



**RECORDS MANAGEMENT
AUDIT AUGUST 22, 2022**

Board of Education of Baltimore County Public Schools
Office of Internal Audit

The purpose of the audit is to assess the status of the records management process in BCPS.

Report Distribution:

Dr. Darryl L. Williams, Superintendent

Mr. Pedro Agosto, Chief Information Officer

Mr. James Corns, Executive Director,
Department of Information Technology

Ms. Margaret-Ann Howie, Esq., PRP,
General Counsel

Ms. Andrea Barr, Chief Auditor

BACKGROUND

The BCPS Board of Education (BOE) passed three motions over a five-month period related to the destruction of records by BCPS employees. The new motions passed by the BOE superseded its prior motions:

1. August 24, 2018 – September 26, 2018

The Interim Superintendent notified staff, via email, at the close of business on August 24, 2018, of the Board’s directive that all BCPS personnel immediately cease and desist in the routine or non-routine destruction of any and all school system documents until further direction by the board.

2. September 26, 2018 – January 8, 2019

The Interim Superintendent notified staff, via email, at the close of business on September 26, 2018, of the Board’s directive to limit the [record destruction] ban to staff members at the level of executive director and above.

3. January 8, 2019 – present

The Board voted in open session on the evening of January 8, 2019, to direct “the interim superintendent and all BCPS personnel assigned to the relevant offices to retain, maintain, and preserve all records kept by the Board of Education office, the Office of the Superintendent, the Division of Business Services, the Ethics Review Panel, and the Division of Human Resources, until further notice.” The Office of Law notified the records liaisons for the affected offices on January 10, 2019. The liaisons were required to communicate the directive to staff.

In July 2019, BCPS contracted with IMERGE Consulting, Inc to provide a high-level assessment of BCPS records management practices and training developed by the Office of Law. This was initiated due to recent events associated with the UHY Audit, retention and disposal of Financial Disclosure Forms, and formal complaints and media stories about unauthorized document destruction done by BCPS.

In July 2022, the records management program transitioned from the Office of Law to the Department of Information Technology (DoIT).

AUDIT OBJECTIVE

The purpose of the audit is to assess the status of the records management program in BCPS.

AUDIT PERIOD

Internal Audit reviewed documents from July 1, 2021 through May 31, 2022.

METHOD

a. Inquiry of BCPS personnel:

- Mr. James Corns, Executive Director, DoIT
- Mr. Pedro Agosto, Chief Information Officer
- Ms. Margaret-Ann Howie, Chief Legal Counsel
- Ms. Patti Clark, Policy and Compliance Officer

- Ms. Ann Rungfarsangaroon, Staff Attorney
- Ms. Candace Pallett, Administrative Secretary – Logistics

b. Review of documentation:

- All BCPS records retention schedules were reviewed to determine if they were approved by BCPS leadership and the Maryland State Archivist and completed for each area of the BCPS organization chart.
- A random sample of Certificate of Record Destruction (CORD) forms were reviewed to ensure that they were properly approved.

SUMMARY OF RESULTS

Program Improvements Initiated by the Office of Law

After the IMERGE report was received, the Office of Law started several initiatives to improve the records management process:

- All retention schedules for the organization were updated and approved by BCPS leadership and subsequently approved by the Maryland State Archivist, as recommended.
- Records Liaisons were designated at each school or site. Records Liaisons are responsible for identifying vital records, completing, and approving the CORD forms, and serve as ambassadors for the BCPS Records Management Program.
- A training program was developed and rolled out for all Records Liaisons in 2019. The Office of Law has made records management training part of the BCPS on boarding process. Additionally, on January 9, 2020, the Office of Law presented a records management status update to the Board of Education.
- A “Records Management” website page was added at: https://www.bcps.org/system/records_management_program. This website provides FAQs, forms and instructions, approved retention schedules, and guidance on litigation holds and records retention procedures.
- All BCPS staff are required to take “Annual Records Management Training.”

Review of Retention Schedules

The IMERGE report recommended that BCPS update and receive approval for retention schedules. Internal Audit determined that BCPS retention schedules have been completed and approved by the Maryland State Archivist for all areas in the organizational chart.

Review of Certificate of Records Destruction (CORD) Forms

CORD forms are completed whenever destruction of official records is requested. The form must be approved by the Records Liaison at the site, the Office Head or Principal, and the BCPS Records Officer. The Office of Logistics must certify that the records were sent to the third-party vendor for destruction. Internal Audit reviewed a random sample of 172 CORD forms and determined that 171

were properly approved. The one CORD form reviewed that was not approved was due to an oversight because the school did not use the updated CORD form and was subsequently corrected and properly approved.

Transition of Records Management Processes to Department of Information Technology

Records management oversight transitioned from the Office of Law to the DoIT in July 2022. Mr. Corns and Mr. Agosto indicated that they were aware of the IMERGE report and recommendations. Mr. Corns stated that they hired a Records Management Officer as recommended in the report. DoIT plans to implement additional recommendations, such as moving to a focus on electronic records with retention schedules embedded in the documents themselves. However, Mr. Corns referred to the IMERGE report recommendations as a “Cadillac” standard that could be undertaken if budget constraints were not an option. He indicated that DoIT will take a close look at the recommendations to determine what is feasible. DoIT will continue to work with the Office of Law and IMERGE as the transition of the records management program continues.

Risks Associated with the Ongoing BOE Records Destruction Ban

There are several risks associated with the ongoing records ban:

- Loss of time and resources:
 - Limited information retrieval/inability to find information when needed. Failure to produce records in a timely manner can lead to noncompliance and inefficient workflow and wastes time, decreasing employee productivity.
 - High storage costs. If records cannot be shredded or deleted, these costs can spiral out of control quickly.
- Lack of:
 - storage space. Storage space is limited. The warehouse is at 96% capacity.
 - visibility. There is difficulty in searching for records spread across various locations.
 - security. If data is not safe and secure, more money will need to be spent on shredding and deleting files no longer needed or used.
- Failure to comply with rules and regulations, i.e., FERPA, HIPPA
- Accidental deletion. Ensuring that records are not deleted accidentally or on purpose can be avoided by automating the process of deleting records
- Confidentiality breaches.
- Compromised accountability and transparency.

Recommendations

We offer these recommendations to continue to improve the BCPS records management process:

- Lift the records destruction ban to avoid the risks associated with the ban.
- Follow the approved records retention schedule.
- Continue to implement the feasible IMERGE recommendations.