

Adopted: April 30, 2018

Revised:

AGAMIM CLASSICAL ACADEMY
Students, No. 510

SPECIAL EDUCATION STUDENT RECORDS RETENTION POLICY

Purpose

School district records can only be destroyed pursuant to a record 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.

I. General Statement of Policy

The following procedures regarding the retention and destruction of student records for special education students are adopted by the school board 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 with Disabilities Education Act's (IDEA) regulations which require school districts to "...inform parents when personally identifiable information is 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 Board's policy at the last IEP meeting prior to graduation (Grade 8 at AGAMIM). 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.

II. General Statement of Policy

The District will retain educational records for students with disabilities for a period of five years beyond the student's exit or graduation (end of grade 8) from AGAMIM. 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: 1) dismissed from special education services; 2) graduates from school; or 3) ages out of school. This will constitute notice and no further notice will be given at the end of 5 years. Students or parents will be asked to sign an acknowledgement (notice of Special Education Retention Policy) of the Board's policy to destroy the records after 5 years and that the notice has been given. A copy of this notice will be retained by the school.

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 Executive Director/Principal that establishes custodial rights and any other court orders. The noncustodial parent should receive a copy of any correspondence upon providing the Executive Director/Principal with a mailing address.

Legal References: 20 U.S.C. § 1232f

34 C.F.R. § 300.573 & 34 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)

Cross References: