

Business Operations

Records Management and Disposition

1. General Standard

Records should generally be organized, managed, retained, and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.

2. Records Officer

The Superintendent or the Superintendent's designee is hereby designated as the records officer of the District for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.

3. Electronic Records, Messages, and Data

District records may be created, stored, and maintained in paper or electronic format. Electronic records may include, but are not limited to:

- a. Email and other electronic communications;
- b. Digital documents and databases;
- c. Audio and video recordings; and,
- d. Cloud-based and third-party hosted data.

Electronic communications, documentation, and data are district records when they relate to district business and will be retained in accordance with the applicable record retention schedules. Due to system storage limitations, certain categories of electronic data (such as surveillance video or system logs) may be retained for shorter periods than other records, unless required to be preserved by law or otherwise determined by the Superintendent or the Superintendent's designee. The District will implement reasonable measures to ensure that electronic records remain accessible, retrievable, and secure for the duration of their required retention period. Employees are responsible for retaining records within their control when they are aware, or reasonably should be aware, that such records may be subject to a records request, audit, investigation, or possible litigation.

~~Electronic messages are communications using an electronic system for the conduct of district business internally, between other state and local government agencies, and with parents or guardians, students, patrons, and others in the outside world. These messages may be in the form of email, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and email are used, depending on the context, to mean the same thing. The District's electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:~~

- ~~e. End-User Management. End-user means anyone who creates or receives electronic messages on the District's electronic system. Electronic messages are~~

~~to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing, and disposing of records that are part of his or her desktop computer.~~

- ~~f. Retention of Emails. The District utilizes an electronic management system that allows for all emails to be archived. By utilizing this service, the District intends for all non-deleted emails to be archived indefinitely and deleted emails to be archived for no more than two years, which complies with all legal retention requirements. Regardless of the electronic management system, the Board does not authorize any employee to destroy, hide, or corrupt any school district email, or attempt to circumvent this email retention expectation.~~
- ~~g. Transitory Messages. Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts, unwanted and unneeded "junk" mail, "personal" mail for employees not related to school business, unsolicited sectarian, religious, partisan, political, or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.~~
- ~~i. Records with Less Than Permanent Retention Periods. These records are governed by the retention period for equivalent hard-copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard-copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.~~
- ~~ii. Permanent/Archival Retention Records. These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency, and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.~~
- ~~c. Proper Use of Electronic Messages~~
- ~~i. Non-Discrimination. Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, or sexual preference, promote sexual harassment, or to promote personal, political, or religious business or beliefs.~~
- ~~ii. Permissible Use. Electronic messaging is to be used only for purposes that are consistent with the mission of the District. Electronic messaging is not~~

~~permitted to be used for personal purposes except for incidental, intermittent, or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates district business.~~

~~iii. Conduct. Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.~~

~~iv. Other Regulations. Electronic messaging is subject to all requirements of the District's Board Policy 6800—Internet Safety Policy and may be monitored and accessed at any time without prior notice. The District has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all Board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.~~

~~4. Electronic Records~~

~~All books, papers, documents, reports, and records kept by the District may be retained as electronic records. Minutes of the meetings of the Board may be kept as an electronic record.~~

5. Litigation Holds

When litigation against the District or its employees is filed or threatened, the District will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will in particular be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as the District is made aware of pending or threatened litigation, a litigation hold directive will be issued by the records officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted. Email and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the records officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system. Such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

6. Settlement Agreements

A public written or electronic record of all settled claims shall be maintained.

The record for all such claims settled in the amount of \$50,000 or more (or one percent of the total annual budget of the District, whichever is less) shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the District or on its behalf. Any such settlement agreement shall be included as an agenda item on the next regularly scheduled public meeting of the Board for informational purposes or for approval if required.

Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute.

The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

Legal Reference: [Neb. Rev. Stat. §§ 84-712 to 84-712.09](#)
[Neb. Rev. Stat. §§ 84-1201 to 84-1227](#)
[Laws 2010, LB 742](#)
[Schedule 10: Records of Local School Districts \(Feb. 1989\)](#)
[Schedule 24: Local Agencies General Records \(March 2005\)](#)
[Electronic Imaging Guidelines \(March 2003\)](#)

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