

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** **INITIAL READING: PROPOSED AMENDMENTS TO POLICY 8320,**  
***RECORDS MANAGEMENT***

**COMMITTEE:** **FISCAL ACCOUNTABILITY AND GOVERNMENT RELATIONS**

**LINK TO STRATEGIC PLAN:** **EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

Consistent with the Board’s responsibility to review policies for legal compliance, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Policy 8320, *Records Management*.

At its regular meeting of June 2025, the Board approved Item H-2, proffered by School Board Chair Mari Tere Rojas, which directed the Superintendent to, among other things, review and update Policy 8320, as necessary, for first reading at the Board meeting of August 12, 2025, to ensure that there is sufficient information to guarantee, as much as possible, clarity and adherence to § 257.36, Florida Statutes. The item cited prior School Board items on records retention, as well as recommendations made by the Office of the Inspector General (OIG) in a May 2025 report.

In response to Item H-2 and the OIG report, Policy 8320 is proposed for amendment to incorporate a new section on individual Board member and District employee responsibilities. Consistent with § 257.36, the amended policy would clarify that all Board members and District employees with public records in their possession, custody, or control are responsible for retaining and preserving those records, and that any Board member or employee who requires assistance in meeting those responsibilities must contact the District’s Records Management Liaison Officer. The amended policy would additionally specify that before Board members or District employees separate from the District, they must produce all public records in their possession, custody or control—including but not limited to all records related to purchases and travel using Board funds—to the Superintendent or designee. The policy would further be amended to require that training on retaining and preserving public records be made available to Board members and employees.

These policy amendments were drafted in collaboration with and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policy with strikethroughs and underlines are attached.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Policy 8320, *Records Management*.

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 12, 2025, its intention to amend School Board Policy 8320, *Records Management*, at its meeting of October 8, 2025.

**PURPOSE AND EFFECT:** School Board Policy 8320, *Records Management*, is proposed for amendment in response to Board action and to further align the policy with State law.

**SUMMARY:** School Board Policy 8320, *Records Management*, is proposed for amendment to incorporate a new section on individual Board member and District employee responsibilities. Consistent with F.S. 257.36, the amended policy would clarify that all Board members and District employees with public records in their possession, custody, or control are responsible for retaining and preserving those records, and that any Board member or employee who requires assistance in meeting those responsibilities must contact the District's Records Management Liaison Officer. The amended policy would also specify that before Board members or District employees separate from the District, they must produce all public records in their possession, custody or control (including but not limited to all records related to purchases and travel using Board funds) to the Superintendent or designee. The policy would further be amended to require that training on retaining and preserving public records be made available to Board members and employees.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** Fla. Stat. ss. 1001.32(2), 1001.41(1)–(2), 1001.42(13), 1001.43(6), (10).

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** Fla. Stat. ss. 119.01, 119.011, 119.021, 257.36, 1001.371; Fla. Admin. Code r. 1B-24.003.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF October 8, 2025, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by September 10, 2025, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book Policy Manual  
Section August 12, 2025 - Initial Reading  
Title RECORDS MANAGEMENT  
Code 8320  
Status Initial Reading

## 8320 - **RECORDS MANAGEMENT**

Public records shall be maintained and preserved in accordance with F.S. 119.021 and rules adopted by the Florida Department of State, Division of Library and Information Services (Division). The Superintendent is the custodian of the District's public records and is responsible for maintaining them.

### I. **The Division of Library and Information Services**

The Division establishes standards for controlling, retaining, destroying, and preserving public records. The Superintendent must adhere to these standards. Florida's records management program is authorized by F.S. 257.36 and applies to public records as defined in F.S. 119.011.

### II. **Records Management Responsibilities**

The Superintendent shall comply with State law<sup>7</sup> and designate a Records Management Liaison Officer (RMLO) for the District. The ~~Records Management Liaison Officer~~ RLMO is the primary point of contact between the District and the Division.

### III. **Records Retention Schedule**

The Superintendent will comply with applicable general records schedule(s) established by the Division. For each record series not covered by a general records schedule, the Superintendent will request from the Division a records retention schedule in accordance with F.A.C. 1B-24.003(2)-(3). Each records retention request is analyzed by the Division to determine the document's value and thus establish a period of time for which the documents are to be retained. In addition, the records retention request is reviewed to determine

whether the records merit further retention by the State in the Florida State Archives. Once approved by the Division, the records retention schedule becomes the District's official retention schedule for the record. The ~~Records Management Liaison Officer~~ RMLO is responsible for maintaining existing records retention schedules and submitting new and updated requests to the Division.

#### IV. Board Member and Employee Responsibilities

- A. All Board members and District employees are responsible for maintaining and preserving all public records in their care, custody and control, and making such records available to the Superintendent/designee upon request.
- B. Before separating from the District, Board members and District employees must provide all public records in their care, custody and control to the Superintendent/designee in a manner prescribed by administrative procedures. These records include, but are not limited to, all records related to purchases and travel using Board funds. Any Board member or employee who requires assistance in maintaining and preserving public records, or providing public records upon separating from the District, must contact the RMLO.

#### IV.V. Records Disposition/Destruction

- A. After the minimum retention has been met, disposition of the records is recommended. Disposition may be by physical destruction, transfer to another agency, ~~or~~ erasure of electronic records.
- B. Prior to records disposition, the Records Management Liaison Officer must ensure that all retention requirements have been satisfied and shall document the following:
  - 1. records retention schedule number;
  - 2. item number;
  - 3. record series title;
  - 4. inclusive dates of the records;
  - 5. volume in cubic feet for paper records;
  - 5.6. the number of bytes and/or records and/or files, if known, or ~~indicate that~~ the disposed records were in electronic form; and
  - 6.7. disposition action and date.

## ~~V~~.VI. **Litigation Hold**

- A. In certain circumstances, the District must maintain information created, maintained, or otherwise stored by the District outside of the "Records Retention Schedule". In these situations, a "Litigation Hold" procedure will be used to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.
- B. The Board must maintain information outside the "Records Retention Schedule" when:
1. the Board has specific information and/or written notice from an individual, parent, or student of an intent to file an appeal of student discipline ~~to State court~~;
  2. the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed ~~in Federal or State court~~;
  3. the Board is served with litigation, including, but not limited to, notice of a lawsuit ~~in Federal or State court~~, or notice of a student disciplinary appeal ~~to State court~~;
  4. the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Florida Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board ~~or~~, its members, employees, or agents;
  5. the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Florida Employment Relations Commission, U.S. Department of Education Office for Civil Rights,

State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board ~~or,~~ its members, employees, or agents;

6. the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;
7. the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract; ~~or~~
8. the Board explores, contemplates, or initiates litigation.

#### ~~VI.~~VII. **Definitions**

- A. "Documents" includes, but ~~is~~ are not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.
- B. "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

#### ~~VII.~~VIII. **Form Control Management System**

- A. The Superintendent shall ~~also~~ establish a reports and forms control management system. The ~~Records Management Liaison Officer~~ RMLLO shall develop and operate the records and forms control management system.
- B. Those forms, as indexed in the Forms Index and located in the Department of Records and Forms Management, constitute the approved District forms to obtain final orders as required by F.S. 120.53(1)~~(b)~~. A copy of any form listed in the Index may be obtained without cost from the Department of Records and Forms Management.

#### IX. **New or Revised Forms**

Any new or revised form must be submitted to the Department of Records and Forms Management for review and approval. Any form developed by the District which imposes any requirement or solicits any information not required by Statute or by an existing rule must be submitted for approval by the Board, and ~~an~~ the Board's approval shall be included in the Forms Index and placed on file in the Department of Records and Forms Management.

#### X. **Training**

The Superintendent will make training on this policy's requirements available to all Board members and employees.

Effective 07.01.2011

Revised 04.20.2023

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Legal References:

F.S. 119.01

F.S. 119.011

F.S. 119.021

F.S. 257.36

F.S. 1002.22

F.A.C. 1B-24.003

F.A.C. 1B-26.003

Adoption Date: 05.11.2011