

REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK (NARA use only)	
10. NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER	N1-441-99-3
1. FROM (Agency or establishment) U.S. Department of Education		DATE RECEIVED	
2. MAJOR SUBDIVISION Office of the General Counsel		NOTIFICATION TO AGENCY	
3. MINOR SUBDIVISION		In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
4. NAME OF PERSON WITH WHOM TO CONFER J. Carolyn Adams	5. TELEPHONE (202) 401-8340	DATE 10/30/03	ARCHIVIST OF THE UNITED STATES WITHDRAWN

6 AGENCY CERTIFICATION
I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached ___ page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE 11/10/98	SIGNATURE OF AGENCY REPRESENTATIVE <i>Chiquitta Thomas</i> Chiquitta Thomas	TITLE Department Records Officer
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7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	See the attached schedule for the Office of the General Counsel. <i>J. Carolyn Adams</i> J. Carolyn Adams, Executive Officer Office of the General Counsel <i>Nov. 10, 1998</i> Date <i>cc Agency DUMW</i>		

**U.S. Department of Education
Office of the General Counsel
N1-441-99-**

The General Counsel serves as principal advisor to the Secretary on all legal matters affecting Department programs and activities. The Office of the General Counsel (OGC) is under the supervision of the General Counsel who reports directly to the Deputy Secretary and the Secretary of Education. The authority for OGC is 44 U.S.C. 3301.

This schedule provides disposition instructions for those records relating to the legal functions of the Department. OGC provides legal advice, opinions and services regarding all programs, policies and activities of the Department.

This schedule covers legal records kept in Regional Offices as well as in Headquarters. Some Department offices other than OGC may also have records relating to a legal activity and those records are also covered by this Schedule.

1. **Regulations/Federal Register Documents**

a. **General Regulatory Documents.**

This category includes papers accumulated in drafting, reviewing, commenting on and otherwise providing legal assistance on all proposed and final regulations and other documents requiring Departmental clearance for publication in the Federal Register. This category excludes OGC opinions interpreting existing regulations, which are retained in accordance with "Part 8, item 6 - Legal Decisions and Opinions," and public comments, which are retained by program offices.

The Division of Regulatory Services (DRS) will maintain a comprehensive file on each Federal Register document for which DRS coordinates Department clearance.

Other Divisions within OGC will forward any materials that should be retained in the comprehensive file to DRS following publication in the Federal Register.

Disposition: TEMPORARY. Close file upon final Federal Register publication. Retire to the Federal Register Center (FRC) 2 years after date of publication. Destroy 5 years after date of publication. [Supersedes N1441-93-044, item 1a.]

- (1) **Word Processing and Electronic Mail Records.** Electronic version of records created by electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

b. **Documents Published in the Federal Register.**

This category includes a chronological file of all documents published by the Department in the Federal Register and other Federal Register documents pertinent to OGC.

Disposition: TEMPORARY. Close file upon final Federal Register publication. Retire to the Federal Records Center (FRC) 2 years after publication. Destroy 5 years after date of publication.

- (1) **Word Processing and Electronic Mail Records.** Electronic version of records created by electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

c. **Public Comments**

Incoming and outgoing letters and messages relating to public comments about agency programs, policies, and operations.

- (1) Comments submitted in hard copy.

Disposition: TEMPORARY. Close file upon final Federal Register publication. Retire to the Federal Register Center 2 years after publication. Destroy 5 years after cutoff.

- (2) Comments submitted electronically.

Disposition: TEMPORARY. Delete when five years old.

2. Legislative Documents

- a. **Department's Formal Legislative Documents.** This category includes legislative history files, consisting of a record copy of hearings, bills, or statutes pertaining to proposed legislation on which ED testified and signed by a Department policy official and are sent to Congress or OMB, and Department testimony on legislative topics.

Disposition: PERMANENT. Close file at the end of each Congress. Retire to the Federal Records Center 2 years after cutoff. Transfer to the National Archives 8 years after cutoff. [Supersedes NC-12-75-1]

- (1) **Word Processing and Electronic Mail Records.** Electronic version of records created by the electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

b. **Legislative Working Papers.**

This category includes technical drafting assistance, informal comments to OMB or other agencies on legislative matters, internal Department drafts and comments on drafts of legislative materials, and the Division of Legislative Counsel's comprehensive files for each bill or legislative topic addressed during a particular Congress.

Disposition: TEMPORARY. Close file at the end of each Congress. Retire to the Federal Records Center 2 years after cutoff. Destroy 6 years after cutoff.

- (1) **Word Processing and Electronic Mail Records.** Electronic version of records created by the electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

3. Litigation Case Files

This category includes documents relating to all court or administrative proceedings (1) in which the Department, Department officials, or the United States is a party, (2) for which the Department has administrative responsibility, or (3) in which the Department or Department officials in an official capacity are otherwise participating.

Files in this category include a copy of each document in the proceeding (including, e.g., pleadings, briefs, verified statements, stipulations of fact and law, witness lists,

documentary evidence, transcripts of hearings, notices, statements relating to the proceedings, statements of claim, orders, decisions, and significant correspondence sent to the tribunal); significant correspondence between the parties or their attorneys; documents of resolution, such as settlement or payment agreements, supporting settlement memoranda to the Department of Justice; and any other necessary documents.

a. **Settled Claims.**

Claims against the United States. Records relating to claims against the United States for moneys that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded.

Disposition: Cut off files at end of calendar year in which final settlement or determination was rendered. Retire to the Federal Records Center 2 years after cutoff. Destroy when 6 years, 3 months old. [GRS 6, item 10a]

b. **Administrative proceedings.** May include internal EEO complaint files or employee grievance files.

Disposition: Cut off files at end of calendar year in which final settlement or final agency decision was rendered. Retire to the Federal Records Center 2 years after cutoff. Destroy 6 years, 3 months after cutoff. [GRS 6, item 10a]

c. **Court proceedings.** Include external litigation cases.

Disposition: Cut off files at end of calendar year in which final settlement or the applicable appeal period has expired. Retire to the Federal Records Center 2 years after cutoff. Destroy 10 years after cutoff.

d. **Word Processing and Electronic Mail Records.** Electronic version of records created by the electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

4. **Real Property Files**

Title paper documenting the acquisition of real property (by purchase, condemnation, donation, exchange, or otherwise), excluding records relating to property acquired prior to January 1, 1921.

a. **Records relating to property acquired after December 31, 1920, other than abstract or certificate of title.**

Disposition: TEMPORARY. Dispose 10 years after unconditional sale or release by the Government of conditions, restrictions, mortgages or other liens. [GRS 3, item 1a]

b. Abstract or certificate of title.

Disposition: Transfer to purchaser after unconditional sale or release by the Government of conditions, restrictions, mortgages, or other liens. [GRS 3, item 1ab]

c. Word Processing and Electronic Mail Records. Electronic version of records created by the electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

5. Executive Personnel Financial Disclosure Reports

(a) This category includes Public Financial Disclosure Reports (SF-278s) required to be filed by certain Department employees under the Ethics in Government Act of 1978, and documents compiled in reviewing such reports for possible conflicts of interest and in resolving conflict questions. This category excludes OGC legal opinions on Requests for Approval of Outside Activity, retained in accordance with ED/RDS Part 8, item 7," and Confidential Statements of Financial Interest filed by OGC employees, retained in accordance with ED/RDS Part 8, item 9 "OGC Administrative Records."

Disposition: Close out file at end of calendar year in which review or investigation is concluded. Retire to FRC 2 years after close out. Destroy 6 years after cutoff. [GRS 1, item 24a.]

b. Word Processing and Electronic Mail Records. Electronic version of records created by the electronic mail and word processing applications. Delete when file copy is generated or when no longer needed for reference or updating whichever is sooner.

6. Legal Decisions and Opinions

a. Memorandums or correspondence prepared by the Department's legal counsel or program officials on the interpretation of existing laws and regulations, or the effects of proposed laws and regulations governing the agency primary missions and normally exclude general opinions and comments relating to other Federal agencies. Included are formal comments on pending legislation prepared at the request of Congress and OMB.

DISPOSITION: PERMANENT. Cutoff files at end of each calendar year. Retire to FRC 2 years after cutoff. Transfer to the Federal Records Center 2 years after

cutoff. Offer to the National Archives 5 years after cutoff.

- b. **Word Processing and Electronic Files.** Electronic version of records created by electronic mail and word processing applications. Delete when file copy is 3 years old or when no longer needed for reference or updating.

8. **Chronological Files**

- a. This category includes chronological files of documents generated by and maintained by individual employees and divisions within OGC.

Disposition: TEMPORARY. Cut off files at end of calendar year. Retire to the Federal Records Center 3 years after cutoff. Destroy 5 years after cutoff.

- b. **Word Processing and Electronic Files.** Electronic version of records created by electronic mail and word processing applications. Delete when record copy has been produced or when no longer needed for reference or updating.

9. **OGC Administrative Records**

- a. **Employment Records.** This category includes copies of OGC payroll, time and attendance, personnel, ethnic, and training records. See the General Records Schedule for disposition of these records.

- b. **OGC Tracking and Reporting Documents.** This category includes administrative and operation management records such as OGC and Division weekly activity reports, Work Measurement Reports, tracking reports, and similar documents.

Disposition: Delete or destroy when no longer needed.

- c. **Word Processing and Electronic Files.** Electronic version of records created by electronic mail and word processing applications. Delete when record copy has been produced or when no longer needed for reference or updating.