

Appendix 147-A

AVAILABILITY OF PUBLIC RECORDS FROM THE EDUCATIONAL SOLUTIONS FAMILY OF SCHOOLS

1. ANY PERSON MAY INSPECT OR OBTAIN COPIES OF PUBLIC RECORDS MAINTAINED BY THE SCHOOL DURING REGULAR BUSINESS HOURS OF THIS OFFICE.
2. NO STUDENT DIRECTORY INFORMATION WILL BE PROVIDED TO ANYONE FOR USE IN A PROFIT-MAKING ACTIVITY.
3. THE SCHOOL'S FEE FOR PROVIDING COPIES OF PUBLIC RECORDS IS \$0.15 PER PAGE, WHICH MUST BE PAID PRIOR TO OBTAINING THE COPIES.
4. IF THE SCHOOL DENIES A REQUEST FOR INSPECTION OR COPIES OF PUBLIC RECORDS, THE SCHOOL WILL PROVIDE THE REQUESTOR AN EXPLANATION FOR THE DENIAL. THE EXPLANATION WILL BE PROVIDED IN WRITING IF THE REQUEST FOR PUBLIC RECORDS WAS SUBMITTED IN WRITING.
5. EXCEPT AS REQUIRED BY FEDERAL OR STATE LAW, A REQUEST FOR PUBLIC RECORDS DOES NOT NEED TO BE SUBMITTED IN WRITING, OR DISCLOSE THE REQUESTOR'S IDENTITY; HOWEVER, SUBMITTING A REQUEST IN WRITING AND IDENTIFYING THE REQUESTOR FREQUENTLY MAKES IT MORE LIKELY THAT THE SCHOOL WILL BE ABLE TO IDENTIFY, LOCATE, AND DELIVER THE PUBLIC RECORDS BEING REQUESTED.
6. IF THE SCHOOL IS UNABLE TO SATISFY A REQUEST FOR PUBLIC RECORDS BECAUSE THE REQUEST IS AMBIGUOUS, OVERBROAD, OR FAILS TO REASONABLY IDENTIFY WHAT PUBLIC RECORDS ARE BEING REQUESTED, THE SCHOOL MAY DENY THE REQUEST AND EXPLAIN TO THE REQUESTOR THE MANNER IN WHICH THE SCHOOL MAINTAINS AND ACCESSES ITS RECORDS.
7. THIS POSTER IS A GENERAL DESCRIPTION OF THE PUBLIC RECORD POLICY ADOPTED BY THE SCHOOL'S GOVERNING AUTHORITY. IN THE EVENT OF A CONFLICT BETWEEN THE STATEMENTS CONTAINED IN THIS POSTER AND THE SCHOOL'S PUBLIC RECORD POLICY, THE PROVISIONS OF THE PUBLIC RECORD POLICY WILL PREVAIL.

Appendix 147.1-A

Records Retention Schedule

This Policy applies to all records of the School. Its purpose is to properly manage records retention and eventual disposal for both electronic and non-electronic records in order to comply with all applicable statutes, regulations, and other legal requirements, and the guidelines set forth in the following Records Retention Schedules.

Overall administration of this Policy shall be the responsibility of the Principal.

The following records retention schedule was guided by three general objectives:

1. Documenting compliance with statutory and regulatory requirements;
2. Protecting the business from future litigation; and
3. Reducing the cost of operating a business by appropriately managing space requirements.

Employment Records

1	<p><u>Selection, Recruitment and Hiring Records.</u> All personnel records or employment records, including job applications, resumes, or other hiring records for employees hired and not hired and job inquiries; advertisements or notices to the public regarding openings; promotions; training opportunities; opportunities for overtime; promotion, demotion, transfer, termination decisions; refusal to hire or re-hire documents; job orders placed with employment agencies for recruitment; candidate test papers and results; physical examination results; job aids; internal notices relating to job openings or training opportunities.</p>	<p>7 years from date of application, personnel action or termination, whichever is longer</p>
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- a. Age Discrimination in Employment Act (ADEA), 29 U.S.C. 626(a) and 29 CFR 1627.3 – must keep records one year from date of creation or date of personnel action, whichever is longer;
- b. American with Disabilities Act (ADA), 29 CFR 1602.14 – must keep records one year from date of personnel action;
- c. Civil Rights Act of 1964, 42 U.S.C. 2000e-8 and 29 CFR 1602.14, 29 CFR 1602.21 and 29 CFR 1602.7 – for employers with 15 employees or more, must keep records one year from date of application or date of personnel action, whichever is longer;
- d. Executive Order 11246/0FCCP apply to Federal contractors – must keep records pertaining to hiring criteria – for employer with 150+ employees, for two years – if less than 150 employees, for one year;
- e. Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607.4 – must keep records regarding impact of the employer's hiring practices, including number of persons hired, number of applicants, and the selection criteria utilized, etc., for two years after a determination of an adverse impact;
- f. Statute of limitations for statutory liability actions in Ohio is six years under R.C. 2305.07. Under Ohio law, charges of employment discrimination are brought under R.C. 4112.01, et seq., which requires an aggrieved party to first exhaust his/her administrative remedies before filing a lawsuit; however, there are exceptions which would trigger R.C. 2305.07 and the six years statute.

2	<p><u>Employee Compensation Records.</u> Payroll information; rate of pay; compensation earned each week hours worked and certificates and notices of the Wage and Hour Administrator; collective bargaining agreements; individual contracts; time cards; payroll reports; wage rate tables; work schedules; purchase, shipping, and billing records; pay deductions or additions (bonuses); merit pay; description of pay differentials; cost determination records; vouchers for any payments to employees; job evaluations; seniority systems; age certificates; applications for disability benefits; unemployment claims; job descriptions and merit descriptions; and substitute records</p>	7 years after personnel action or termination, whichever is longer
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- a. ADEA, 29 U.S.C. 626(a) – three years for payroll records or other records containing employee name, address, and date of birth;
- b. Older Worker Benefit Protection Act 29 U.S.C. 626(a) and 626(f) – three years for payroll information;
- c. ADA, 29 CFR 1602.14 – one year – medical records must be kept separately from personnel file;
- d. Civil Rights Act of 1964 – one year for apprenticeship records – limitation period for other records varies - maximum six years under R.C. 2305.07;
- e. Davis Bacon Act, 29 CFR 5.5 – three years for payroll records containing name, address, job classification, rate of hourly, daily and weekly pay, rates of contributions or costs anticipated for fringe benefits – for apprentices, must maintain written evidence of the registration of the apprenticeship programs for three years after completion of contract;
- f. Employee Polygraph Protection Act, 29 CFR 801.30 and 29 CFR 201.35 – three years from date of test;
- g. Equal Pay Act, 29 U.S.C. 206(d) and 29 CFR 1620.32 – two years for wage rates, job evaluations and descriptions, merit or seniority systems and other descriptions;
- h. Executive Order 11246/OFCC P Rules – two years for Federal contractors with over 150 employees, and one year for Federal contractors with less than 150 employees;
- i. Fair Labor Standards Act (FLSA), 29 U.S.C. 211, 29 CFR 516.5 and 516.6 – must maintain name, job symbol, address, date of birth, occupation, information about hourly rate, hours worked each day, total weekly straight time, earnings, overtime, additions or deductions to wages, dates of payment or pay period, and purchase and sales orders for three years for hourly employees. Employer must keep basic earnings card, wage rate tables, work time schedule and customer order and invoices for two years. Employer must keep age certificates for minor employees until the date of termination of employment of a minor;
- j. Family and Medical Leave Act (FMLA), 29 CFR 825.50 – must keep detailed pay rate and employee identification, date of birth, designation of leave dates, hours of FMLA, and notices regarding FMLA for three years. Medical records must be kept confidential and separate from personnel records;
- k. Federal Unemployment Tax (FUTA) – annual records showing total wages for each employee, amount of taxable pay, etc. – four years after tax is paid under Treas. Reg. 1.6001-1. However, the information can be used to support the employer's tax records, and the statute of limitations for non-payment or underpayment of taxes in some instances can be extended beyond the normal three years to six years for civil or criminal violations, IRC 6501 et seq. Therefore, it is recommended that the records be kept for six years plus the current year;
- l. Internal Revenue Code – records about employees, their Social Security numbers, and records for remuneration must be kept for six years, plus the current year, as explained above.
- m. Social Security Act – four years, although it is recommended that the records be kept for six years, plus the current year, as explained under FUTA above;
- n. FICA – six years as explained under FUTA above;
- o. Ohio statute of limitations for actions charging violation of wage and hour laws and minimum wage is two years from the date the cause of action accrues.

3	Immigration 1-9 Forms	3 years after hire or 1 year after termination, whichever is longer
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- a. Immigration Reform and Control Act, 8 CFR 274a(2)(A) – must keep separate from personnel file.

4	Employee Benefit Plan Documents and Collective Bargaining Agreements	Until expired or superseded, plus 8 years
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- a. ADEA, 29 U.S.C. 676 – must keep employment benefit plans until they expire or are superseded, plus one year;
- b. Statute of limitations for bringing actions under ERISA for breach of fiduciary duties is six years. There is no specific statute of limitations for ERISA actions other than breach of fiduciary duties (i.e., benefits), but courts typically apply the most analogous state statute. The statute of limitations for bringing an action on a written contract under Ohio law is eight years;
- c. Health Insurance Portability and Accountability Act (HIPAA) – must keep employee medical records for six years from the date of creation or date when record was last in effect, whichever is later.

5	Pension and welfare benefit records to determine eligibility for benefits	Keep as long as needed to determine eligibility – for 8 years after termination based on contract claims for participants and indefinite for beneficiaries
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- a. Employee Retirement Income Security Act Section 209, 29 U.S.C. 1059;
- b. Employee Retirement Income Security Act Section 107, 29 U.S.C. 1027 – six years for records supporting matters disclosed on any filing; ERISA Section 413 governs actions for breach of fiduciary duties – these actions must be brought within six years of last action constituting the breach or three years after the discovery of the breach. ERISA does not specify a limitation period for other actions but most courts rely on the most analogous state statute of limitations. The Ohio statute for a contract action is eight years.

6	COBRA related documents	Keep as long as particular employee is covered by COBRA, plus follow periods under #5 above
7	Occupational Safety and Health Act (OSHA work-related injuries)	a. OSHA 200 or 300 log – must be logged within 2 days, must be retained for 5 years b. OSHA 101 or 301 report – retain for 5 years c. Form 300A – totals for the calendar year – retain for 5 years.
8	OSHA Employee medical records pertaining to work-related conditions, including those prepared by outside doctors	Keep for length of employment, plus 30 years
9	Additional Employer-Specific OSHA requirements (i.e., noise, chemicals, etc.)	Must consult OSHA regulations
10	Public Employment Risk Reduction Program (PERRP)	5 years following the year that records cover

11	Form EEO-1 (Employers with 100 or more employees)	Copy of most recent report for each reporting unit must be retained always be retained
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Building and Operational Records

1	School Emergency Management Plan (not a public record)	Until superseded, plus 8 years
2	Tornado and fire drill records	1 year
3	Building health inspections	Until superseded, plus 2 years
4	Environmental reports and data (asbestos, etc.)	4 years
5	Asset inventory	Until superseded
6	Repair, installation, and maintenance records	8 years
7	Equipment warranty/guarantee	Life/warranty of equipment or 8 years, whichever is longer
8	Vehicle registration	Life of vehicle, plus 1 year
9	Transportation records, vehicle records	4 years
10	Staff and student handbooks	Until superseded, plus 1 year
11	Administrative regulations or procedures	Until superseded, plus 1 year
12	School calendars	2 years
13	Field trip forms, volunteer driver forms	2 years

Tax and Business Records

1	Depreciation schedules and documents supporting depreciation decisions	Must keep for entire period of depreciation, plus 7 years
2	Capital gain and all documents supporting taxpayer's determination of basis, including receipts, purchase orders, invoices, etc.	Must keep for full period that property is maintained, plus 7 years
3	Federal, state, and local tax returns, and any documents supporting the returns, tax audits, and adjustments	7 years

- a. IRC 6501(a) and 6501(e) govern the limitation period under the Internal Revenue Code – three to six years;
- b. Ohio's limitation period is four years.

4	Monthly trial balances, worksheets, accounts payable, receivables	Keep at least 7 years. Some records may have to be kept longer depending on the type of documents they support
5	Receipts, deposit slips, budget/appropriation records, sales records	4 years
6	Annual Reports - Audit Reports, Ledgers	Permanent
7	Payroll Earning Records, W-4's and 1099 Misc.	7 years
8	Worker's Compensation	10 years after financial payment made

- a. Federal recommendation Treas. Reg. 1.6001-1 – four years;

- b. Statute of limitation period for tax collection is three to six years;
- c. Ohio limitation period is four years.

9	State and federal grant files	10 years
10	Food service records – menus, food production, milk sold, students served, cash register tape, daily reports, free and reduced lunch reports, inventories,	4 years
11	Unsuccessful bids and specifications	1 year
12	Purchase orders, invoices, successful bids, agreements, contracts, leases, rental information (use of facilities), notes	8 years after expiration date

- a. The limitations period for written contracts under Ohio law is now eight years, therefore any document that would support a contract must be kept for the length of the contract plus the limitation period.

13	Minute books, agendas, charter, by-laws, etc.	Permanent
14	Board Meeting Notes	Until superseded
15	Board policy books and other adopted policies	Until superseded, plus 1 year
16	Correspondence	Depends on the underlying reasons for the correspondence. If it supports a contract, keep for 8 years. If it is simple, ordinary course, keep for 4 years.
17	Deeds, bills of sale, blueprints, capital stock certificates	Permanent
18	Trademarks, registrations, and copyrights	Permanent
19	Court decisions, claims, and litigation documents	Permanent
20	Civil rights, civil services, and disciplinary reports	Permanent
21	Insurance policies	15 years after expiration, provided all claims settled
22	Record disposal forms	10 years

Student Records

Student records are not public records because the release of these records is prohibited by the Family and Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. However, the School retains student records under the following schedule. If a student transfers to another school, the School shall maintain student records according to this schedule.

Notwithstanding any time listed in the retention schedule, a record may not be destroyed if there is an outstanding student or parent request to inspect the file. *See* 34 CFR 99.10(e).

1	Student enrollment records, applications, birth certificates, withdrawal, and attendance records	1 year from withdrawal or graduation
2	Grades and transcripts, activities records, individual test results, foreign exchange records, and disciplinary records	If student graduates from this School, permanently. If student withdraws before graduation, for 1 year after records are transferred.
3	Free and reduced price lunch application	4 years
4	Student emergency information, health/medical records, accident reports	2 years after withdrawal or graduation from the School

5	Records of students receiving services under IDEA: name, address, telephone number, grades, attendance record, intervention records, classes attended, grade level completed, year completed, all due process or other notices, and all IEPs or other plans	2 years after students expected date of graduation from any school
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- a. 34 CFR 300.573, OAC 3301-51-04 – school must inform parent when personally identifiable information that was collected, maintained, or used under Part B of IDEA is no longer needed and when it is destroyed

Investigations

Records subject to an investigation or the subject of a claim must be retained for as long as the claim or the investigation remains pending and can thereafter only be discarded after consultation with legal counsel.

Storing E-mail Records

For purposes of records retention, it is acceptable to store e-mails: (1) in the current e-mail system; (2) in an electronic format (e.g., in a file on a local hard drive); or (3) by saving paper print outs in a filing system.

In order to ensure that someone in the corporation takes responsibility for maintaining the e-mail records during the retention period, the corporation shall choose one of the following procedures:

1. The individual who sends an e-mail maintains the “record” copy. If an e-mail is received from someone outside the organization, the recipient should retain it.
2. A mailbox is for individuals sending out email to copy (cc) when email is sent.

Appendix 147-E
Standard Request for Public Records Form

Date of Request: _____

Name of Requester: _____

Identity must be provided when requesting student director information in order to ascertain whether information is intended for use in profit-making plan or activity

Requester Address: _____

Requester Phone: _____

Requester Email: _____

Description of Records Sought: _____

(For Internal Use Only)

Date Request Received: _____

Request Received By: _____

Request Logged (circle): YES NO

Request Acknowledged (circle): YES NO

Method of Acknowledgement: _____

Tracking Number: _____