



School Facilities Construction Commission

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the School Facility Construction Commission. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission).** If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records. This agency-specific schedule was drafted by School Facility Construction Commission personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for School Facility Construction Commission to destroy the records listed, after the appropriate retention periods have passed.

School Facility Construction Commission personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for School Facility Construction Commission.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by School Facility Construction Commission, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

School Facilities Construction Commission

The School Facilities Construction Commission (SFCC) assists local school districts with school facility construction and technology funding. It is responsible for distribution of available state funds to eligible districts certified by the State Board of Education. The Commission is empowered to issue bonds in its name and enter lease agreements with local boards of education to finance construction of new facilities and major renovation of existing facilities. This office is responsible for the allocation of the General Assembly appropriations for the financing of construction and implementation of technology on a timely and objective basis. The SFCC assists local school districts in conducting the sale of bonds and assuring timely and accurate debt service payments. Furthermore, it ensures that local school districts receive and match the state contributions in the area of technology.

The Kentucky School Building Authority was established by the General Assembly in 1978 and operated until replaced by the SFCC in the 1985 Special Session. The SFCC operated under KRS 157.

RECORDS RETENTION SCHEDULE

Signature Page

School Facilities Construction Commission
Agency

December 8, 2016
Schedule Date


Unit


Change Date

December 8, 2016
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:



Agency Head


Agency Records Officer

11/21/2016

Date of Approval
11/21/16

Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

Date of Approval

Chairman, State Archives and Records Commission

12/8/16

Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:



Records Analyst/Regional Administrator

11/22/2016

Date of Approval



Appraisal Archivist

12-08-16

Date of Approval

State/Local Records Branch Manager

12/8/2016

Date of Approval

The determination as set forth meets with my approval.



Auditor of Public Accounts

12-8-16

Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Finance and Administration Cabinet
School Facilities Construction Commission

Record Group
Number
2570

Series	Records Title and Description	Function and Use
03206	School Facilities Construction Commission Financial File (V)	This series documents the management of bond debt and subsequent activity on each bond series issue. It is a record of when bonds are issued and when they mature. This gives a history of debt service.
	Access Restrictions	None
	Contents	Series may contain: Name of issuer; name of series; date; denomination; numbers; interest rate; first interest coupon payable on; coupon payable thereafter on; at which bank payable; amount issued; bond numbers; number of bonds due; maturity dates; funds sent paying agent (date fund sent, amount sent, including agent's changes). Records on interest coupons; bond numbers; date cancelled; interest coupon numbers and the certificate of disposal.
	Retention and Disposition	Retain for five (5) years after maturity of bond. Destroy after final payment and audit.
03207	Official Transcripts of Bond Issues	This series documents bonds issued or authorized by the School Facilities Construction Commission (SFCC) pursuant to 750 KAR 1:010. Upon the district's acceptance of an offer of assistance, the SFCC decides whether the SFCC or the local school district will issue the bonds. The SFCC is empowered to issue bonds in its own name, however, SFCC typically enters into participation agreements to provide debt service support on bonds issued by local school districts through their associated finance corporations.
	Access Restrictions	None
	Contents	Series may contain: Final Official Statement; excerpt from minutes of relevant meetings of the local school district; Participation Agreement; excerpts from minutes of relevant meetings of local school district finance corporation; Lease agreements; Notice of Bond sale; Approval of Commissioner of Education; Certificate of Secretary Acceptance Successful Bid on Bonds; Corporation's letter of instructions regarding delivery of Bonds; Bond Registrar/Paying agent agreement; Execution, Signatures, and No-Litigation certification; Tax Certificate; Incumbency Certificate; Rule 15c2-12 Certificate of the Board of Education; Rule 15c2-12 Certificate of the Finance Corporation; Receipt of Corporation Treasurer; Bond Registrar's Authentication Certificate; Continuing Disclosure Agreement; Continuing Disclosure Procedures; Verification Report; Notice of Defeasance and Bond Redemption; Underwriter's Certificate; Specimen Bond; Internal Revenue Service Form8038-G; and Final Approving Legal Opinion.
	Retention and Disposition	Retain for twenty-five (25) years. Destroy after final payment and audit.

Electronic System With Included Records Series

General Government

School Facilities Construction Commission

System Description: The School Facilities Construction Commission Database tracks bonds that are issued for school construction purposes and that utilize state funds. The records maintained in this database are accumulated from all school districts in the state that issue such bonds. The system also tracks offers of assistance for the Kentucky Education Technology Systems (KETS) technology program that are provided through a matching grant from the Commonwealth of Kentucky. The database was created by the Commonwealth Office of Technology with the assistance of the School Facilities Construction Commission (SFCC) staff. All data is entered by office staff.

System Contents: The School Facilities Construction Commission Database contains a brief description of each bond issued for school construction for each school district since the inception of the SFCC in the 1980s. System may contain: Name of issuer; name of series; date; denomination; numbers; interest rate; first interest coupon payable on; coupon payable thereafter on; at which bank payable; amount issued; bond numbers; number of bonds due; maturity dates; funds sent paying agent (date fund sent, amount sent, including agent's changes); records on interest coupons; bond numbers; date cancelled; interest coupon numbers; the certificate of disposal; Final Official Statement; excerpt from minutes of relevant meetings of the local school district; Participation Agreement; excerpts from minutes of relevant meetings of local school district finance corporation; Lease agreements; Notice of Bond sale; Approval of Commissioner of Education; Certificate of Secretary Acceptance Successful Bid on Bonds; Corporation's letter of instructions regarding delivery of Bonds; Bond Registrar/Paying agent agreement; Execution, Signatures, and No-Litigation certification; Tax Certificate; Incumbency Certificate; Rule 15c2-12 Certificate of the Board of Education; Rule 15c2-12 Certificate of the Finance Corporation; Receipt of Corporation Treasurer; Bond Registrar's Authentication Certificate; Continuing Disclosure Agreement; Continuing Disclosure Procedures; Verification Report; Notice of Defeasance and Bond Redemption; Underwriter's Certificate; Specimen Bond; Internal Revenue Service Form 8038-G; and Final Approving Legal Opinion.

General Schedule Items:

<i>System Title:</i>	School Facilities Construction Commission Database	<i>Alternate Title:</i>	SFCC database
<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	
03206	School Facilities Construction Commission Financial File	Retain for five (5) years after maturity of bond. Destroy after final payment and audit.	
03207	Official Transcripts of Bond Issues	Retain for twenty-five (25) years. Destroy after final payment and audit.	
