

## **PROGENY ACADEMY**

### **515B RETENTION AND DESTRUCTION OF STUDENT RECORDS FOR SPECIAL EDUCATION STUDENTS**

#### **I. PURPOSE**

School district records can only be destroyed pursuant to a records retention schedule that has been adopted by the School Board and approved by the Records Disposition Panel of the State of Minnesota or by special permission. Minn. Statute §138.17.

#### **II. GENERAL STATEMENT OF POLICY**

The following procedures regarding the retention and destruction of student records for special education students are adopted by Progeny Academy, pursuant to:

- A. The requirements of 20 U.S.C. §123f requiring that records relating to the expenditures of federal funds be maintained for five years after completion of the activity for which the funds were used.
- B. The requirements of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. §99.10, which states that educational records may not be destroyed if there is an outstanding request to inspect the records by the parent or eligible student.
- C. The requirements of the Individuals and Disabilities Education Act's (IDEA) regulations which require school districts to "...inform parents when personally identifiable information collected, maintained, or used..." pursuant to the IDEA, "...is no longer needed to provide educational services to the child..." 34 C.F.R. § 300.573 and therefore will be destroyed by the district. Before the information is destroyed, the district is advised to provide "Notice" to the student of the District's policy at the last IEP meeting prior to graduation. IDEA regulations also provide that "information must be destroyed at the request of the parents if they are no longer needed for education purposes." However, a permanent record of a student's name, address, and phone number, his or her grades, attendance records, classes attended, grade level completed, and year completed may be maintained without time limitations." 34 C.F.R. § 300.573.

#### **III. GENERAL STATEMENT OF PROCEDURES**

The Progeny Academy District will retain educational records for students with disabilities for a period of five years beyond the student's 21's birthday. In addition, special education records will not be destroyed if there is an outstanding request for the record by the parent or eligible student. Also, parents and eligible students will be notified about this practice at the time the student is:

- a. dismissed from special education services, or
- b. ages out of school.

This will constitute notice and no further notice will be given at the end of the five years.

Students will be asked to sign an acknowledgement (Notice of Special Education File Retention Policy) of the district's policy to destroy the records after five years and that the "Notice" has been given. A copy of this notice will be retained by the school. Results of achievement and other standardized tests will be retained permanently. A record of all standardized tests results administered as an evaluation for eligibility while the student was in special education services will be permanently retained. When the student reaches the age of at least 26, all special education records will be destroyed, with the exception for the final IEP/IIP and all the Evaluation Reports, the Notice of Proposed Action or Denial indicating the student's dismissal from services, and the Exit Report: Summary of Performance Form. These records will be kept an additional five years (until the student reaches age 31) at which time they will all be destroyed.

The school will provide a child's divorced, non-custodial parent(s) with the same procedural protections as the child's custodial parent, unless a state court has determined otherwise (Divorced Parents - Chapter 1). As a result, both divorced parents of a disabled child will be notified of IEP/IIP issues and will be granted access to relevant records, regardless of who has custody. Both divorced parents must be given the opportunity to participate in the development and approval of the child's educational placement. *Doe v. Arnig*, 651 F. Supp. 424, 37 Educ. L.R. (D. Mass. 1987).

The custodial parent should provide documentation to the principal establishing custodial rights and any other court orders. The noncustodial parent should receive a copy of any correspondence upon providing the principal with a mailing address.

***Legal References:*** 20 U.S.C. § 1232f  
34 C.F.R. § 300.573 & C.F.R. § 99.10 (Family Educational Rights and Privacy Act)  
(FERPA)  
*Doe v. Arnig*, 651 F. Supp. 424, 37 Educ. L.R. (D. Mass. 1987)

**ADOPTED:** May 18, 2019  
**REVIEWED/REVISED:**

**NOTICE OF SPECIAL EDUCATION FILE RETENTION PROCEDURE**

In accordance with the policy adopted by the Progeny Academy Board of Directors, notice is hereby being given as to the length of time that your special education file will be maintained.

The record will be retained until five years after your 21st birthday in accordance with the District's retention schedule. At that time, the contents will be destroyed with the exception of the final IEP, the most recent Evaluation Report, and the Exit Report: Summary of Performance. These remaining records will be kept an additional five years at which time they too will be destroyed. The following records will be maintained without time limitation; standardized and achievement tests results, student's name, address, phone number, grades, attendance and grade level completed.

By signing this notice, you are acknowledging the retention procedure. No further notice will be given.

\_\_\_\_\_ Adult Student or Legal Guardian

\_\_\_\_\_ Date

\_\_\_\_\_ Witness

\_\_\_\_\_ Date

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**Student Copy**

In accordance with the procedure adopted by the Progeny Academy Board of Directors, notice is hereby being given as to the length of time that your special education file will be maintained.

The special education record will be retained until five years after your 21st birthday in accordance with the District's retention schedule. At that time, the contents will be destroyed with the exception of the final IEP/IIP, the most recent Evaluation Report, and the Exit Report: Summary of Performance. These remaining records will be kept an additional five years at which time they too will be destroyed.

\_\_\_\_\_ Adult Student or Legal Guardian

\_\_\_\_\_ Date

\_\_\_\_\_ Witness

\_\_\_\_\_ Date