

## EHB - DATA/RECORDS RETENTION

*Category: Priority - Required by Law*

*Related Policies: EH, EHAB, JRA, & JBJ*

*See also: EHB-R (Records Retention Schedule)*

The Superintendent shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations, and also addresses retention/destruction of all other records which are not subject to specific statutes or regulations. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

### **A. Special Education Records.**

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
4. 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.
5. 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.
6. 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 or digital 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

## AMHERST, MONT VERNON, SOUHEGAN, and SAU39 POLICY

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)*

Revised: November 30, 2020 (Souhegan)

Revised: August 20, 2019 (Souhegan)

Adopted: June 19, 2008 (Souhegan)