

# Schedule 39

# DEPARTMENT OF EDUCATION

March 13, 2015

Nebraska Records Management Division  
3242 Salt Creek Circle  
Lincoln, NE 68504  
(402) 471-2559

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

SCHEDULE

**39**

AGENCY, BOARD OR COMMISSION

**DEPARTMENT OF EDUCATION**

DIVISION, BUREAU OR OTHER UNIT

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

**Supersedes Edition of October 3, 2012**

**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

TITLE

DATE



Commissioner

3/6/15

**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

DATE



3/12/2015

**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

DATE



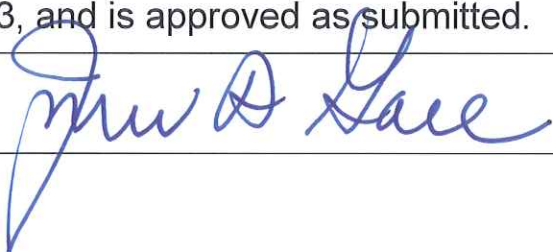
3/12/15

**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

DATE



3/13/15

## **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. This retention schedule, which is approved by the State Records Administrator, provides 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. Unless there is pending or on going, legal action, records request, or audit.
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** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. 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 located on the Secretary of State Records Management website. [https://appengine.egov.com/apps/ne/sos\\_records\\_disposition\\_report](https://appengine.egov.com/apps/ne/sos_records_disposition_report). This report establishes that the destruction was performed in your normal course of business.

### **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 the Records Management Specialist in Records Management. They 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  
3242 Salt Creek Circle  
Lincoln, NE 68504  
402-471-2559**

**SCHEDULE 39  
DEPARTMENT OF EDUCATION  
March 13, 2015**

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of October 3, 2012

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-1	<b>APPROVAL AND ACCREDITATION FILES</b>	Records concerning the initial and continuing approval or accreditation of elementary and secondary schools, interim program schools, Educational Service Units, and any other types of institutions or agencies subject to State Board of Education approval or accreditation that are not specifically addressed in any other records retention schedule section.	<b>FINAL ORDER/DECISION (1 COPY):</b> Permanent <b>ALL OTHER RECORDS:</b> 10 years for records concerning each grant or denial of initial or continuing approval of accreditation <i>(NOTE - Other than the record of the final order/decision, any of the individual records and non-record materials in such files may be separately purged prior to the number of years specified in the retention at the Commissioner of Education's discretion in accordance with the State Agency General Schedule 124 for the specific type of record)</i>	<ul style="list-style-type: none"> <li>•Some records were microfilmed, but no additional is planned</li> <li>•Retention also applies to any Security or Work Copy Microfilm</li> </ul>
39-2	<b>ASSESSMENT RECORDS</b>	Statewide assessment records which include, but are not limited to: test development and validation materials, electronic samples of online tests, online student results and electronic performance data, sample sets of student test booklets and teacher manuals, individual student answer sheets, planning documents, correspondence, scores, reports, and related documentation.	<b>STUDENT TEST BOOKLETS/TEACHER MANUALS (1 SAMPLE SET):</b> 5 years <b>ALL OTHER TEST BOOKLETS/MANUALS:</b> Immediate disposal <b>INDIVIDUAL STUDENT ANSWER SHEETS:</b> 5 years <b>ALL OTHER RECORDS:</b> 5 years	
39-3	<b>AUDIT REPORTS - AGENCY, SUBRECIPIENT, LEA: AND RESOLUTION DOCUMENTATION</b>	Audit Report and any documentation generated or received as a result of the audit resolution process. Also includes records involved with the review by the Nebraska Department of Education of audit reports of sub recipients of Federal funds and local education agencies.	<b>5 years</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-4	<b>BACK-UP COPIES OF ELECTRONIC DATA</b>	Data (records) on the Nebraska Department of Education (NDE) systems/network are copied to tapes according to the following schedule. The data is only to be used for the purposes of business continuity, which includes disaster recovery (not for archiving). Servers are located at NDE (State Office Building, 6th Floor), Office of the Chief Information Officer (OCIO) IM Services data center, and at the Early Childhood Training Center in Omaha. Tapes will be maintained by NDE, then overwritten or destroyed following these rotations.	<b>BACK-UP OF ELECTRONIC RECORDS ON FILE SERVERS (DISK TO TAPE):</b> <b>DAILY BACK-UPS (INCREMENTAL):</b> Erase (scrub; wipe) after 30 days. <b>END-OF-WEEK BACK-UPS (FULL):</b> Erase (scrub; wipe) after 30 days.	
39-5	<b>DDS EDP SYSTEM CASE RECORDS</b>	Computer records of the cases adjudicated by the Disability Determinations Section maintained in a case file format. Each file may include such information as the claimant's name, Social Security number, date(s) of receipt, date(s) of disposition, a listing of medical records received, correspondence generated, the personnel who analyzed the case, the address and phone number of the claimant, the decision on the claim including the basis for that decision, and a record of the medical examinations the claimant attended.	<b>5 years</b>	
39-6	<b>DDS STANDARD OPERATING AND ADMINISTRATIVE PROCEDURES MANUAL</b>	DDS has a need to issue to its staff various instructions, office procedures, directories and other information essential to effective and efficient program operation. These instructions are part of a manual called the "SOAP". This manual is periodically updated as needed. A current version of the SOAP is always maintained.	<b>SUPERSEDED PORTIONS: 2 years</b>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-7	<b>DDS STATE AGENCY OPERATIONS REPORTS WORKSHEETS</b>	Worksheets used in the preparation of reports of state agency operations which are transmitted electronically to the Social Security Administration. The <i>STATE AGENCY OPERATIONS REPORT (SAOR)</i> is transmitted weekly and contains such data as the number of DDS employees in each of several categories and the number of hours worked by employees in some categories. The <i>STATE AGENCY WORK SAMPLING REPORT</i> is taken periodically on an unannounced basis and describes the actual activities of staff members at a certain time on a certain date (working on a case, type of a case indicated, on leave, etc.).	<b>PAPER:</b> 3 years after data has been transmitted <b>ELECTRONIC RECORD:</b> Superseded or obsolete	
39-8	<b>EDUCATOR PREPARATION PROGRAM FILES</b>	Records regarding the approval of Nebraska Colleges by the State Board for teacher or administrator preparation programs.	<b>8 years</b>	
39-10	<b>EXEMPT STATUS FOR CHILDREN NOT ATTENDING APPROVED OR ACCREDITED SCHOOLS</b>	Records may include, but are not limited to: exempt status filings by parents, parent representative report forms, acknowledgement of exempt status, and related documents.	<b>5 years</b>	
39-11	<b>GENERAL COUNSEL CERTIFICATION INVESTIGATION FILES</b>	Certification Investigation case files, including: complaints, investigation reports, correspondence and other documents relating to such cases, including dismissals or disciplinary actions.	<b>ALL FINAL DECISIONS (1 COPY):</b> Permanent <b>ALL OTHER RECORDS RESULTING IN: DISMISSAL, SUSPENSIONS OR REINSTATEMENTS:</b> 5 years <b>REVOCATION, REPRIMAND OR ADMONISHMENT:</b> 10 years <b>VOLUNTARY SURRENDER:</b> 20 years <i>(NOTE: Other than the record of final decision, any individual records and non-record materials in such files may be separately purged prior to the number of years specified in the retention at the Commissioner of Education's discretion in accordance with the State Agency General Schedule 124 for the specific type of record)</i>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-12	<b>GENERAL COUNSEL DUE PROCESS HEARING FILES</b>	Records of contested cases under the State Administration Procedures Act filed with the State Board of Education	<b>FINAL ORDERS (1 COPY):</b> Permanent <b>ALL OTHER RECORDS:</b> 20 years after final decision	
39-13	<b>GENERAL COUNSEL PRIVATE POSTSECONDARY CAREER SCHOOL INVESTIGATION FILES</b>	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.	<b>FINAL ORDER/DECISION (1 COPY):</b> Permanent <b>ALL OTHER RECORDS:</b> 10 years after final order/decision <i>(NOTE - Other than the record of the final order/decision, any of the individual records and non-record materials in such files may be separately purged prior to the number of years specified in the retention at the Commissioner of Education's discretion in accordance with the State Agency General Schedule 124 for the specific type of record)</i>	
39-15	<b>GENERAL COUNSEL SPECIAL EDUCATION DUE PROCESS CASE FILES</b>	Records of due process cases filed under 92 NAC 55 involving special education disputes.	<b>FINAL ORDERS (1 COPY):</b> Permanent <b>ALL OTHER RECORDS:</b> 20 years after final decision or no longer needed to provide educational services to the student (whichever is later)	92 NAC 55
39-16	<b>GENERAL COUNSEL STUDENT TEACHING OR TEACHING CERTIFICATE INVESTIGATION FILES</b>	Investigation case files dealing with applications for permission to student teach, or for a teaching certificate, including: investigation reports, correspondence and other documents relating to such cases.	<b>10 years after final decision</b>	
39-18	<b>HIGH SCHOOL EQUIVALENCY PROGRAM FILES</b>	Files may include, but are not necessarily limited to: results of GED test, application for high school equivalency diploma, and record of high school equivalency certificate.	<b>ORIGINAL RECORD:</b> Permanent <i>OR</i> scan and destroy originals after image verification following a durable medium conversion pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION, item 124-13 <i>OR</i> microfilm and destroy originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING, item 124-12 <b>SECURITY MICROFILM:</b> Transfer to off-site security storage; Permanent <b>MICROFILM WORK COPY:</b> Permanent	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-19	<b>MISCELLANEOUS NDE RECORDS</b>	NDE records that are not covered by any other section of NDE Records Schedule 39 or the General State Agencies Records Schedule 124.	<b>5 years, unless a different retention period is specifically required by a state or federal law or regulation</b>	Most records that are created or received by NDE are subject to an existing section in either Schedule 39 or Schedule 124, <i>AND</i> this section <i>MAY NOT</i> be used as an alternative to an applicable section of Schedule 39 or 124. <i>NOTE: Not all paper or electronic materials are records that need to be retained. See Schedule 124 (item 124-82) for NONRECORD MATERIAL that may be destroyed at any time.</i>
39-20	<b>NONPUBLIC SCHOOL STUDENT ACADEMIC RECORDS</b>	These may be all pertinent records of student academic performance and attendance while enrolled at a nonpublic school, and which only includes records that were transferred to NDE in situations in which NDE agreed to accession of the records upon a school's closing or in other cases where the student cumulative record may have become incomplete or lost.	<b>Permanent</b>	
39-21	<b>NUTRITION SERVICES PROGRAM FILES</b>	Records of the Nutrition Services Programs administered by NDE.	<b>5 years</b>	



ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-22	<b>PRIVATE POSTSECONDARY CAREER SCHOOLS FILES</b>	Includes original NDE records for private postsecondary career schools. Also includes records of closed private postsecondary career schools transferred to NDE pursuant to Neb. Rev. Stat. §85-1644.	<b>ORIGINAL NDE RECORD:</b> 50 years OR microfilm and destroy originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING, item 124-12 <b>SECURITY MICROFILM:</b> Transfer to off-site security storage; 50 years <b>MICROFILM WORK COPY:</b> 50 years <b>RECORDS OF CLOSED PRIVATE POSTSECONDARY CAREER SCHOOLS TRANSFERRED TO NDE PURSUANT TO NEB. REV. STAT. §85-1644:</b> Permanent OR microfilm and destroy originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING, item 124-12 <b>SECURITY MICROFILM:</b> Transfer to off-site storage; permanent <b>MICROFILM WORK COPY:</b> Permanent	Neb. Rev. Stat. §85-1644 Neb. Rev. Stat. §85-1606
39-23	<b>SCHOOL FINANCIAL FILES</b>	School district and ESU finance records, which include, but are not limited to: annual financial reports and supporting material, audit reports, budget related documents, financial forms, census reports, and State Aid Program records.	<b>10 years</b>	<ul style="list-style-type: none"> <li>•Some records were microfilmed, but no additional is planned</li> <li>•Retention also applies to any Security or Work Copy Microfilm</li> </ul>

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-24	<b>STATE BOARD MEMBER RECORDS</b>	Records created or received by State Board of Education members in their role as a State Board member.	<p><b>STATE BOARD MEMBER RECORDS:</b> See Schedule 124-State Agencies General Records</p> <p><b>LITIGATION HOLDS:</b> In the event of a reasonably foreseeable or pending litigation, a "litigation hold" may be necessary, and State Board members would be informed by the Attorney General's Office and NDE legal staff of the need to retain certain types of records until further notice. Once State Board members receive notice that the "litigation hold" is no longer needed for a lawsuit, the documents may then be disposed of or retained according to the provisions of Schedule 124.</p>	<p>Many of the documents that a State Board member deals with are likely to be classified as "Communications" for retention purposes under Schedule 124. Many other documents received by a State Board member will likely be copies of records, such as meeting materials. Identical copies of records are considered "Nonrecord Material" under Schedule 124, and generally may be destroyed at any time by the agency without the need to file a records disposition report.</p> <p>State Board members with questions regarding records retention or proper disposition of records or nonrecord material in their possession should contact the Commissioner's Office.</p>
39-25	<b>TEACHER CERTIFICATION FILES</b>	Files document the certification (or licensing) of persons qualified to teach in primary and secondary schools. Generally includes: application for the Nebraska teaching certificate, verification of successful experience for standard certificate, college transcripts, recommendations, related correspondence, and minimum competency test scores; but may also include additional information concerning suspensions, revocations, additional institutional endorsements, and other items related to certification.	<p><b>ORIGINAL RECORD:</b> 50 years <i>OR</i> scan and destroy after image verification following a durable medium conversion pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION, item 124-13 <i>OR</i> microfilm and destroy originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING, item 124-12</p> <p><b>SECURITY MICROFILM:</b> Transfer to off-site security storage; 50 years</p> <p><b>MICROFILM WORK COPY:</b> 50 years</p>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
39-26	VETERANS' EDUCATION FILES	Records of approval of courses for veterans.	<b>ORIGINAL RECORD:</b> 50 years OR microfilm and destroy originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING, item 124-12 <b>SECURITY MICROFILM:</b> Transfer to off-site security storage; 50 years <b>MICROFILM WORK COPY:</b> 50 years	
39-27	VOCATIONAL REHABILITATION (VR) CLIENT CASE FILES AND FEDERAL REPORTS	Individual records of services provided to clients. May include eligibility data, counselor's notes, and documentation on the case. Federal Reports include edit listing on the vocational rehabilitation statistical report.	<b>PAPER:</b> Data entry into electronic database; 5 years <b>ELECTRONIC RECORD:</b> 5 years	