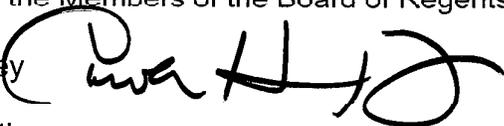




TO: The Honorable the Members of the Board of Regents

FROM: Carole F. Huxley 

COMMITTEE: Cultural Education

TITLE OF ITEM: Amendment of Sections 185.5 and 185.11 of the Regulations of the Commissioner of Education – Records Retention and Disposition Schedule MU-1

DATE OF SUBMISSION: February 24, 2003

PROPOSED HANDLING: Discussion

RATIONALE FOR ITEM: Policy discussion prior to action

STRATEGIC GOAL: Goal 2

AUTHORIZATION(S): 

SUMMARY:

Attached is a proposed amendment of sections 185.5 and 185.11 of the Regulations of the Commissioner of Education. Additional supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Article 57-A of the Arts and Cultural Affairs Law defines the responsibilities of the Commissioner of Education to advise local governments on the development of programs for the creation, maintenance, preservation, reproduction, retention and disposition of their records; on the development of micrographics systems, automated data processing systems and other systems that rely on technology to create, store, manage and reproduce information or records; and on the preservation and use of vital records and records of enduring value for historical or other research purposes. The law authorizes the Commissioner of Education to issue records retention and disposition schedules and to approve the disposition of local government records. In the absence of such schedules, local governments lack legal authority to dispose of records.

It is the purpose of the proposed amendments of sections 185.5 and 185.11 to revise and update Records Retention and Disposition Schedule MU-1 (8 NYCRR, Section 185.11 - Appendix H) and to correct the name and address of the State Archives to which one can submit requests for copies of records retention and disposition schedules. The proposed amendment has been recommended by the State Education Department after consultation with and review by the New York State Local Government Records Advisory Council. Schedule MU-1, which is used by cities (other than New York City), towns, villages and fire districts, has been substantially revised since

it was last issued in 2000. The revised Schedule MU-1 contains 59 new items and 62 substantially revised items. Working closely with concerned state agencies, State Archives staff extensively updated the Environmental Health, Public Property and Equipment, and Transportation and Engineering sections. For the first time, records in certain automated systems used in many local governments are now covered by these schedules. Indices were updated to cover all new and revised items on the Schedule. Copies of the complete schedule are available in the Regents' Office for consultation.

A Notice of Proposed Rule Making was published in the State Register on February 5, 2003. It is anticipated that the proposed amendment will be submitted for approval at the April 2003 meeting, with a proposed effective date of May 22, 2003.

Attachments

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to section 207 of the Education Law and section 57.25 of the Arts and Cultural Affairs Law.

1. Subdivision (a) of section 185.5 of the Regulations of the Commissioner of Education is amended, effective May 22, 2003, to read as follows:

(a) The following records retention and disposition schedules issued by the Commissioner of Education prior to March 9, 1990, and adopted by resolution of the governing body of a local government, may continue to be used by that local government to legally dispose of records after March 9, 1990 in accordance with section 57.25 of the Arts and Cultural Affairs Law, until superseded pursuant to subdivision (b) of this section. All of the schedules are published by The University of the State of New York, The State Education Department, Albany, NY 12234, and are available at the State Archives [and Records Administration, 10A63], 9A47 Cultural Education Center, Albany, NY 12230:

(1) records retention and disposition schedule MU-1 (1988; [rev. 2000] rev. 2003), as set forth in section 185.11 of this Part and Appendix H of this Title, for cities, towns, villages and fire districts;

(2) . . .

(3) . . .

2. Subdivision (b) of section 185.5 of the Regulations of the Commissioner of

Education is amended, effective May 22, 2003 to read as follows:

(b) The following records retention and disposition schedule, issued by the

Commissioner of Education in accordance with section 57.25 of the Arts and Cultural Affairs Law, shall

be adopted by the governing body of each affected local government. This schedule is published by The

University of the State of New York, The State Education Department, Albany, NY 12234, and is

available at the State Archives [and Records Administration, 10A63] 9A47 Cultural Education Center,

Albany, NY 12230:

(1) Records Retention and Disposition Schedule CO-2 (1990; rev. 2002), as set

forth in section 185.13 of this Part and Appendix J of this Title, is adopted for records of counties.

3. Section 185.11 of the Regulations of the Commissioner of Education is

amended, effective May 22, 2003, to read as follows:

Section 185.11 Records retention and disposition schedule MU-1, 1988; [rev.

2000] rev. 2003 (see Appendix H of this Title).