

## DATA / RECORDS RETENTION

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. Additionally, the Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

### A. Special Education Records.

The District shall retain a student's special education records until at least the student's twenty-fifth (25<sup>th</sup>) birthday, unless written consent, or a written request to destroy the records, is received from the parent/guardian or, when applicable, the adult (eligible) student.

The District shall inform parents/guardians when personally identifiable information collected, maintained, or used in relation to the provision of special education for their student is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents/guardians. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.

The District shall maintain a copy of the last Individualized Education Plan ("IEP") that was in effect prior to the student's exit from special education until the student's sixtieth (60<sup>th</sup>) birthday.

The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.

The District shall provide public notice of its document destruction policy at least annually.

### B. Litigation Hold.

On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those records in accordance with the retention requirements of this policy and the associated procedures.

### C. Right-to-Know Request Hold.

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

**Legal References:**

*RSA 91-A, Right to Know Law*

*RSA 189:29-a, Records Retention and Disposition*

*NH Code of Administrative Rules, Section Ed 306.04(a)(4), Records Retention*

*NH Code of Administrative Rules, Section Ed 306.04(h), Records Retention*

*NH Code of Administrative Rules, Section Ed. 1119.01, Confidentiality Requirements*

*20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)*

First Reading:            September 5, 2018