

## ED Records Schedule

**SCHEDULE LOCATOR NO.:** 026

**APPROVED DATE:** 7/27/2010

**TITLE:** Education Discrimination Case Files

**PRINCIPAL OFFICE:** Office for Civil Rights (OCR)

**NARA DISPOSITION AUTHORITY:** N1-441-08-6

### **DESCRIPTION:**

These records are created or received while investigating complaints and in reviewing elementary, secondary and higher education programs to determine if these programs are in compliance with Federal laws, which prohibit discrimination on the basis of race, color, national-origin, sex, age, and physical and mental disabilities in Federally assisted programs. Records include Complaint, Request for Reconsideration, and Education Discrimination Appeals case files. Also included is the Case Management System, which tracks OCR's complaint and compliance review investigations as well as proactive activities such as significant technical assistance.

### **DISPOSITION INSTRUCTIONS:**

a. Education Discrimination Case Files

These records are received or created in response to discrimination complaints, compliance reviews and requests for technical assistance, and include counselor's reports, the initial allegations and efforts at resolution, letters or notices to the individual or class agent, materials placed into the record to support or refute the decision or determination, statements to witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

1. Administratively closed education discrimination case files

#### **TEMPORARY**

Cut off at the end of the fiscal year in which the case is closed or, if a Request for Reconsideration (RFR) is received, when the review of the RFR is completed. Destroy/delete 6 years after cutoff.

2. All Other Education Discrimination Case Files

#### **TEMPORARY**

Cut off at the end of the fiscal year in which the case is closed and monitoring is complete, or, if a Request for Reconsideration (RFR) is received, when the review of the RFR is completed. Destroy/delete 20 years after cutoff.

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### b. Education Discrimination Appeals Case Files

These records are received or created in response to appeals of determinations made by the Office for Civil Rights (OCR) Enforcement Directors on requests for reconsideration. Records include but are not limited to: the appeal, a copy of the reply thereto, and related supporting documents, which may include a copies of records maintained in the related Education Discrimination Complaint and Request for Reconsideration case files.

#### **TEMPORARY**

Cut off file at end of fiscal year in which the appeal is closed. Destroy/delete 20 years after cutoff.

### c. Case Management System (CMS) Master Data Files

The CMS is a web-based application developed and implemented as an automated case management system with the capability to process OCR cases nationally. It is used to record OCR complaints, compliance reviews, technical assistance activities, and to generate reports.

#### **TEMPORARY**

Cut off at the end of the fiscal year in which the case is closed and monitoring is complete, or, if a Request for Reconsideration (RFR) is received, when the review of the RFR is completed. Destroy/delete 20 years after cutoff.

### d. Significant Education Discrimination Case Files

Records related to education discrimination cases that are historically significant, receive national media attention, or are of significant interest to the public. The following case-types are significant:

- Compliance reviews
- Cases that go to enforcement, including but not necessarily limited to referrals to the U.S. Department of Justice
- Class cases where cases provide relief for a significant number of beneficiaries or create a policy change (EXCLUDING Early Complaint Resolution cases)

#### **PERMANENT**

Cut off at the end of the fiscal year in which the case is closed and monitoring is complete. Transfer nonelectronic records to the National Archives 10 years after cutoff. Transfer electronic records to the National Archives every 5 years, with any related documentation and external finding aids, as specified in 36 CFR 1228.70 or standards applicable at the time.

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- e. Duplicate Copies Regardless of Medium Maintained for Reference Purposes and That Do Not Serve as the Record Copy

### **TEMPORARY**

Destroy/delete when no longer needed for reference.

### **IMPLEMENTATION GUIDANCE:**

Follow the disposition instructions in ED 086 Information Systems Supporting Materials for system software; input/source records; output and reports; and system documentation.

### **ARRANGEMENT/ANNUAL ACCUMULATION:**

### **PREVIOUS NARA DISPOSITION AUTHORITY:**

ED 026.a Education Discrimination Case Files supersedes:

NC1-12-81-1, Item 1a; [ED/RDS Part 4, Item 1a]

NC1-12-81-1, Item 1b; [ED/RDS Part 4, Item 1b]

ED 026.c Case Management System supersedes:

NC1-12-81-1, Item 9.a.1 [ED/RDS Part 4, Item 9.a.1]

NC1-12-81-1, Item 9.a.2 [ED/RDS Part 4, Item 9.a.2]

NC1-12-81-1, Item 9.a.4 [ED/RDS Part 4, Item 9.a.4]

NC1-12-81-1, Item 9.b [ED/RDS Part 4, Item 9.b]

NC1-12-81-1, Item 15.a [ED/RDS Part 4, Item 15.a]

NC1-12-81-1, Item 15.b [ED/RDS Part 4, Item 15.b]

NC1-12-81-1, Item 15.c [ED/RDS Part 4, Item 15.c]

### **SPECIFIC LEGAL REQUIREMENTS:**

Title VI of the Civil Rights Act of 1964

Title IX of the Higher Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title II of the Americans with Disabilities Act of 1990

Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001).

### **SPECIFIC RESTRICTIONS:**

Privacy Notice 18-08-01 Complaint Files and Log

**LINE OF BUSINESS:** Compliance