

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

Note that these revisions have not been adopted by the Board of Regents. Local governments may not apply these revisions until the LGS-1 has been adopted and is issued on August 1, 2020. If adopted by the Board, the LGS-1 will supersede and replace Schedules CO-2, MU-1, MI-1, and ED-1, previously issued by the State Archives. Governing boards of local governments will have a five-month period – between August 1, 2020 when LGS-1 is issued and January 1, 2021 when the four existing schedules expire – to adopt LGS-1 by resolution.

Overall Changes/Introduction

- 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

- Renamed this section, formerly titled “General.”
- 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.
- Added a subitem to meeting files item to clarify and reduce retention of meeting notes.
- Added a new item for internal meeting records or those meetings not governed under Open Meetings Law.
- Added a new item to cover records of external group meeting files where employee is a representative of the government.
- Clarified the public access television item to distinguish from video recordings of public meetings.
- 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)).
- Split the training records item (ED-1, item 400) to allow for Continuing Teacher and Leader Education (CTLE) sponsors courses and workshops that have 8-year retention periods. Eligible entities include school districts, BOCES, teacher centers, local governments, and colleges/universities.
- Added a reference to “disadvantage-owned business” (DBE) records to the existing “minority and women-owned business” (MWBE) records schedule item.
- Added a note to voice recordings item: industrial development agencies must post recordings on website for at least 5 years.
- Updated the retention period for child abuse reports to age 55 based on Child Victims Act.
- Folded consent forms into publications and photos item.

Aging or Senior Services

- Expanded the retention of client files to account for minors.
- 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

- Made the items in this section consistent with similar items in State General Schedule.
- Revised 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.

Attorney, Counsel, or Public Defender

- Added a clarifying note regarding video and audio recording evidence.
- Reviewed the draft legal section of State General Schedule and made any necessary changes (e.g., added subpoenaed records, evidence logs).
- Expanded the subpoena item from ED-1 Schedule (item 403) for use by other local governments.

Building and Property Regulation

- Added a subitem to housing maintenance or building inspection records to accommodate minor building issues.
- Made zoning, mandatory planning review, and building permit types of records consistent by adding a subitem for incomplete applications.
- 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

- Added a new subitem to disaster response and damage files to cover emergency distribution records for food, medical and other supplies, and equipment.
- Added a new item to cover test evacuation and mock disaster response records.
- Added a new item to cover disaster preparedness and emergency management training materials.
- Added a new item to include Federal Emergency Management Agency (FEMA) grants and a new cross reference to “general” grant records item.
- Added a new item to cover dam safety records.

Community College

- Updated the campus safety item to include additional document types per U.S. Department of Education, Office of Postsecondary Education's “The Handbook for Campus Safety and Security Reporting”, Chapter 9, and increased the retention period from 3 to 6 years after end of calendar year.
- Updated the campus safety item to cover any new requirements brought about by changes to the Campus Security Act (Clery Act (20 USC 1092(j)): missing person procedures including notification and emergency response, evacuation policy and procedures, and fire safety disclosure records on on-campus student housing.
- Added a new item to cover class assignments, homework, and the like.
- 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.
- Reinstated the “radiation use log” item that appeared in previous schedule editions within this section.
- 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).
- Updated the student information system item to clarify retention period for student basic information and financial aid data.

Cooperative Extension Association

- Updated references to Expanded Food and Nutrition Education Program (EFNEP) to Supplemental Nutrition Assistance Program Education (SNAP-Ed) or Eat Smart New York (ESNY).
- Added a new item for 4-H membership records.

County Clerk

- Moved some items to General Administration section: chattel mortgages and conditional sales, assumed business name certificates, out-of-state or other unofficial vital records, census records, register of professions, notary public and Commissioner of deeds, and domestic partnership statement.
- 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 CO-2 Schedule item 211, which requires permanent retention. No changes were made to item 211.
- Added language to the description of CO-2 Schedule item 194 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.

Dog Identification and Control

- 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.
- Expanded the scope of reports to include animal population and control program and surcharge fees.
- Clarified the retention event for reports of rabies vaccinations so it reads "3 years after receipt or after certificate expires."
- Clarified the retention event for affidavit for spayed or neutered dog to be "no longer needed."

Election

- 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.
- Added a subitem for registration challenge records.
- Added a note that unused ballots of non-general elections are not considered records and can be destroyed when no longer needed. Added a subitem to cover unused general election ballots which must be retained a minimum of 6 months.

Electric and Gas Utility

- 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.

- Added an item covering resident application to connect to municipal electric system which would mirror that of MU-1 Schedule item 229 which covers the public water supply connection application process.
- Expanded the subsidiary ledger or journal item to include general ledgers, general journals, and journal vouchers.
- Added an item to cover cash books.
- Added an item to cover "life or mortality study data [created] for depreciation purposes." 16 NYCRR 733.14(e) requires this be retained permanently.

Electronic Data Processing

- Renamed the section title to "Information Technology."
- Reduced the retention period for backup tapes and expanded to include other incremental backup periods.
- Made consistent with similar items in State General Schedule.
- 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.
- Added a new item to cover security breach notifications.
- Reduced the retention for computer system security records from 10 to 6 years.

Energy

- Clarified the retention event for weatherization client case files.
- Increased the retention period for interagency referral form from 1 to 6 years.

Environmental Health

- Ensured that stormwater systems are covered by items in this section. Some stormwater systems are separate from sewer systems.
- Added "including utilities" to billing records item description in Fiscal section. Clarifies that that item covers water meter readings/billing.
- 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.
- Added a new item to cover retention of wastewater facility operation reports for a private wastewater facility. Expanded to include other utilities.
- Added a new item to cover local climate action plans.
- Added a subitem to MU-1 Schedule item 230 to cover records of annual inspection of each bottled and bulk water facility for certification purposes.
- Added a new item to cover audio-visual files, including video inspection of environmental facilities, public water supply, and wastewater disposal systems.
- Revised the community sanitation reports of operation and inspection item to allow earlier destruction of routine operation reports after 1 year (from 21 years).

- 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.
- Added a new item to cover radon detection records.
- Added a 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.
- Added a new item to cover junk yard license records.
- Added a subitem to reports regarding the public water supply for septic tank cleaner reports.

Executive, Supervisor, Mayor, Manager, and/or Administrator

- Added a new section called “Executive” which replaces the various executive-related sections.
- 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

- 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. MU-1 Schedule item 280 was revised to remove subitems a. and b. and keep only the 6-year retention period.
- Added a new item to cover electronic checks.
- 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.
- 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).
- Fixed the discrepancy in retention periods between CO-2/MI-1/ED-1 Schedule items for 1099 form, employer's copy of federal tax return, Employee's Withholding Exemption Certificate, and employer's copy of NYS income tax records (4 years) and MU-1 item (5 years). Retention period is now 4 years.
- 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.
- Added a new item for “Budget” subsection regarding school budget notices mailed to voters and residents.
- Added a new item to cover records of universal telecommunications and information services (E-rate) program for schools and libraries.

- Added a new subitem to ED-1 Schedule item 105 (billing records) to cover student financial aid records.
- Added a new item to cover tuition reimbursement records for training related to and unrelated to an employee's job.
- Added a note to “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.
- 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.
- Clarified the description of employee’s voluntary payroll deduction records to include deferred comp and health saving account requests.
- 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.
- Expanded the abstract of receipts, disbursements, and claims item.

Human Rights/Economic Opportunity

- Reduced the retention period of case file to 3 years to be consistent with recent reduction in retention period for 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 4 schedules.
- 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

Insurance/Self Insurance

- Added a subitem to workers' compensation case records item to address financial records and allow their earlier destruction.
- Eliminated "until the report on examination is filed" retention event for the insurance policy item.
- Incorporated “waivers of liability” into the existing “certificate of insurance” item.

Library/Library System

- Added a new item to cover interlibrary loan records.
- Added a new item for library card application records.
- Added a new item to cover program records including program enrollment lists and parental consent records.
- Added a new item to cover program and exhibit files.

Licenses and Permits

- Revised the “Notice of intent to apply for alcoholic beverage license” to reflect change in ABC §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.

- Clarified the description of conservation licenses which could include “sporting” or “marine” licenses and added a subitem to cover Certification of Military Active Service Status form.

Miscellaneous (now part of General Administration section)

- Added a new item for photo release/consent forms.
- Added a subitem to Section 8 of the housing assistance records item to cover monthly reports.
- 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.
- Two similar items for agricultural district establishment, change, or dissolution appear in the schedule: one in the “Miscellaneous” section and the other in the “Soil and Water Conservation District” section. Eliminated the “Soil and Water Conservation” section item and added a cross reference within that section instead.
- Expanded the use of annual environmental audit report records item to public benefit corporations who are subject to this statutory requirement.
- Added an appraisal note to chattel mortgages item.
- Removed "individual reporter designation records" from the lobbying activity records item.
- 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 of MU-1 Schedule).
- Added an item to cover copies of court orders of protection for student or employee at school or place of employment.

Museum

- Expanded the program and exhibit files item.
- Added a membership records item.

Personnel/Civil Service

- Added new items or subitems to cover Family and Medical Leave Act (FLMA) and Consolidated Omnibus Budget Reconciliation Act (COBRA) compliance records.
- 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 item for retirement incentive records.
- Added a new item for mentor teacher internship program records.
- Added a new item for annual or other periodic financial or ethics disclosure statements.
- Added a new item to include annual occupational injury and illness surveys submitted to Dept. of Labor.
- Added a new item to cover mini-PERB records 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)).

- Added a new item to cover employment verification requests received for employees, former employees, or individuals who are not employees.
- Added a new item to cover employee ethics records.
- Added a new item to cover workplace violence prevention program records.
- Added a new item to cover personnel records of local government 3rd 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).
- Increased the retention period for health and life insurance records to 6 years.
- Revised the retention period for training records related to teaching certification (ED-1 Schedule item 203). 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."
- 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.
- 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.
- Clarified the oath of office item to include "public officers."
- Made revisions to fully cover annual professional performance review (APPR) records:
 - Revised the retention for training records related to teaching certification.
 - Revised and added a subitem to the professional performance review records item.
 - Added a new item for staff evaluation rating verification report and related statement of confirmation.

Probation

- Added a new item to cover sex-offender records. These are separate from those found in the client case files.
- 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).
- 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.
- Added a new item for probation client data system. Series should cover summary data on individuals, detailed data on individuals, and macros/queries.
- Added a subitem to case files to cover results of routine drug tests. Also added a subitem to cover monitoring of ignition locks for DWI drivers.

Public Access to Records

- 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.
- Added the following 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).”

Public Administrator

- Added the following 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

- Lengthened 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.
- Revised existing items to cover preschool special education screening and assessment records and referrals and preschool special education claim records (Physically Handicapped Children's Program).
- Added a new item for OMH emergency admission forms completed pursuant to Mental Hygiene Law Sect. 9.45 (Emergency admissions for immediate observation, care, and treatment; powers of directors of community services).
- 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.
- Added a subitem to lead poisoning reports and screening results item covering negative results of screening, when not posted to summary record.
- Added a new item covering public health incident files, including records related to public health emergencies, communicable disease occurrences, and epidemics.
- Added a 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.

- Eliminated the laboratory specimens items. These are not "records" subject to State Archives disposition approval.
- Added a new item to cover 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.
- 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."
- 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).
- Added a new item to cover alcoholism, substance abuse, and tobacco use prevention program records for youth and adults.
- Updated and clarified several "Laboratory" and "Miscellaneous" subsection items based on discussions with NYS DOH staff.
- 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)).

Public Property and Equipment

- 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 lengthens the retention period of contractor records to five years after contract completion.
- Added a note to direct users to a legal definition of "capital construction projects."
- Added a subitem 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.
- Added a new item to cover annual environmental self-audits.
- Added a subitem to petroleum bulk storage registration records to cover documentation on underground piping that may be needed long after the registration has expired and the storage tank itself has been removed.
- Expanded the scope of asbestos abatement item to include lead abatement. Split the item into asbestos and lead abatement subitems.
- Updated the "building and facility security records" item to account for the issuance and cancellation of building or room keys or passes.

- Updated the school facility report card as its creation is no longer required. Because report cards were only mandated from 2001 to 2011, Archives staff determined these records don't have sufficient long-term historical value.
- Increased the retention for superseded property inventories.
- 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.

Public Safety

- 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.
- Defined “case closure” for law enforcement investigation records.
- Made the life expectancy retention period consistent, i.e., 90 years.
- Added a new item to cover criminal background checks that police run for employment purposes.
- Updated the accreditation records for law enforcement item to reflect more accurate and reasonable need for these records. Worked with NYS DCJS staff on this.
- Added a new item for supplemental information on persons and places used for E-911 or CAD.
- Added a new item to cover bike helmet inspection records.
- Added a new item to cover community outreach and education program records.
- Added a new item to cover ride-along program records.
- Added a new item to cover burn injury reports.
- Added a new item to cover confidential information received, e.g., tip hotline.
- 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.
- Updated the retention periods based on extended statutes of limitations for child victims of sexual abuse (Child Victims Act, Chapter 11 of the Laws of 2019). Under the current law, 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.
- 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.
- Updated the training records item.
- Clarified the police blotter item. The term “blotter” is not legally defined and has different interpretations. The item is 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.
- Updated references to “NYSPIN” to say instead “eJustice NY Integrated Justice Portal.”

- Clarified the “missing person records” item. This item covers only those records where another has jurisdiction in the case.
- Revised the pistol permit item to include recertification under NYS SAFE Act, added reference to “pistol permit,” and added subitem c. for incomplete applications. It 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 s note to cross reference to FOIL exemption records.

Social Services (County)

- 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).”
- Added a new item to cover welfare fraud complaint and investigation file.
- Added a new item to cover county records of reviews of youth and nursing facilities and other types of facilities regulated by the county.
- Added a new item to cover applications for foster home.
- Increased the retention period for records involving Medicare or Medicaid to 10 years per False Claims Act.
- Worked with the NYS Office of Children and Family Services (OCFS) to clarify retention events for several items.
- 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).
- 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.

Soil and Water Conservation

- 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

- Added a subitem to tax exemption or abatement file to cover records documenting exemptions under payments in lieu of taxes (PILOT).
- Added clarifying notes to assessment and tax rolls item to distinguish between the various types of rolls.

- Added a 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.
- Added an item to cover non-official copies of tentative and final assessment rolls which local governments may maintain for administrative purposes.
- Added a 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

- Expanded the "handicapped parking permit records" item to cover all parking permits.
- Added a subitem to MU-1 Schedule item 609 in the "Airport" subsection to cover a security plan and airport registration, which are required by Transportation Law, Article 2 §14-M.
- Added a subitem to "project file for capital transportation improvement" 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.

School Districts and BOCES

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

Administration

- Added a new item to cover questionnaires titled "Student Race & Ethnicity Update" which are sent to all parents.
- Added new items to make consistent with Community College section including for commencement records and alumni directory.
- 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.
- 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

- Added a 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

- Added a new item to cover unused Regents exams.

- Increased the retention period for testing papers from 1 to 2 years per SED Test Security Unit request.

School Safety

- 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.
- Updated the school violence and dangerous school records item to include Dignity for All Students Act (DASA) records.
- Updated the title and description of safety and emergency response plans.

Special Education

- 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

- Added a note 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 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.
- 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.”
- Added references to “home schooling” as appropriate.
- Added a new item to cover student emergency contact record.
- 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 item 275a.
- Added screening references to item 275b to English proficiency records, including home language questionnaire and English language proficiency identification assessment results.
- Added a subitem to student academic item (275) to cover unclaimed diplomas.

- Clarified the description for item 275i. The item 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 subitem to cumulative education record (275) 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 275b. 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.
- 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.
- 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.

Teacher Resource and Computer Training Center

- Updated 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

- Added a 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.
- Added a new item to cover school bus photo violation monitoring system records.