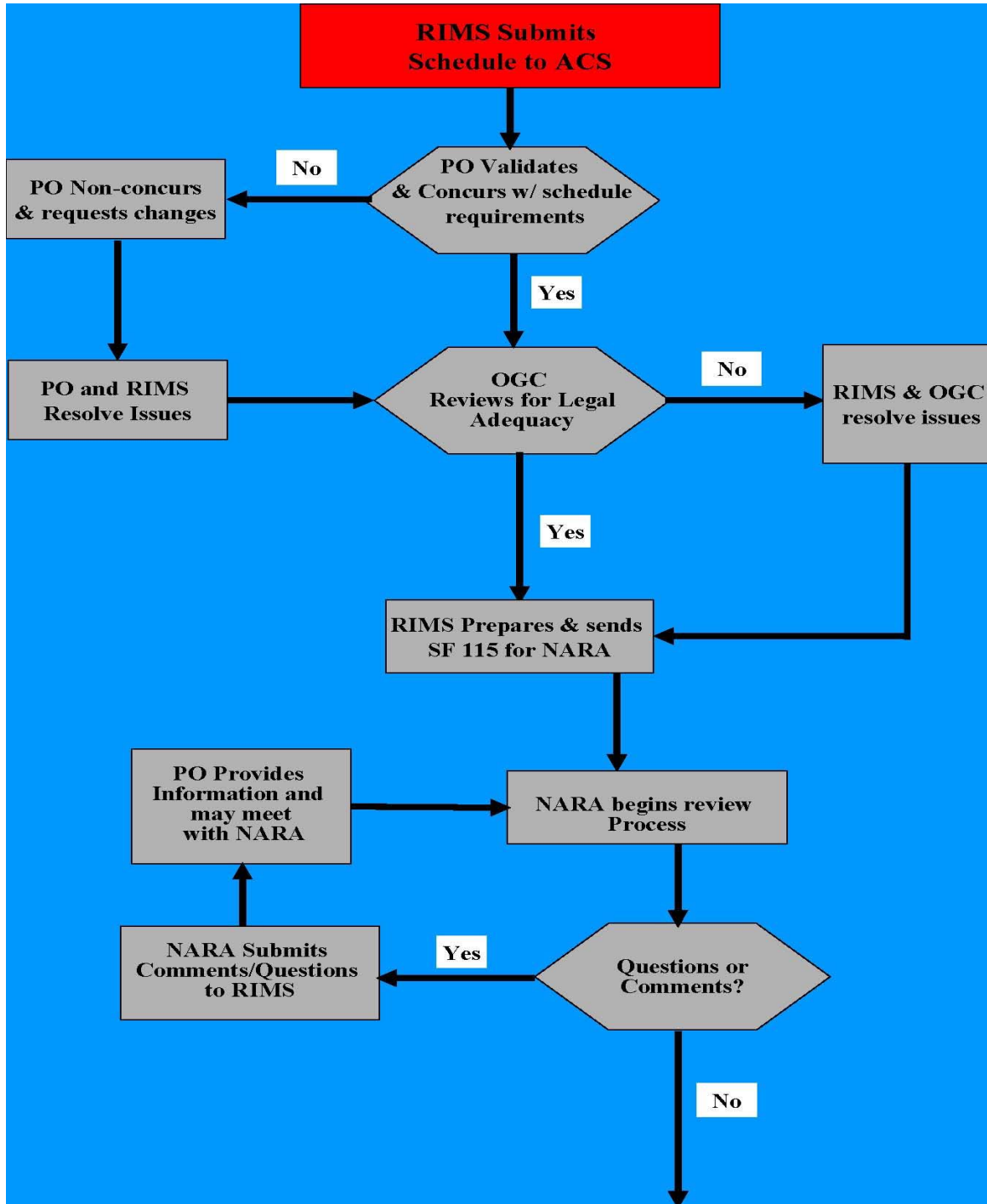
Legal requirements include applicable statutory or regulatory provisions mandating retention; statutes of limitations on claims or fraud; records necessary to protect the rights and interests of individuals (such as entitlement to benefits); or the rights and interests of the government.
 - Are the legal or regulatory requirements cited in the schedule complete and accurate?
 - Are all applicable access restrictions on the records correctly cited in the schedule? An example would be records covered by the Privacy Act of 1974.
6. The attorney within OGC with the knowledge and understanding of the records will take the lead on the review of the proposed retention and disposition for overall legal sufficiency with consultation with other attorneys in OGC, as appropriate.
 7. POs must justify non-concurrences that include requests for changes to retention periods and disposition instructions. Requests for changes must include written justification that specifically addresses the benefits and tradeoffs of increased risk exposure presented by a longer or shorter retention period, including relevant precedent, potential litigation issues, and the projected incremental cost of retaining the records for a longer period of time.

B. NARA Review Process

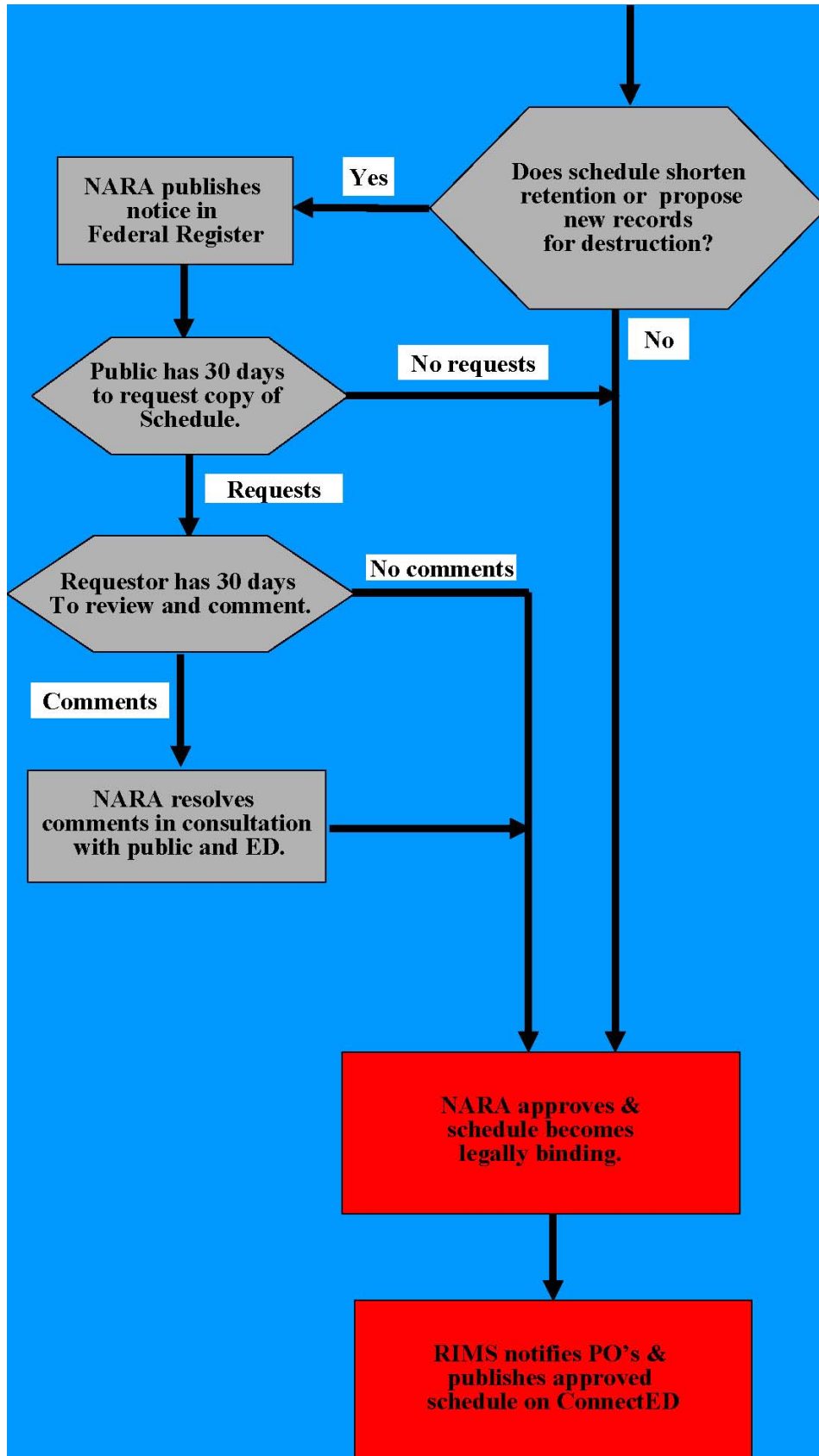
1. The ED Records Officer prepares the official submission of ACS approved records schedules to NARA within **5** working days.
2. The ED Records Officer is the official point-of-contact (POC) between NARA, the originating PO, and any other ED stakeholders.
3. NARA may request an on-site visit to physically review records covered by a draft records schedule. An on-site visit may be requested for any of the following records:
 - Records proposed for permanent retention;
 - Records proposed for long retention periods;
 - Records of senior officials; or
 - Mission, policy, and budget records.

4. The ED Records Officer relates any NARA request for on-site visits or additional information about records covered by a draft records schedule to the appropriate POs for response.
5. Within **5** working days of being requested to do so, POs will identify a specific individual who will be their POC for receiving and responding to all NARA requests, including comments about a draft records schedule received through the Federal Register public comment process.
6. Within **10** working days of being requested to do so, the POC ensures that the appropriate individuals are available for meeting with NARA to discuss records issues.
7. Within **10** working days of being requested to do so, the POC ensures that records are available for NARA on-site review.
8. All written responses to NARA, including responses to public comments, will be conveyed through the ED Records Officer. POs have **15** working days to provide a written response after being requested to do so. The ED Records Officer will consolidate written responses, if necessary, and convey them to NARA within **10** working days after submission from POs.
9. The ED Records Officer notifies originating POs when their records schedules receive NARA approval within **5** working days after receiving notification of approval.
10. RIMS posts the NARA-approved records schedules on connectED within **10** working days after NARA approval.

Appendix A – Records Schedule Review and Approval Process Map



Continued on next page



Appendix B – Schedule Template

ED Records Schedule

SCHEDULE LOCATOR NUMBER: 062

DRAFT DATE: 9/7/05 (update)

TITLE: Significant Correspondence

PRINCIPAL OFFICE: ED-wide

NARA DISPOSITION AUTHORITY: Provided by NARA upon approval

DESCRIPTION:

Contains correspondence that documents significant program activities and is processed under special handling control procedures because of the importance of the letter or time requirements of replies. Records consist of incoming correspondence with any enclosures, responses with any enclosures, and indexes to the correspondence. They include hard copy and scanned images of signed correspondence, including Congressional and White House correspondence.

As these records may be maintained in different media formats, this schedule is written to authorize the disposition of the records in any media (media neutral). Records that are designated for permanent retention and are created and maintained electronically will be transferred to NARA in an approved electronic format.

DISPOSITION INSTRUCTIONS:

a. Record Copy

PERMANENT

Cut off files annually, by fiscal year or calendar year. Transfer non-electronic records to the National Archives 10 years after cutoff. Transfer electronic records to the National Archives 5 years after cutoff, with any related documentation and external finding aids, as specified in 36 CFR 1228.70 or standards applicable at the time.

b. Duplicate copies regardless of medium maintained for reference purposes and that do not serve as the record copy

TEMPORARY

Destroy/delete when no longer needed for reference.

Appendix B – Schedule Template (continued)

IMPLEMENTATION GUIDANCE:

If the official copies of significant correspondence are returned to the originating Principal Office, they should be filed separately and retired using the disposition for this schedule, item a. Indexes for permanent significant correspondence files are also permanent records. If the index is paper, enclose a copy with the correspondence files when they are transferred to a certified records center. If the index is electronic, retire a copy of the index to the National Archives when the correspondence is retired to a certified records center. Electronic indexes are to be transferred to the National Archives as specified in 36 CFR 1228.188. Routine correspondence and memoranda are scheduled as ED 063.

Electronic system covered by this schedule:

- Control Correspondence Management System

Follow the disposition instructions in ED 086 for system software; input/source records; output and reports; and system documentation.

ARRANGEMENT/ANNUAL ACCUMULATION: All schedules are now media neutral.

PREVIOUS DISPOSITION AUTHORITY: *(Deleted contact names from schedules)*

N1-441-97-1/1a (ED/RDS Part 9, Item 1a)

N1-441-97-1/1c (ED/RDS Part 9, Item 1c)

N1-441-97-1/1d (ED/RDS Part 9, Item 1d) N1-441-97-1/1e (ED/RDS Part 9, Item 1e)

N1-441-97-1/2 (ED/RDS Part 9, Item 2)

N1-441-97-1/9a (1) (ED/RDS Part 9, Item 9a(1))

N1-441-97-1/9a (2) (ED/RDS Part 9, Item 9a(2)) N1-441-97-1/9c (ED/RDS Part 9, Item

9c) N1-441-97-1/18a (1) (ED/RDS Part 9, Item 18a(1)) N1-441-97-1/18a (2) (ED/RDS Part 9, Item 18a(2))

N1-441-97-1/18b (ED/RDS Part 9, Item 18b) NC-12-75-1/2a (ED/RDS Part 9, Item 22)

N1-441-96-2/7a (ED/RDS Part 6, Item 4a) N1-441-96-2/7b (ED/RDS Part 6, Item 4b)

SPECIFIC LEGAL REQUIREMENTS: If applicable

SPECIFIC RESTRICTIONS: Privacy Act 18-01-01 Secretary's Communications Control System

LINE OF BUSINESS: Administration/Departmental