

ED Records Schedule

SCHEDULE LOCATOR NO.: 031

APPROVED DATE: 3/6/2009

TITLE: Litigation Case Files

PROGRAM: Department-wide

NARA DISPOSITION AUTHORITY: N1-441-08-21

DESCRIPTION:

These files contain materials developed in the course of litigation and pre-litigation. Records include but are not limited to correspondence, pleadings, briefings, research, exhibits, affidavits, depositions, deposition exhibits, agreed final judgments and compromise settlement agreements.

As these records may be maintained in different media formats, this schedule is written to authorize the disposition of the records in any media (media neutral). Records that are designated for permanent retention and are created and maintained electronically will be transferred to NARA in an approved electronic format.

DISPOSITION INSTRUCTIONS:

a. Record Copy

TEMPORARY

Cut off annually upon closure of case. Destroy/delete 5 years after cutoff.

b. Record Copy of Landmark Cases

Cases involving proceedings that result in published court opinions.

PERMANENT

Cut off annually upon closure of case. Transfer nonelectronic records to the National Archives 5 years after cutoff. Transfer electronic records to the National Archives 5 years after cutoff and every 5 years thereafter, 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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c. Attorney Working Files

Attorney working files containing background and case-related documentation not appropriate for inclusion in the final case file.

TEMPORARY

Cut off annually upon close of case. Destroy when no longer needed for administrative or reference purposes.

d. 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:

Landmark cases include cases resulting in a legal precedent that establishes or affirms Department policy with respect to education issues of national importance. A Federal appellate court will usually have adjudicated these cases.

ARRANGEMENT/ANNUAL ACCUMULATION:

PREVIOUS NARA DISPOSITION AUTHORITY:

SPECIFIC LEGAL REQUIREMENTS:

SPECIFIC RESTRICTIONS:

LINE OF BUSINESS: Administration/Departmental