

# **Revisions to the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)***

*Local governments may not apply these revisions until the LGS-1 has been adopted. If adopted by the local government's governing board, the LGS-1 supersedes and replaces Schedules CO-2, MU-1, MI-1, and ED-1, previously issued by the State Archives. If your local government has already adopted the 2020 version of the LGS-1, then no further action is needed to use the updated 2022 version.*

*Items listed here are either new to the LGS-1 or have been substantively changed from the previous editions. They may have longer or shorter retention periods, additional parts, or additional or revised explanatory notes. This document includes both 2020 and 2022 revisions to the LGS-1. Please note these changes carefully on your office schedules and/or inventory or records control forms.*

## **Overall Changes/Introduction**

### **2020 Revisions**

- Consolidated Schedules CO-2, MU-1, MI-1, and ED-1 into a new LGS-1 Schedule. This allows expanded use of items by various local governments and ensures that schedule items are consistent for various local governments.
- Added a new requirement that local government must adopt the LGS-1 Schedule prior to using it even if the local government had previously adopted Schedules CO-2, MU-1, MI-1, or ED-1. The LGS-1 will supersede existing local government schedules and be issued August 1, 2020. Local governments will have until January 1, 2021 to adopt it. A model resolution will be available in the introduction to the Schedule and as a separate document on the State Archives website.
- Assigned new unique numbers to each item. There are references to former schedule numbers for each item. In addition, there are plans to provide a spreadsheet and database with cross references to the new and old item numbers on the State Archives website.
- Added a reference to NYS Department of Health's vital records (e.g., birth, marriage, death, and burial transit records) to introduction, along with a summary of their retention and disposition requirements.
- Confirmed with New York City Department of Records and Information Services (DORIS) that retention periods for records of New York City public administrators are established by the DORIS. All other public administrators should follow the retention periods in the LGS-1.
- Removed references to specific types of media (e.g., videotapes) and made media neutral (e.g., video recordings).
- Updated references to Office of Victim Services (formerly Crime Victims Board), New York State Joint Commission on Public Ethics (formerly NYS Commission on Lobbying), NYS Gaming Commission (formerly NYS Racing and Wagering Board), Office of Real Property Tax Services (formerly Office of Real Property Services), and SED ACCES (formerly SED VESID).

- Ensured consistency with State General Schedule and agency-specific schedules where appropriate.
- Eliminated the “Miscellaneous” section and added items to the “General Administration” section. Some items from the “County Clerk” section were also added to the “General Administration” section.
- Updated legal references as appropriate.
- Updated references to specific forms.

## **General Administration**

*See also “County Clerk” and “Miscellaneous”*

### **2022 Revisions**

- 43: Corrected omission of cross references to previous schedule items, including CO-2 992; MI-1 612, 856; and LGS-1 254,

### **2020 Revisions**

- Renamed this section, formerly titled “General.”
- 3 (CO2 736; MU1 331): Added separations and annulments to out-of-state or other unofficial vital records item.
- 8 (CO2 367; MU1 338; ED1 172; MI1 282): Added a reference to disadvantage-owned business (DBE) records to the existing minority and women-owned business (MWBE) records item.
- 9 (CO2 169; MU1 330): Added an appraisal note to chattel mortgages item.
- 12: Added a new item for local governments who operate raffles, lotteries, or other fundraising game or events (rather than those that license the operation of those games by organizations per Games of Chance/Bingo/Lottery section).
- 27 (CO2 865; MU1 890; ED1 140; MI1 737): Increased the retention period for child abuse reports relating to sexual offenses to age 55 based on Child Victims Act.
- 35: Added a new item for "notices of appearances" which are notices filed by persons appearing before a governing body in the capacity of representing another party.
- 37: Added a new item to cover copies of court orders of protection for student or employee at school or place of employment.
- & 48 (CO2 3; MU1 3; ED1 3; MI1 3): Added a subitem to meeting files item to clarify and reduced retention of meeting notes.
- 49: Added a new item for internal meeting records or those meetings not governed under Open Meetings Law.
- 50: Added a new item to cover records of external group meeting files where employee is a representative of the government.
- 51 (CO2 2; MU1 2; ED1 2; MI1 2): Added a note to voice recordings of meetings or hearings item: industrial development agencies must post recordings on website for at least 5 years. Increases retention period for industrial development agencies only.
- 69 (CO2 720; MU1 654; ED1 398; MI1 582): Increased the retention period to 5 years from 3 years for records covering photocopying and other reproductions. Satisfies the

statute of limitations for criminal litigation involving copyright infringement (17 USC §507(b)).

- 72 (CO2 719; MU1 653; ED1 314; MI1 581): Split existing items into subitems. Retention periods stayed the same.
- & 81 (CO2 722; MU1 655; ED1 400; MI1 584): Added new subitem to the training course information records item to allow for Continuing Teacher and Leader Education (CTLE) sponsors courses and workshops that have an 8-year retention period which increases the retention period. Eligible entities include school districts, BOCES, teacher centers, local governments, and colleges/universities. All other training has same retention period as previously (“0 after superseded or obsolete”).
- 82 (CO2 723; MU1 656; MI1 585): Reduced the retention period for course registration records from 3 years to 0 after no longer needed. Made consistent with similar item in State General Schedule.

## **Aging or Senior Services**

### **2020 Revisions**

- 85 (CO2 36; MU1 36): Increased the retention of client files for cases involving minors.
- 86: Added a new item for records of nutrition providers. Such providers are typically non-government and are regulated by the local government office for the aging, but in some cases these providers can be local government offices.

## **Archives/Records Management**

### **2020 Revisions**

- 88 (CO2 38; MU1 38; ED1 36; MI1 34): Added a new subitem to the records disposition documentation item to include lists of records that have inadvertently been destroyed. 16 NYCRR, Sect 733.9 requires that a record be created each time records are destroyed or lost before their retention period expires and that a copy of this record be sent to the Public Service Commission.
- 91 (CO2 41; MU1 41; ED1 39; MI1 37): Made the retention period the same for returned or not returned materials (3 years after records have been removed from storage or returned following retrieval). The retention period is increased for returned materials.

## **Attorney, Counsel, or Public Defender**

### **2020 Revisions**

- 95 (CO2 159; MU1 45; ED1 50; MI1 41): Added a clarifying note regarding video and audio recording evidence to legal case file item.
- 99: Added new item to cover evidence logs, based on review of the draft legal section of State General Schedule.
- 101: Added new item to cover subpoenaed records, based on review of the draft legal section of State General Schedule.

## **Building and Property Regulation**

### **2020 Revisions**

- 109 (CO2 53; MU1 59; MI1 590): Added a new subitem to housing maintenance or building inspection records to accommodate minor building issues.
- 112 (CO2 54; MU1 60; MI1 593); 123 (CO2 429; MU1 401; MI1 344); 129 (MU1 650): Made building permits, mandatory planning review, and zoning types of records consistent by adding a new subitem for incomplete applications.
- 117: Added a new item to cover escrow accounts related to building projects. Builders and developers set up escrow accounts from which municipal professionals are paid for reviews and inspections that they perform.

## **Civil Defense/Disaster Preparedness**

### **2020 Revisions**

- 140: Added a new item to cover test evacuation and mock disaster response records.
- 141: Added a new item to cover disaster preparedness and emergency management training materials.
- 142: Added a new item to cover dam safety records.
- 146 (CO2 61; MU1 74; MI1 136): Added a new subitem to disaster response and damage files to cover emergency distribution records for food, medical and other supplies, and equipment.
- 147: Added a new item to include Federal Emergency Management Agency (FEMA) grants and a new cross reference to “general” grant records item.

## **Community College**

### **2022 Revisions**

- 200a: Corrected typographical error in notes: item no. 219, not 174, should be referenced.

### **2020 Revisions**

- 155: Added a new item to cover assignment of program (AOP) lists showing cumulative teaching hours and used in the assignment and selection of courses to teach.
- 182: Added new item to cover new requirements brought about by changes to the Campus Security Act (Clery Act (20 USC 1092(j)) including fire safety disclosure records for on-campus student housing.
- & 198 (CO2 1032; MI1 891):
  - Increased the retention period to 6 years for notice of availability of the annual security report and crime logs subitems within campus safety item per U.S. Department of Education, Office of Postsecondary Education's The Handbook for Campus Safety and Security Reporting, Chapter 9.
  - Added two new subitems to the campus safety item to cover new requirements brought about by changes to the Campus Security Act (Clery Act (20 USC

1092(j)) including missing person notification policy and procedures and emergency response and evacuation policy.

- 203: Reinstated the “radiation use log” item that appeared in previous schedule editions within this section.
- 205 (CO2 71; MI1 60): Increased the retention period of applicants who apply to community college who are not accepted or do not attend per 8 NYCRR 605.3(b)(2) (i.e., from 2 years to 3 years).
- 208 (CO2 1037; MI1 896): Updated the student information system item to clarify retention period for student basic information and financial aid data.
- 218: Added a new item to cover class assignments, homework, and the like.

## **Community Development/Urban Renewal**

### **2020 Revisions**

- 226 (CO2 1046; MU1 333; MI1 279): Added a new subitem to lower income housing rental assistance records item to cover monthly reports. Removed MU1 333 item from Miscellaneous section.

## **Cooperative Extension Association**

### **2022 Revisions**

- 244, 245, 246, 247, 248, 249: Updated references to Expanded Food and Nutrition Education Program (EFNEP) and removed references to Eat Smart New York (ESNY).
- 245: Increased retention period from 1 year to 6 years as advised by Cornell University to reflect policy and program requirements.
- 254: Eliminated item as it has been superseded by item no. 43.

### **2020 Revisions**

- 244 (MI1 602); 245 (MI1 603); 246 (MI1 604); 247 (MI1 605); 248 (MI1 606); 249 (MI1 607): Updated references to Expanded Food and Nutrition Education Program (EFNEP) to Supplemental Nutrition Assistance Program Education (SNAP-Ed) or Eat Smart New York (ESNY).
- 259: Added a new item for 4-H membership records.

## **County Clerk**

### **2022 Revisions**

- 280b: Eliminated the authorization that assignments of mortgages can be destroyed after a period of time. Instead, the revised item will specify that such assignments of mortgages should be managed consistent with item no. 320, which requires permanent retention.
- 291a: Restored the word “mortgage” from retention which was erroneously cut off.

## 2020 Revisions

- Moved some items to General Administration section:
  - 1 (CO2 186; MU1 335; MI1 281): census records,
  - 3 (CO2 736; MU1 331): out-of-state or other unofficial vital records,
  - 4 (CO2 738; MU1 743): domestic partnership statement,
  - 6 (CO2 182; MU1 740): assumed business name certificates,
  - 7 (CO2 189; MU1 741): register of professions,
  - 9 (CO2 169; MU1 330): chattel mortgages and conditional sales,
  - 34 (CO2 195; MU1 742): notary public and Commissioner of deeds.
- 277 (CO2 734): Expanded scope of NYC lien records item to all local governments.
- 279 (CO2 176): Eliminated “expiration” as a retention event for notice of public welfare lien item.
- 280 (CO2 177): Revised the assignment of real and personal property item and building loan item to eliminate the authorization that assignments of mortgages, which were previously covered by CO-2 Schedule item 177b, can be destroyed after a period of time. Instead, the revised item will specify that such assignments of mortgages should be managed consistent with LGS-1 item 320 (CO2 211), which requires permanent retention. No changes were made to item 320.
- 291 (CO2 183): Revised the assignment of real and personal property item and building loan item to eliminate the authorization that assignments of mortgages, which were previously covered by CO-2 Schedule item 177b (LGS-1 item 280), can be destroyed after a period of time. Instead, the revised item will specify that such assignments of mortgages should be managed consistent with LGS-1 item 320 (CO2 211), which requires permanent retention. No changes were made to item 320. Reduced retention period for indexes.
- 300 (CO2 194): Added language to the description of the item to include certificate of honorable discharge of an exempt volunteer fireman. Also increased the retention period from 2 years to 5 years. If a volunteer fireman serves a full 5-year term, he/she is entitled to an honorable discharge.
- 302 (CO2 197): Reduced retention period for passport transmittal records item to 2 years per a “Passport Agent’s Acceptance Guide” issued by U.S. Dept. of State, Bureau of Consular Affairs, Office of Passport Services.

## Dog Identification and Control

### 2020 Revisions

- Removed references to Department of Agriculture and Markets. As of January 1, 2011, the New York State Department of Agriculture and Markets no longer provides dog tags, issues license renewals or maintains dog licensing data. Municipalities that were authorized to issue dog licenses assumed the dog licensing functions.
- 327 (CO2 219; MU1 163): Removed “copy” from series title for dog license item as local governments now hold the originals.
- 328 (CO2 220; MU1 164): Clarified the retention event for affidavit for spayed or neutered dog to be “no longer needed.”

- 331 (CO2 223; MU1 167): Expanded the scope of reports to include animal population and control program and surcharge fees.
- 336 (MU1 667): Clarified the retention event for reports of rabies vaccinations so it reads “3 years after receipt or after certificate expires.”

## **Election**

### **2020 Revisions**

- Added the following section note: items in this section pertain to elections not conducted as part of a general election. NYS Election Law § 1-102 states that the provisions of the law apply to elections “at the time of a general election.” General elections occur on the first Tuesday of November and are usually administered by county boards of elections. Elections occurring any other time of the year would not be considered a general election (often called "special election") and would be administered by municipalities or school districts.
- 362 (MU1 175; ED1 69; MI1 139): Added a new subitem for registration challenge records.
- 363 (MU1 176; ED1 70; MI1 140): Added a new subitem to cover unused general election ballots which must be retained a minimum of 6 months and, if a school election, after board of education resolution.

## **Electric and Gas Utility**

### **2020 Revisions**

- Added the following section note: this section covers records of a local government that generates its own power and/or operates its own electric and gas utilities.
- 376: Added a new item covering resident application to connect to municipal electric system which would mirror that of LGS-1 item 440 which covers the public water supply connection application process.
- 384: Added a new item to cover cash books.
- 385: Added a new item to cover "life or mortality study data [created] for depreciation purposes." 16 NYCRR 733.14(e) requires this be retained permanently.

## **Energy**

### **2020 Revisions**

- 391 (CO2 805; MU1 711; MI1 685): Clarified the retention event for weatherization client case files.
- 395 (CO2 809; MU1 715; MI1 689): Increased the retention period for interagency referral form from 1 to 6 years.

## **Environmental Health**

### **2020 Revisions**

- Ensured that stormwater systems are covered by items in this section. Some stormwater systems are separate from sewer systems.
- 397 (CO2 237; MU1 205; MI1 168): Added a new rabies subitem to cover wildlife vaccination records. Aligns with 10-year records retention requirement in United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), retention schedule for Animal Diseases.
- 400: Added a new item to cover junk yard license records.
- 404: Added a new item to include inspection and health risk assessments for residential or commercial properties with a minimum of 1,100 gals. of oil or gasoline on the site that must be registered and monitored.
- 411: Added a new item to cover radon detection records.
- 417: Expanded scope of environmental restoration project records item to include other "environmental remediation" projects under 6 NYCRR 375, such as brownfield cleanup programs, inactive hazardous water disposal sites, and state and federal Superfund sites.
- 418: Added a new item to cover local climate action plans.
- 423: Added a new item to cover retention of utility company petitions.
- & 426 (CO2 273): Added a new subitem to the community sanitation reports of operation and inspection item to allow earlier destruction of routine operation reports after 1 year (from 21 years). Item was erroneously not marked as revised.
- 439: Added a new item to cover audio-visual files, including video inspection of environmental facilities, public water supply, and wastewater disposal systems.
- 441 (CO2 822; MU1 230; MI1 188): Added a new subitem to cover records of annual inspection of each bottled and bulk water facility for certification purposes.
- 443 (CO2 824; MU1 231; MI1 189): Added a new subitem to reports regarding the public water supply for septic tank cleaner reports.
- 454 (CO2 835; MU1 881; MI1 708): Reduced the retention period from 10 years to 7 years for solid waste tonnage reports for solid waste management facilities. Confirmed with DEC that 6 NYCRR 360-1.14.(i) clearly stipulates a 7-year retention period for these reports (part a.). Also, reduced retention of subitem b. to 7 years and increased retention of subitem e. to 7 years.

## **Executive**

### **2020 Revisions**

- Added a new section called "Executive" which replaces the various executive-related sections.
- 471 (CO2 217; MU1 581; ED1 33; MI1 198):
  - Folded all the various executive items into one item, including city or village mayors, town supervisors, county executives, managers, or administrators, county sheriffs, police chiefs, and school superintendents.
  - Added calendar to the description of executive's office files.

## **Fiscal**

### **2022 Revisions**



- 513: Added cross references to CO-2 605, MU-1 567, ED-1 265, and MI-1 504.

## **2020 Revisions**

- Added a note to introduction regarding False Claims Act
- Removed a note at beginning of Banking and Investment section. Sect. 239.7 of the Banking Law was repealed in 2002.
- Added a note to the Payroll subsection: The copy of payroll, or payroll report, submitted to civil service office for certification or approval, is covered by item no. 685 in the Personnel/Civil Service section, Civil Service subsection. Employee benefit records, including declination statements for insurance plans and retirement systems, are covered by item no. 645 in the Personnel/Civil Service section, Personnel subsection.
- 476 (CO2 297; MU1 264; ED1 110; MI1 218): Expanded scope of canceled check item to include “stop payment notices” and to include or “instances of lost or stolen checks, and misdirected financial institution transactions.”
- 477: Added a new item to cover checks scanned and deposited to bank account.
- 499 (CO2 313; MU1 280; ED1 126; MI1 234): Revised to remove subitems a. and b. and keep only the 6-year retention period to reflect repeal of Sect. 239.7 of the Banking Law which prohibited most local governments from depositing monies in a savings bank.
- 509 (CO2 284; MU1 252; ED1 101; MI1 206): Corrected description for notice of encumbrance item to state "unencumbered" rather than "encumbered."
- 510 (CO2 285; MU1 253; ED1 102; MI1 207): Clarified disposition for past due account fiscal records and summaries by adding "or otherwise closed."
- 511: Added a new item in General Accounting and Miscellaneous subsection to cover case files for each account containing court-controlled funds held by the fiscal office.
- 513 (CO2 287, 605; MU1 255, 567; ED1 104, 265; MI1 209, 504): Expanded the abstract of receipts, disbursements, and claims item by consolidating “abstract” and “list” items.
- 516 (CO2 290; MU1 258; ED1 107; MI1 212): Expanded sales tax records item to include occupancy tax records.
- 523: Added a new item to cover tuition reimbursement records for training related and unrelated to an employee's job.
- 531 (CO2 379; MU1 352; ED1 186; MI1 298): Clarified the description of employee's salary garnishments item to include pension loan paybacks and time buybacks and retention event to cover garnishments that were executed and withdrawn.
- 532 (CO2 380; MU1 353; ED1 187; MI1 299): Clarified the description of employee’s voluntary payroll deduction records to include deferred compensation and health saving account requests.
- 538 (CO2 386; MU1 359; ED1 193; MI1 305): Added a note to payroll report submitted to external retirement systems that local governments may wish to retain the records longer for social security or retirement documentation purposes.
- 539, 540, 541, and 542 (CO2 387, 388, 389, 390; MU1 360, 361, 362, 363; ED1 194, 195, 196, 197; MI1 306, 307, 308, 309): Fixed the discrepancy in retention periods between CO-2/MI-1/ED-1 Schedule items for employer's copy of federal tax return, employer’s copy of U.S. Internal Revenue Service tax forms, Employee's Withholding Exemption Certificate, and employer’s copy of NYS income tax records (4 years) and

MU-1 items (5 years). Retention period is now 4 years; a reduced retention period for former MU-1 users.

- 543: Added a new item to cover requirements found in Governmental Accounting Standards Board (GASB) 45 and 75. GASB 45, or GASB Statement 45, is an accounting and financial reporting provision requiring government employers to measure and report the liabilities associated with other (than pension) postemployment benefits (or OPEB). Reported OPEBs may include post-retirement medical, pharmacy, dental, vision, life, long-term disability and long-term care benefits that are not associated with a pension plan.
- 547 (CO2 599; MU1 561; ED1 259; MI1 498): Added requests for proposals, vouchers, and bills to description of purchasing file item. Also added "equipment" to list of purchasing file item (e.g., materials, supplies, services, and equipment).
- 1170: Added a new item for Budget subsection regarding school budget notices mailed to voters and residents.
- 1171: Added a new item to cover records of universal telecommunications and information services (E-rate) program for schools and libraries.
- 1172: Added a new item to cover student financial aid records.

## **Human Rights/Economic Opportunity**

### **2022 Revisions**

- 575: Added double diamond symbol as single diamond symbol was erroneously omitted from 2020 LGS-1 version. This item was revised in 2020 and revisions are noted below. No other revisions were made to 2022 version.

### **2020 Revisions**

- 573 (CO2 323; MU1 294; ED1 141; MI1 244):
  - Reduced the retention period of case file to 3 years to be consistent with recent reduction in retention period for NYS Division of Human Rights (DHR) case files. The original retention period of 6 years was established to coincide with DHR case files retention period.
  - Revised the case file description to exclude summary record which is covered under another item. Standardized the case files item across all four schedules.
- 575 (CO2 854; MU1 733; ED1 331; MI1 731): Reduced the retention period of periodic statistical or narrative activity or progress reports to 3 years based on EEO-04, Title 29, Ch XIV, CFR, Sect. 1602.32

## **Information Technology**

### **2020 Revisions**

- Renamed the “Electronic Data Processing” section to “Information Technology.”
- 1303, 1308, 1317 (CO2 769, 774, 782; MU1 675, 680, 688; ED1 411, 416, 425; MI1 649, 654, 662): Made items consistent with similar items in State General Schedule.

- 1310 (CO2 776; MU1 682; ED1 418; MI1 656): Reduced the retention period for backup tapes and expanded to include other incremental backup periods.
- 1312 (CO2 1021; MU1 862; ED1 420; MI1 879): Reduced the retention for computer system security records from 10 to 6 years.
- 1313 (CO2 778; MU1 684; ED1 421; MI1 658): Reduced the retention period to “0 after 2 system backup cycles” for system/network usage files.
- 1316 (CO2 781; MU1 687; ED1 424; MI1 661): Struck language that seemingly requires retention of the original records by the program unit as well as the IT unit for the “input records” item. Deleted language which indicates these are only for centralized data entry operations, as well as implication that records need to be kept by original unit.
- 1318 (CO2 783; MU1 689; ED1 426; MI1 663): Reduced the retention period to “0 after 2 system backup cycles” for processed transaction files.
- 1320 (CO2 785; MU1 691; ED1 428; MI1 665): Reduced the retention period to “0 after 2 system backup cycles” for audit trail files.
- 1333: Added a new item to cover security breach notifications.
- 1340 (CO2 803; MU1 709; ED1 447; MI1 683): Reduced the retention period to “0 after 2 system backup cycles” for Internet services logs.
- 1341 (CO2 804; MU1 710; ED1 448; MI1 684): Reduced the retention period to “0 after 2 system backup cycles” for employee Internet use logs.

## **Insurance/Self Insurance**

### **2020 Revisions**

- 577 (CO2 326; MU1 297; ED1 151; MI1 247): Added a new subitem to workers' compensation case records item to address financial records and allow their earlier destruction.
- 579 (CO2 328; MU1 299; ED1 153; MI1 249): Eliminated "until the report on examination is filed" retention event for the insurance policy item.
- 582 (CO2 329; MU1 302; ED1 156; MI1 252): Expanded certificate of insurance item to include waivers of liability. Item was erroneously not marked as revised.

## **Library/Library System**

### **2022 Revisions**

- Eliminated section note which referenced school and BOCES libraries and school library systems and is no longer relevant.

### **2020 Revisions**

- 595: Added a new item for library card application records.
- 596: Removed interlibrary loan records from borrowing or loaning records item and made them a separate item (see 597).
- 597: Added a new item to cover interlibrary loan records.

- 603: Added a new item to cover program and exhibit records including program enrollment lists and parental consent records.

## **Licenses and Permits**

### **2020 Revisions**

- 606 (CO2 365; MU1 315): Expanded description of the types of licenses and permits covered and added a note that junk yard license records are covered under item 400 in the Environmental Health section.
- 609 (MU1 318): Revised the notice of intent to apply for alcoholic beverage license item to reflect change in Alcoholic Beverage Control Law §110-B so that renewals do not have to be submitted to the Town Clerk, only new alcoholic beverage licenses are submitted to towns. NYC locations do still have to send in their renewals.
- 610 (CO2 165; MU1 319): Clarified the description of conservation licenses which could include “sporting” or “marine” licenses and added three new subitems: (1) covers application, stub, copy or abstract of licenses issued and regulated under local laws, rules, or regulations (as opposed to those regulated under DEC); (2) covers Certification of Military Active Service Status form; and (3) covers other records created or maintained for administrative convenience that do not relate to the fiscal transaction.

## **Miscellaneous (now part of General Administration section)**

### **2020 Revisions**

- Removed lower income housing rental assistance records to Community Development/Urban Renewal section (MU1 333). This item already existed in this section within the CO-2 and MI-1 Schedules.
- 9 (CO2 169; MU1 330): Added an appraisal note to chattel mortgages item.

## **Museum**

### **2020 Revisions**

- 626 (CO2 370; MU1 343; ED1 472; MI1 284): Expanded exhibit files item to include program records.
- 1295: Added a new item to cover membership records.

## **Off-Track Betting Corporation**

### **2020 Revisions**

- 635 (MI1 909): Replaced references to Division of the Lottery with NYS Gaming Commission within video lottery gaming item. In 2012, the Gaming Commission took over administration of OTBs from the Division of the Lottery. Replaced references to Sect. 2836-2.3 of 21 NYCRR (repealed) with 9 NYCRR Sects. 5101.2 & 5109.3.

## Personnel/Civil Service

### 2022 Revisions

- 636b: Corrected typographical error in notes: item no. 645 in Personnel section, not Fiscal section, should be referenced.
- 644: Corrected typographical error in series title which should say “Family and Medical Leave Act.”
- 645f: Corrected typographical error in notes: item no. 647, not 646, should be referenced.

### 2020 Revisions

- 636 (CO2 391; MU1 364; ED1 199; MI1 310):
  - Added a new subitem to cover personnel records of local government 3<sup>rd</sup> party contractors (e.g., cafeteria workers) including fingerprint cards and related records.
  - Added a new subitem to personnel case file. Teachers’ personnel files must be retained 7 years per records retention requirement in NYS Education Law §3013.
  - Added a subitem to personnel case file to authorize shorter retention of I-9 forms per 8 CFR 274a.2 (three years after the date of the hire or one year after the date the individual's employment is terminated, whichever is later).
- 639 (CO2 394; MU1 367; ED1 202; MI1 313): Expanded annual or other financial disclosure statements to include ethics disclosure statements.
- 640 (CO2 395; MU1 368; ED1 203; MI1 314): Revised the retention period for training records related to teaching certification. The retention will need to be "6 years after termination of employment, but no less than 7 years for records documenting professional development programs completed by employees in positions requiring teaching certification.”
- Made revisions to fully cover annual professional performance review (APPR) records:
  - 640 (CO2 395; MU1 368; ED1 203; MI1 314): Revised the retention for training records related to teaching certification.
  - 679 (ED1 478): Revised and added a subitem to the professional performance review records item.
  - 680: Added a new item for staff evaluation rating verification report and related statement of confirmation.
- 643 (CO2 398; MU1 371; ED1 206; MI1 317): Increased the retention period for equal opportunity periodic report and records per National School Board Association.
- 644: Added new item to cover Family and Medical Leave Act (FMLA) compliance records.
- & 645 (CO2 399, 851; MU1 372, 725; ED1 207, 343; MI1 318, 723):
  - Increased the retention period for health and life insurance records to 6 years after termination of employee's, dependent survivor's, or beneficiary’s coverage, whichever is later.
  - Renamed the “health and life insurance” item to more broadly cover “employee benefit records” which also includes retirement records, beneficiary designation records, and health insurance pay-out program records.

- Added a new subitem to cover Consolidated Omnibus Budget Reconciliation Act (COBRA) compliance records.
- 647: Added a new item for retirement incentive records.
- 652 & 653: Added new items to cover mini-PERB application and petition records and case files. Local governments, under Section 212 of the Taylor Law, have the option to handle their own public employment relations matters (except improper practice charges, which must be handled by Public Employment Relations Board (PERB)).
- 657 (MU1 382; ED1 217; MI1 328): Clarified the oath of office item to include "public officers."
- 658: Added a new item to include annual occupational injury and illness surveys submitted to Dept. of Labor.
- 661 (CO2 412; MU1 384; ED1 221; MI1 330): No changes were made to employee medical records concerning exposure to toxic substances or harmful physical agents item. Item was erroneously marked as revised.
- 662 (CO2 1056; MU1 384; ED1 221; MI1 910): Added new subitem to employee medical records item to cover records created for purposes of Family and Medical Leave Act (FMLA).
- 663: Added a new item to cover workplace violence prevention program records.
- 665 (CO2 869; MU1 745; ED1 345; MI1 742): Increased the retention period (from 3 to 5 years) and eliminated part b. for driver's license review records to reflect changes to federal statute.
- 667: Added a new item to cover employee ethics records.
- 675: Added a new item to cover employment verification requests received for employees, former employees, or individuals who are not employees.
- 682: Added a new item for mentor teacher internship program records.
- 692, 693, 694, 695, 696, 697 (CO2 420, 421, 422, 423, 424, 875; MU1 392, 393, 394, 395, 396, 893; ED1 227, 228, 229, 230, 480; MI1 336, 337, 338, 339, 750, 751): Increased the retention period for employment applications and affirmative action records to 4 years. A 2004 Supreme Court decision (Jones v. Donnelley) suggests that a 4-year period applies if litigation is based on allegations of racial discrimination under U.S. Civil Rights Law.

## Probation

### 2020 Revisions

- 1123 (CO2 431): Added a new subitem to case files to cover results of routine drug tests. Also added a subitem to cover monitoring of ignition locks for DWI drivers.
- 1124: Added a new item for probation client data system. Series should cover summary data on individuals, detailed data on individuals, and macros/queries.
- 1126: Added a new item to cover probation-related reports, studies, or data queries. Divided into four types: annual, quarterly/monthly, reports have legal or fiscal value, and reports that have no legal/fiscal value.
- 1127: Added a new item to cover lists of probationers and other clients, which is similar to the list of registered sex offenders maintained by local probation departments and submitted to and received from NYS Division of Criminal Justice Services (DCJS).

- 1128: Added a new item to cover sex-offender records. These are separate from those found in the client case files.

## **Public Access to Records**

### **2020 Revisions**

- Added the following section note: “Records relating to access and disclosure of student education records under Family Educational Rights and Privacy Act of 1974 (FERPA) are covered by items no. 209 (Community College section) and 972 (School District and BOCES: Student Records subsection). Records relating to access and disclosure of private health information under Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH) are covered by item no. 756 (Public Health section).”
- 707: Added a new item to cover public records exemptions for pistol license holders, as mandated under the NYSAFE Act, as well as other possible exemptions, excluding FERPA which is covered separately.

## **Public Administrator**

### **2020 Revisions**

- Added the following section note: “Public administrators are responsible for handling the estates of decedents who have no close relatives or named executors eligible or willing to serve as the fiduciary of their estates. Public administrators serve in the City of New York, and in Erie, Monroe, Onondaga, Nassau, Suffolk, and Westchester Counties. In the counties not served by a public administrator, the public administrator’s function is carried out by the Chief Fiscal Officer of each county, usually the county treasurer. Retention periods for records of New York City public administrators are established by the New York City Department of Records and Information Services (DORIS). All other public administrators should follow the retention periods in this section.”

## **Public Health**

### **2022 Revisions**

- 792: Reduced retention periods for negative health screening reports (d.) and logs (e.) relating to COVID-19 and other screening programs from 1 year to 30 days.

### **2020 Revisions**

- (CO2 488; MU1 452; MI1 395): Eliminated the laboratory specimens items. These are not records subject to State Archives disposition approval.
- 717: Added a new item to cover hospital credential files. Some hospitals maintain credential files for all billable providers, including physicians, physical therapists, and others. A credential file is opened when a provider applies for hospital privileges.

- 719 (CO2 452; MU1 417; MI1 360): Added new subitem to screening and assessment records item to cover preschool special education records (Physically Handicapped Children's Program).
- 721: Added a new item to cover alcoholism, substance abuse, and tobacco use prevention program records for youth and adults.
- 723 (CO2 454; MU1 419; MI1 362): Increased the retention period for specified records related to prescription drugs subject to Medicaid Part D. Refer to 42 CFR 423.505(d) which requires a minimum retention period of 10 years.
- 724 (CO2 455; MU1 420; MI1 363): Increased the retention period for Medicare, Medicaid or insurance carrier claim records per Chapter 13 of the State Finance Law, known as the "False Claims Act," which allows a local government to bring a civil action to recover financial losses from a fraudulent claim up to 10 years later.
- 726: Added new item to cover preschool special education claim records.
- 743, 744, 745 (CO2 471, 472, 473; MU1 436, 437, 438; MI1 379, 380, 381): Lavern's Law, passed in 2018, impacts NYS Civil Practice Law and Rules (CPLR) §217-a and CPLR §214-a by extending the statute of limitations a patient has to file a medical malpractice lawsuit for a missed cancer diagnosis from 15 months (municipal hospitals) and 2.5 years (private, nonprofit hospitals or doctors), respectively, from date of medical error to date of discovery up to 7 years from date of the last treatment. This change impacts the retention period of items in the public health section, including patient case files. The retention period was updated to "7 years after death or discharge of patient, but not until 3 years after individual attains age 18."
- 747 (CO2 475; MU1 440; MI1 383): Revised the retention for the film or tracing item. It indicates a retention of 6 years and notes that the retention pertains "when report of film or tracing is retained as long as medical case record." The item was revised, in part because the wording raises the question of what the retention is if the report isn't retained as long as the case records. The item was rewritten to cover films and tracings that have not been made part of a patient medical record with a retention of "6 years or 3 years after minor patient reaches age 18, whichever is longer" rather than simply 6 years (see 10 NYCRR 405.15(a)(5)).
- 751: Added a new item for mental health admission forms including those completed pursuant to Mental Hygiene Law Sect. 9.45 (Emergency admissions for immediate observation, care, and treatment; powers of directors of community services).
- 752 (CO2 478; MU1 443; MI1 386): Reduced the retention period for mental health case files. An update to 14 NYCRR Part 599.11 reduces the retention period of case records from 10 years after discharge or last contact with patient, or 3 years after individual attains age 18, whichever is longer to 6 years from the date of the last service in an episode of service.
- 755 (CO2 884): Expanded early intervention program records item to include preschool special education program records.
- 756: Added a new item to cover compliance and disclosure records for Health Insurance Portability and Accountability Act (HIPAA) and Health Information Technology for Economic and Clinical Health Act (HITECH).
- 757, 759, 761, 762, 763, 766, 771, 795 (CO2 481, 482, 483, 484, 485, 489, 493, 890; MU1 445, 446, 447, 448, 449, 453, 457, 762; MI1 388, 389, 390, 391, 392, 396, 400,



767): Updated and clarified several “Laboratory” and “Miscellaneous” subsection items based on discussions with NYS DOH staff.

- 773 (CO2 252; MU1 220; MI1 178): Made retention event language for radiation-exposure records consistent with other records, e.g., 90 years after individual’s date of birth. Retention period did not change.
- 774 (CO2 888; MU1 760; MI1 762): Made retention event language for records of occupational doses consistent with other records, e.g., 90 years after individual’s date of birth. Retention period did not change.
- 785 (CO2 501; MU1 465; MI1 406): Added a new subitem to lead poisoning reports and screening results item covering negative results of screening, when not posted to summary record.
- 786 (CO2 502; MU1 466; MI1 765): Made retention event language for cancer study and control program records consistent with other records, e.g., 90 years after individual’s date of birth. Retention period did not change.
- 791 (CO2 507; MU1 471; MI1 408): Added a new subitem to vaccine distribution records to include medical director standing orders with a shorter retention period. Standing orders programs authorize nurses and pharmacists to administer vaccinations according to an institution- or physician-approved protocol without a physician's exam.
- 802: Added a new item covering public health incident files, including records related to public health emergencies, communicable disease occurrences, and epidemics.

## **Public Property and Equipment**

### **2020 Revisions**

- 811 (CO2 518; MU1 481; ED1 244; MI1 418): Updated the building and facility security records item to account for the issuance and cancellation of building or room keys or passes.
- 814 (CO2 521; MU1 484; ED1 247; MI1 421): Increased the retention for superseded property inventories.
- 817 (CO2 524; MU1 487; ED1 250; MI1 424): Added new subitems to maintenance, testing, service, operational and repair records for equipment and vehicle item to cover permits issued to allow vehicles to be used for various purposes, such as waste transporters, overweight loads, etc. and vehicle registration records.
- 823 (CO2 530; MU1 493; ED1 256; MI1 430): Updated petroleum bulk storage registration records to include documentation on underground piping that may be needed long after the registration has expired and the storage tank itself has been removed. This may increase the retention period as it now also requires the records be kept “3 years after removal of storage tanks and piping, whichever is later.”
- 825: Added a new item to cover annual environmental audit report records as some public benefit corporations are subject to this statutory requirement.
- 826 (CO2 405; MU1 378; ED1 213; MI1 324): Moved the facility health and safety inspection records from Personnel section to Public Property and Equipment section and clarified the description of records and retention event.
- 827 (ED1 490): Updated the school facility report card as its creation is no longer required. Because report cards were only mandated from 2001 to 2011, State Archives

staff determined these records don't have sufficient long-term historical value and records are no longer designated as permanent.

- 830 (CO2 898; MU1 767; ED1 87; MI1 773): Expanded the scope of asbestos abatement item to include lead abatement. Split the item into asbestos and lead abatement subitems.
- 848 (CO2 914; MU1 783; ED1 486; MI1 789): The Chapter 8 of the Laws of 2008 effectively revised Section 220 (3-a) of the Labor Law upon which the retention and disposition of contractor records item was based. The revised law increases the retention period of contractor records to five years after contract completion.

## **Public Safety**

### **2022 Revisions**

- Restored “(including watercraft)” to “Law Enforcement: Motor Vehicles” section heading.
- 1234a: Restored the words “reached age 90” from retention which were erroneously cut off.
- 1241b: Reduced retention period for license plate reader data from 20 years to 1 year to align with NYS Municipal Police Training Council’s License Plate Readers Model Policy (March 2021).

### **2020 Revisions**

- Updated references to “NYSPIN” to say instead “eJustice NY Integrated Justice Portal.”
- 1174: Added a new item for supplemental information on persons and places used for E-911 or CAD.
- 1185 (CO2 572; MU1 534; MI1 471): Updated the accreditation records for law enforcement item to reflect more accurate and reasonable need for these records. Reduced the retention period from permanent. Worked with NYS DCJS staff on this.
- 1187 (CO2 535; MU1 498; MI1 435): Updated the training records item. Reduced the retention period for training materials for core law enforcement, firefighting, or dispatch activities training manual or bulletin to 40 years, for general public safety issues or non-core law enforcement activities to 1 year, and for DCJS-produced materials to 0 after no longer needed.
- 1196: Added a new item to cover community outreach and education program records.
- 1197: Added a new item to cover ride-along program records.
- 1209: Added a new item to cover burn injury reports.
- 1216, 1217, 1219 (CO2 555, 556, 558; MU1 517, 518, 520; MI1 454, 455, 457): Added a new Length of Service Award Program (LOSAP) subsection, which pertains to both volunteer firefighters and volunteer ambulance workers, and updated LOSAP schedule items. Worked with Penflex, Inc. staff on this.
- 1220 (CO2 559; MU1 521; MI1 458): Clarified the police blotter item. The term “blotter” is not legally defined and has different interpretations. The item was reworded to remove references to blotter and allow copies of records or data submitted to NYS DCJS to have less than a permanent retention status.
- 1222 (CO2 561; MU1 523; MI1 460):

- Defined “case closure” for law enforcement investigation records.
- Added a new subitem to case investigation to cover sexual offenses against a child as defined by the Child Victims Act. Under the current law (Child Victims Act, Chapter 11 of the Laws of 2019), after age 23, survivors no longer have the option to press charges against their abuser. The Child Victims Act changes the statute of limitations on child sexual abuse crimes to age 28 in criminal cases (CPL §30.10) and age 55 in civil cases (CPLR §208).
- 1224 (CO2 562; MU1 524; MI1 461): Made retention event language for individual identification file subitem a. consistent with other records, e.g., 90 years after individual’s date of birth. Retention period increases in part from age 80 to age 90.
- 1225 (CO2 940; MU1 805; MI1 814): Made retention event language for personal information data file consistent with other records, e.g., 90 years after individual’s date of birth. Retention period increases in part from age 80 to age 90.
- 1226: Added a new item to cover DMV photo request records. Federal law (18 USC §2721) limits release and use of personal information from state motor vehicle records; government agencies are permitted access for legitimate business reasons. Item was erroneously not marked as revised.
- 1227 (CO2 941; MU1 806; MI1 815): No changes were made to county- or region-wide arrest information cumulative data file item. Item was erroneously marked as revised.
- 1234 (CO2 592; MU1 553; MI1 490): Revised the pistol permit item to include recertification under NYS SAFE Act, added reference to “pistol permit,” and added subitem c. for incomplete applications. The law now requires recertification of pistol permits (NYC, Westchester, Suffolk, and Nassau counties are exempt from recertification). This change was reviewed and approved by the State Police. Added a note to cross reference to FOIL exemption records.
- 1240 (CO2 583; MU1 544; MI1 481): Increased the retention period for traffic and parking violation records to 3 years after case closed.
- 1241 (CO2 587; MU1 548; MI1 485): Expanded scope of speed-timing records to include traffic enforcement camera records, including license plate reader records.
- 1242 (CO2 584; MU1 545; MI1 482): No changes were made to vehicle accident case record item. Item was erroneously marked as revised.
- 1268 (CO2 573; MU1 535; MI1 472): Expanded results of alcohol and drug tests item to include two new subitems that cover records pertaining to the verification and maintenance of breath analysis instruments and standards and calibration, quality control, and testing records for other types of equipment. Modeled on item 1241, speed timing records.
- 1271: Added a new item to cover criminal background checks that police run for employment purposes.
- 1272: Added a new item to cover bike helmet inspection records.
- 1277 (CO2 571; MU1 533; MI1 470): Clarified the “missing person records” item. This item covers only those records where another has jurisdiction in the case.
- 1280 (CO2 960; MU1 825; MI1 834): Clarified the existing law enforcement items to include license plate readers, body worn cameras, shot spotters, red light cameras, toll booth cameras, etc. Worked with NYS DCJS Municipal Police Training Council staff on this.

- & 1281 (CO2 575; MU1 536; MI1 473 ): Added a new subitem to cover sexual offenses against a child as defined by the Child Victims Act. Under the current law (Child Victims Act, Chapter 11 of the Laws of 2019), after age 23, survivors no longer have the option to press charges against their abuser. The Child Victims Act changes the statute of limitations on child sexual abuse crimes to age 28 in criminal cases (CPL §30.10) and age 55 in civil cases (CPLR §208). This legislation has an impact on existing retention schedule items, including the case investigation record and the child abuse or maltreatment reports items.
- 1282: Added a new item to cover confidential information received, e.g., tip hotline.
- 1296: Added a new item to cover transportation records item for mental health admissions.

## **Social Services (County)**

### **2020 Revisions**

- Created two separate sections to account for county social services department functions and records and those social service records held by other local governments: “Social Services (County)” and “Social Services (Other Than County).”
- & 1134 (CO2 617):
  - Added “county” to the series title for the social services case record to distinguish it from the municipal social services case record (item 1168).
  - Split Home Energy Assistance Program (HEAP) case files into two: one covers regular benefit, emergency benefit, and clean and tune benefit with an increased retention period of 6 program years, including the current program year and the other covers Heating Equipment Repair and Replacement (HERR) and Cooling Assistance Component benefits with an increased retention period of 10 years (case record item).
  - Increased the retention period for adoption subsidy to 10 years after child attains age 21 to cover any potential false claims that may be brought with regard to the subsidy (case record item).
- 1135 (CO2 618): Clarified retention event by adding “after the denial or withdrawal of the application.”
- 1138: Added a new item to cover applications for foster home.
- 1147 (CO2 628): Increased the retention period for records involving Medicare or Medicaid to 10 years per False Claims Act.
- 1148 (CO2 629): Increased the retention period for records involving Medicare or Medicaid to 10 years per False Claims Act.
- 1157: Added a new item to cover county records of reviews of youth and nursing facilities and other types of facilities regulated by the county.
- 1159, 1160, 1161 (CO2 987, 988, 989): Updated the retention event for domestic violence residential program, safe home network, and safe dwelling records Domestic violence residential program records are governed by 18 NYCRR Section 452.9 (b) and are to be retained for 6 years "following termination of operation of the program.“ Domestic violence safe home network records and safe dwelling program records are

addressed in 18 NYCRR Section 454.11 with reference back to Section 452.9 (b) to be retained for 6 years following termination of the operation of the program.

- 1165: Added a new item to cover welfare fraud complaint and investigation file.

## **Social Services/Welfare/Poor Relief (Other Than County)**

### **2020 Revisions**

- 1168 (MU1 579): Added “municipal” to the series title for the social services case record to distinguish it from the county social services case record (item 1134). Item was erroneously not marked as revised.

## **Soil and Water Conservation**

### **2020 Revisions**

- Added the following section note: Records documenting the establishment, change, or dissolution of agricultural district are covered by item no. 43 in General Administration section.

## **Taxation and Assessment**

### **2022 Revisions**

- 1036d: Restored subitem d., “copy of map, held by municipality which conducts assessments, where official copy is held by county” which was previously included in MU-1 587.

### **2020 Revisions**

- 1039 (CO2 652; MU1 589): Added a new subitem to tax exemption or abatement file to cover records documenting exemptions under payments in lieu of taxes (PILOT). Item was erroneously not marked as revised.
- 1045 (CO2 657; MU1 594; ED1 286; MI1 528):
  - Added clarifying notes to assessment and tax rolls item to distinguish between the various types of rolls.
  - Added a new subitem to assessment and tax rolls item to cover non-warrant copies of tax rolls sent to cities and towns by the county, showing county taxes. These copies, with a retention period of 5 years, are required by Sect. 900.3 of NYS Real Property Tax Law.
- 1046: Added a new item to cover non-official copies of tentative and final assessment rolls which local governments may maintain for administrative purposes.
- 1047: (CO2 658; MU1 595; ED1 287; MI1 529): Added a new subitem to tax collection item to account for a form that senior citizens can request to have a copy of their tax bill sent to a third-party designee. Once someone files this form, it stays in effect until it is revoked, the person dies, or the property is sold.

## **Transportation and Engineering**

### **2020 Revisions**

- 1061 (CO2 671; MU1 609; MI1 537): Added a new subitem to airport security and safety records to cover a security plan and registration record, which are required by Transportation Law, Article 2 §14-M.
- 1067 (CO2 675; MU1 613; MI1 541): Expanded scope of highway maintenance and repair records to include tree cutting.
- 1070 (CO2 678; MU1 616; MI1 544): Added a new subitem to the project file for capital transportation improvement item to cover records related to New York State Department of Transportation-issued grants or the Consolidated Local Street and Highway Improvement (CHIPS) and Extreme Winter Recovery (EWR) programs. These records must be retained for 36 years after reimbursement from state.
- 1088 (CO2 695; MU1 633; MI1 561): Added a new subitem to cover copies of permits, applications, and related records, including for handicapped parking.
- 1089 (CO2 696; MU1 634; MI1 562): Expanded the handicapped parking permit records item to cover all parking permits.
- 1105 (CO2 1064; MI1 915): No changes were made to annual affidavit of compliance item. Item was erroneously marked as revised.

## **Veterans**

### **2020 Revisions**

- 1110 (CO2 707; MU1 858): Increased retention period for client counseling item to 10 years after no activity and completion of the most recent counseling service per memo from NYS Division of Veterans' Services.

## **School Districts and BOCES**

Added references to Annual Professional Performance Review (APPR) wherever appropriate.

## **Administration**

### **2020 Revisions**

- 879: Added a new item to cover questionnaires titled "Student Race & Ethnicity Update" which are sent to all parents.
- 884: Added new item to cover commencement records to make consistent with Community College section.
- 885: Added new item to cover alumni directory to make consistent with Community College section.
- 888 (ED1 462): Revised the residency determination records item to more accurately reflect how schools file records and their retention period. This item was removed from ED-1 Schedule's Miscellaneous section to the Administration section.

- 889 (ED1 469): Expanded the appeals to Commissioner of Education item, so not limited to those filed pursuant to NYS Education Law Sect. 310, but includes Sects. 3012-c and –d which relate to annual professional performance reviews (APPRs) and other appeals. This item was removed from ED-1 Schedule's Miscellaneous section to the Administration section.

## **Health**

### **2020 Revisions**

- 899 (ED1 137): Added a new subitem to student health record item to include physician authorizations to resume athletic activity after a traumatic brain injury. By law, it has a permanent retention.

## **Instruction**

### **2022 Revisions**

- 908: Reduced the retention period for testing papers from 2 years to 1 year.
- 910, 915: Struck reference to “other ED-1 users” and replaced with “school districts or BOCES.”
- 913: Eliminated unused Regents exams item.

### **2020 Revisions**

- 908 (ED1 146): Increased the retention period for testing papers from 1 to 2 years.
- 913: Added a new item to cover unused Regents exams.

## **School Safety**

### **2020 Revisions**

- Added a section note indicating items removed to other sections, including building security records and video recordings to Public Property and Equipment section and child abuse or maltreatment reports to General Administration section.
- 926 (ED1 491): Updated the title and description of safety and emergency response plans.
- 927 (ED1 492): Expanded the school violence and dangerous school records item to include Dignity for All Students Act (DASA) records.

## **Special Education**

### **2020 Revisions**

- 931 (ED1 267): Addressed an inconsistency in retention of health records in special education student file item and student health record item. Removed the reference to health records, as these should be maintained with the student health records.

## Student Records

### 2022 Revisions

- 948c: Reduced the retention period for testing papers from 2 years to 1 year.
- 948i: Corrected typographical error in notes: item no. 58, not 19, should be referenced.

### 2020 Revisions

- Added the following section note: Provisions of the Common Core Implementation Reform Act ( Chapter 56 of the Laws of 2014, Part AA, Subpart B), NYS Education Law § 305(45) and (46)), and SED's implementing regulations (Section 104.3 of the Regulations of the Commissioner of Education), prohibit school districts and BOCES from including a student's individual scores on a State administered standardized English language arts (ELA) or mathematics assessment for grades 3 through 8 on the student's transcript, and from maintaining these scores in the student's permanent record.
- Eliminated the student's attendance exemption record item (ED-1 Schedule item 45). Federal statute it related too has been repealed (Public Law 94.142), although it morphed into federal Individuals with Disabilities Education Act (IDEA) which does not address this issue because all children are entitled to an IEP and thus there are no more attendance exemption records. Staff from SED's P12 Student Support Services says that everyone is entitled to an IEP (even if it is simply physical therapy), so this item is no longer needed.
- 948 (ED1 275):
  - Added a note to student cumulative education record item clarifying students covered under this item and filing of transgender names: This covers resident full-time students, including those receiving home instruction and non-resident full-time students paying tuition. The birth names of transgender and gender nonconforming students should be stored in a separate folder from the student's permanent academic record in part "a" and kept confidential, but maintained permanently.
  - Added references to skills and achievement commencement credential and New York State career development and occupational studies (CDOS) commencement credential and employability profile & career plan to student cumulative education record item.
  - Added screening references related to English proficiency records, including home language questionnaire and English language proficiency identification assessment results, to student cumulative education records item.
  - Added a new subitem to student cumulative education record item to cover unclaimed diplomas.



- Clarified the description for student cumulative education record item’s subitem which pertains to instances such as a public school district which does not operate a high school (such as Menands and Maplewood) which only provides education through the 8th grade, receive records from high schools that their students attend (Watervliet, North Colonie, etc.). These children remain "students" of the district where they reside for state aid, special education, and other purposes. This duplicate recordkeeping also occurs on Long Island with those 4 central high school districts which only operate high schools. In this situation, both copies need to have a minimum retention because two separate local governments are keeping them. Also "high school" was amended to read "high school, middle, or intermediate school" because some districts only provide education through grade 6 and then send their students to a nearby middle or intermediate school in another district.
- Added a new subitem to student cumulative education record item to cover proof of residency records. Most recent proof of residency is usually filed with student records, and 6 years after graduation is consistent with retention of supporting documentation in subitem b. Older proofs do not need to be retained for the same period of time once obsolete, but do still need to meet CPLR §213 requirements in case of litigation. Residency investigations and hearing records are covered under item 462.
- 949 (ED1 281): Updated the student records covering non-district students item to include drivers' education records and adult education records. Clarified the item by adding to note: “It also covers records of resident students taking high school equivalency or non-diploma courses and adult residents taking BOCES career and technical education courses.”
- 951 (ED1 276): Added references to Career Development and Occupational Studies (CDOS) commencement credentials and Skills and Achievement Commencement Credentials for Students with Severe Disabilities to Certificate of Regents high school and college entrance diplomas issued item.
- 969 (ED1 47): Expanded parental consent item to include school bus passes.
- 971: Added a new item to cover student emergency contact record.
- 972: Added a new item to cover parental and other consents for release of student record information (per FERPA). Modeled item on existing item in Community College section.

## **Teacher Resource and Computer Training Center**

### **2020 Revisions**

- 983, 984, 987 (ED1 295, 296, 299): Increased the retention periods of training records items to reflect NYSED’s requirements that Continuing Teacher and Leader Education (CTLE) sponsors’ training records must be retained for at least 8 years (per <http://www.highered.nysed.gov/tcert/resteachers/ctlesponsorhome.html>).

### **(School) Transportation**

## **2020 Revisions**

- 1001 (ED1 303): Added a new subitem to cover records relating to training BOCES provides for school bus drivers who are not BOCES employees. Taking these courses is mandated by the state under Article 19-A of the Vehicle and Traffic Law.
- 1294: Added a new item to cover school bus photo violation monitoring system records.