

# memorandum

## Indian Springs School

To: Tanya Yeager, Assistant Head of School for Finance and Administration  
From: William Blackerby, Records Management Consultant  
CC: Scott Schamberger, Head of School  
Date: August 2, 2022  
Re: Implementing a Records Retention Plan

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As the National Association of Independent Schools Legal Advisory titled “Records Retention: What, How Long, and How?”, which was last updated in June of 2018, states, “[s]chools are record intensive places” (p. 21). Indian Springs School is no exception. The school handles academic records, health records, athletic records, employment records, board meeting minutes, donation records, and the list goes on. Unfortunately, while individual departments may or may not have ad hoc plans for managing their own records, there is no comprehensive plan for the management and retention of these records. This memorandum calls for the creation and implementation of an integrated, overarching records management and retention system for Indian Springs School based on the NAIS legal advisory.

## The Why of Records Retention

Debra P. Wilson and Whitney Silverman, the authors of the aforementioned whitepaper, state that “Proper document retention is necessary in the event of a lawsuit, helps a school capture intellectual property in terms of courses and curriculum, and makes it easy for a school to know with reasonable certainty that it has all the documents it needs for any purpose” (p. 1). In other words, records retention helps an institution know what it knows. Besides the regulatory aspects of records retention, schools “should also be driven by business purpose and usefulness” (p. 2). Sound records retention makes informational queries easier to respond to. Of particular import for our context is the ability to respond to internal informational queries.

## **Electronic Records**

Indian Springs School juggles multiple platforms for electronic records management. The main tool used across all departments is Google Workspace. Because of the generous storage capabilities provided by this platform, it is easy, as Wilson and Silverman say, “to store vast amounts of information – which also makes it harder [to manage records] since there can be so many more records to sort through” (p. 2). This is evidenced by the vast numbers of unorganized digital files shared across Indian Springs School’s Google Workspace. Generally speaking, these files lack a taxonomic structure shared across the school, so locating a desired record requires using the tool’s search function to craft an effective query, which can be a trial-and-error process.

## **Federal Record Retention Requirements**

An essential element of records retention is being prepared for legal action. The following is a summary of federal actions that schools should be prepared for drawn from the Wilson and Silverman whitepaper (pp. 4-7).

- American with Disabilities Act (ADA)
  - Employment Records: One Year
  - Employment Discrimination Filing: Until Matter is Resolved
  - Public Accommodations Records: No Set Time
- Fair Labor Standards Act (FLSA)
  - Payroll: At least three years
  - Records for Wage Computations: Two Years
- Family Medical Leave Act (FMLA)
  - Records related to FMLA Leave: Three Years
- I-9 Forms
  - Forms: Three Years after Hiring of One Year after End of Relationship, Whichever is Later
- Employment Retirement Income Security Act (ERISA)
  - Varies depending on specific benefits offered
- Tax
  - Employment Tax Records: Four Years

The ADA merits additional note. According to Wilson and Silverman, two sections are relevant to independent schools like ours: “Title deals with employment matters and Title III applies to students and other matters of public accommodation” (p. 4). As the number students with accommodations we enroll increases, we must ensure that we are in compliance with Title III of the ADA.

## **State Record Retention Requirements**

In addition to federal law, the school is subject to state records management laws as well. The relationship between federal and state requirements is as follows: “states cannot lessen a federal requirement, but they may extend it. Also, states may have regulations where the federal government has none” (Wilson and Silverman, p. 7).

These records can be broken down into permanent and temporary records. Examples of permanent records in schools are “basic identifying information, academic transcripts, and attendance records” (p. 8). A decision for the school to make would be whether or not to include “long-term suspensions, expulsions, and health records” in permanent records (p. 8). The school’s legal counsel should be consulted on this matter.

Temporary records may need to be kept for three to six years; such records may include family background information, extracurricular records, teacher notes, disciplinary information, psychological information, and health information (p. 8). Legal counsel should also be consulted on this matter to ensure the school is keeping the appropriate records.

Finally, counsel should also be consulted about state requirements for immunization records.

## **Statutes of Limitations**

This memorandum does not address statutes of limitations in depth or detail, but such statutes should be taken into consideration during the process of creating the records retention system, under guidance of school counsel as usual. Counsel should especially be consulted about records related to sexual abuse claims.

## **Document Destruction**

As part of the process of developing a records retention system, “a point person who is aware of all document destruction should be” identified (p. 10). The decision should also be made about whether document destruction will be conducted in-house or by an outside vendor. Additionally, the length of time electronic records are retained should be decided on as well.

## **A Records Retention System Development Plan for Indian Springs School**

This section of the memorandum draws from and elaborates on the guidelines established in the NAIS whitepaper on how to create a records retention system (pp. 12-14).

- The Document Team
  - Comprised of IT director, Assistant Head of School for Finance and Administration, Assistant Head of School for Academics, Assistant Head of School for External Affairs, Dean of Faculty, Dean of Students, School Nurse, School Counselor, Athletic Director, Director of College Advising, Director of Enrollment Management, School Archivist

- Responsible for developing the overall records retention plan for the school
- School Counsel
  - The Assistant Head of School for Finance and Administration will contact the school's attorney to request a brief on:
    - Statutes of limitations in Alabama for records in the school's care
    - Student records requirements for the State of Alabama
    - Advice on crafting a document retention plan
- Auditor
  - The Assistant Head of School for Finance and Administration will contact the school's auditing firm, Dent Moses, to solicit input on document retention with an eye towards making the annual audit a smoother process.
- Goals
  - The goals of this plan are to
    - Migrate as many records as possible to an internal electronic database
    - Destroy records that are no longer necessary, with input from the School Archivist
    - Create and implement an effective records retention schedule.
- Documents
  - Each member of the Document Team should come to the initial meeting with a comprehensive list of the documents each department they represent create, specifying whether they are print or electronic and how long they are currently kept. This will serve as a sort of "rough draft" of the final retention schedule.
- Point Person
  - The School Archivist will be the point person for records management. The School Archivist will report to the Assistant Head of School for Finance and Operations through the school's business office.
- Training
  - This is the key element of the whole plan. The Document Team will need to develop a plan to train staff. For example:
    - Teachers
      - Should be trained on how long to keep communications with students and parents/guardians
    - Supervisors (department chairs, deans, directors)
      - Should be trained on how long to keep emails, memoranda, and other communications sent to their direct reports
    - Administrative Staff (receptionist, communications staff)
      - Should be trained on where and how to store official school communications, e.g., emergency messages, letters from the Head of School's office and various deans' offices.
- Review of Retention Schedule
  - The Document Team should review the retention schedule every three years.

## Sample Retention Schedule

Below is a sample Records Retention Schedule drawn from the NAIS legal advisory (p. 16). This should be distributed to the Document Team to help them visualize what the final Indian Springs School specific retention schedule might look like and to give members of the Document Team a starting point for the listing the types of documents they are responsible for.

| <b>Records Retention Schedule</b>   |                  |   |                             |
|---|------------------|---|-----------------------------|
| <b>Record</b>   | <b>Retention</b> | <b>Record</b>   | <b>Retention</b>            |
| Accident reports/claims (settled cases)   | 7 Years          | Financial Statements (interim/internal)   | Permanently                 |
| Accounts receivable and payable - ledgers and schedules   | 7 Years          | General journal or ledger   | Permanently                 |
| Annual reports  | Permanently      | Government reports  | 6 Years                     |
| Articles of incorporation   | Permanently      | Income tax returns and cancelled checks (federal, state, and local)   | Permanently                 |
| Auditors' reports/work papers   | Permanently      | Insurance policies (expired)  | Permanently                 |
| Authorization and appropriations for expenditures   | 3 Years          | Insurance policies (current) - accident reports, claims, etc.   | Permanently                 |
| Bank reconciliations / statements   | 7 Years          | Inventory list  | Permanently                 |
| Bank deposit slips  | 3 Years          | Invoices (to customers, from vendors)   | 7 Years                     |
| Budgets   | 3 Years          | Journals  | Permanently                 |
| Cash disbursement journals  | Permanently      | Leases  | 10 Years                    |
| Cash receipts journal   | Permanently      | Manuscripts   | 2 Years                     |
| Chart of accounts   | Permanently      | Medical records   | 30 Years                    |
| Checks (cancelled), general   | 7 Years          | Membership records  | 3 Years                     |
| Checks (cancelled) for important payments (i.e., taxes, purchases of property, special contracts, etc.). Checks should be filed with the papers pertaining to the underlying transaction. | Permanently      | Minutes (board and committees with board authority)   | Permanently                 |
|   |                  | Minutes (committees without board authority)  | 5 Years                     |
| Claims and Litigation files   | 10 Years         | Occupational inquiry and illness Records  | 5 Years                     |
| Constitution and by-laws  | Permanently      | Patents, copyrights, licenses, agreements, bills of sale, permits, etc.   | 3 Years or Life of Document |
| Continuing education documents  | 2 Years          | Payroll records and summaries (including payment to pensioners)   | 7 Years                     |
| Contracts (general)   | 10 Years         | Payroll tax returns   | 4 Years                     |
| Contracts (government)  | 7 Years          | Pension/ profit-sharing plans   | Permanently                 |
| Contracts (sales), UCC  | 7 Years          | Personnel records (terminated)  | 7 Years                     |
| Contracts and leases still in effect  | Permanently      | Petty cash vouchers   | 3 Years                     |
| Copyright, patent, and trademark registrations  | Permanently      | Property records, including costs, depreciation reserves, yearend trail balances, depreciation schedules, blueprints, and plans | Permanently                 |

In addition to consulting with school counsel and the school's auditor, the school should take advantage of the [records management policy shared by the Ravenscroft School](#) and outlined below.

### **Outline of Ravenscroft School Document Retention Policy, to be used as a model**

- I. Objectives
  - a. This section establishes the goals of the policy.
- II. Policy
  - a. This section enumerates the general records retention policy.
- III. Responsibility
  - a. This section establishes the responsibility each school employee has to steward the documents in their care.
- IV. Definitions
  - a. This section defines records management related terms and roles that will be used throughout the document.
- V. Administration
  - a. This section lists the individuals responsible for records management and specifies their roles.
- VI. Implementation
  - a. This section enumerates in detail the operational procedures for executing the Document Retention Policy
- VII. Amendment Procedure
  - a. This section explains the proper procedure for amending the Document Retention Policy and the Records Retention Schedule.

### **Conclusion**

This memorandum has served as a summary of the NAIS legal advisory on records management in independent schools as well as an outline of how its recommendations can be applied to Indian Springs School.

My recommendation is that the school form the Document Team in August of this year with a goal of finalizing a schoolwide records retention policy, including a records retention schedule, by December 31.

Though engaging in such a project will no doubt be time and labor intensive for school leaders, it should lead to improvements in efficiency across the school.