

## **DATA/RECORDS RETENTION**

*Category: Priority/Required by Law*

The Superintendent shall develop and maintain (a) a schedule for the minimum retention of various district records (“Record Retention Schedule”) as required under RSA 189:29-a, and (2) procedures for records retention and/or destruction. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by state or federal law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

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

- A. Record Retention Schedule. Records of the District shall be retained no less than the time prescribed in District’s Record Retention Schedule EHB-R. The Superintendent shall update the Record Retention Schedule from time-to-time in accordance with legislative or regulatory changes, directives of the Board, as recommended by the New Hampshire School Boards Association, or upon advice of counsel. The Superintendent shall inform the Board of any revisions to EHB-R no later than the second School Board meeting after the changes were made.
- B. Special Holding or Destruction Provisions. Notwithstanding the District’s Record Retention Schedule, (a) special destruction rules may apply to student special education records, and, (b) for other records, the normal retention periods may be suspended when the records are implicated by either a litigation hold or a request for records under the New Hampshire Right to Know law, RSA 91-A.
  1. Special Education Records.
    - a) 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.
    - b) 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.
    - c) 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.

- d) 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.
  - e) 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.
  - f) The District shall provide public notice of its document destruction policy at least annually.
2. **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 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.
3. **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.

C. Disposal of Sensitive Information & Media Sanitization . District records which include “Sensitive Information” shall be destroyed as provided in this paragraph. All electronic devices with storage capacity shall be deemed to contain sensitive information. For purposes of this section, “Sensitive Information” shall mean and include:

- Records containing student or employee personally identifiable information (PII) as defined in RSA 189:65, VII and VII-a;
- Criminal History Records Information (see Board policy GBCE);
- Drug test records;
- Child labor permits;

- Cobra notices;
  - Accident reports;
  - Special education student records;
  - Records pertaining to civil rights investigations;
  - Bonds and continuation certificates;
  - Accident reports;
  - Banking records;
  - Business correspondence including confidential information such as account numbers, banking or digital transaction information;
  - Tax forms, unemployment records, etc. with confidential data; and
  - Any other information that would be exempt from disclosure under RSA 91-A:5 or deemed sensitive information by the Board, the Superintendent, Building Principal or their designees.
1. Physical media (i.e., “hard copies”, print-outs, etc.) including sensitive information shall be destroyed by one of the following:
    - shredding using District issued cross-cut shredders;
    - placed in locked shredding bins approved by the Superintendent to come on-site and shred, witnessed by District personnel throughout the entire process; or
    - incineration using District incinerators or if conducted by non-authorized personnel offsite, witnessed by the Superintendent or Superintendent’s designee.
  2. Electronic media. *All electronic media should be assumed to contain sensitive information.* When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, and other similar items used to process, store and/or transmit district records with sensitive data shall be disposed of as follows:
    - Overwriting (at least three times)
    - Degaussing (removal of magnetism)
    - Physical destruction (i.e., dismantling by methods of crushing, disassembling, etc., ensuring that the platter or other storage device has have been physically destroyed so that no data can be extracted).

Computers and other digital or electronic devices or systems that have been used to process, store, or transmit sensitive information shall not be released from the District’s direct control until the equipment has been sanitized and all stored sensitive information has been destroyed using one of the above methods.

**D. Destruction of District Records with No Sensitive Information.** All records which do not include sensitive information should be destroyed as soon as practicable upon the expiration of the applicable retention period and in a manner deemed most efficient and practical.

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*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)

Adopted by Jackson School Board – August 21, 2006  
Revision Adopted by Board – July 17, 2023

## LOCAL RECORDS RETENTION SCHEDULE

The following schedule shall apply to all records obtained, created or maintained by the District, 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 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 the attorney representing the district authorizing resumption of the routine destruction of those records.

### 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, the

requested material shall be preserved for no less than 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 the attorney representing the District authorizing destruction of the records has been received.

D. Electronic Records.

For legal purposes, electronic records and communications are no different than paper documents. The state law on preservation of electronic records, RSA 33-A:5-a Electronic Records, does not explicitly apply to school districts, but does provide guidance: "Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper or microfilm, or stored in portable document format/archival (PDF/A) on a medium from which it is readily retrievable. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by [Superintendent as the party] responsible for the records. The [Superintendent] is responsible for assuring the accessibility of the records for the mandated period." [Italics represent modified language to reflect Superintendent's responsibility for record retention and access.]

E. Retention Period Schedule.

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.. [The superintendent should include language to this administrative procedure identifying one or more persons responsible for either assuring retention/destruction in accordance with the schedule, as well as any specific means of retention/destruction]

Note regarding records relating to federal funds (items marked below with "\*"):  
 Before any records related to federal funds are destroyed, however, the requirements of the General Education Provisions Act (GEPA) 20 U.S.C. 1232f shall be observed. Namely, that statute requires that district "shall keep records which fully disclose the amount and disposition by the recipient of [federal] funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit . . . . for three years after the completion of the activity for which the funds are used."  
 Therefore, to the extent that the below schedule, or other authorities, suggest that a purchase order, with accompanying documentation, may need to be retained only until the records are audited, plus 1 year, if the purchase is in part or in whole with federal funds the record must be retained for three years after the completion of the activity for which the funds are used, a much longer period of time.

| Type of Record    | Statute, Rule, or other legal authority – if none listed the retention period is a recommendation | Retention Period |
|-------------------|---|------------------|
| Business Records  |   |                  |
| Accident Reports: |   |                  |
| • Employee        |   | Term of          |

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|  |   | employment, plus 6 years                            |
| • Student  |   | Age of majority, plus 6 years                       |
| Accounts Receivable  | RSA 33-A:3-a  | Until audited, plus 1 year                          |
| Annual Audit   | RSA 33-A:3-a (10 years)   | Permanent   |
| Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU) | RSA 33-A:3-a  | Permanent   |
| Application for Federal Grants   | 20 U.S.C. 1232f., (three years after the completion of the activity for which the funds are used) other authorities may apply | 5 years   |
| Architectural Plans  |   | Permanent   |
| Asbestos Removal   |   | Permanent   |
| Bank Deposit Slips   | RSA 33-A:3-a  | 6 years   |
| Bonds and continuation certificates  | RSA 33-A:3-a (expiration plus 2 years)  | Permanent   |
| Budget Worksheets  |   | End of budget year, plus 1 year                     |
| Cash receipts, disbursement records, checks  | RSA 33-A:3-a  | Until Audited and at least 6 years after last entry |
| Child Labor Permits  |   | 1 year  |

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| Work-study   | 29 C.F.R. §570.37                                   | 3 years from date of enrollment                 |
| • Construction Contracts, Capital projects, fixed assets that require accountability after acquired* | RSA 33-A:3-a (Life of project/asset)                | Life of contract, building, asset plus 20 years |
| • Engineering Surveys  |   | Permanent                                       |
| • Unsuccessful bids  | RSA 33-A:3-a (Completion of project, plus one year) | Life of contract plus 3 years                   |
| Certified Educator   |   | Permanent                                       |
| COBRA Notices  | 42 U.S.C. 300bb-1, <i>et. seq.</i> (3 years)        | 6 years from date of                            |

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|---|--|--|
|   | ERISA 29 U.S.C. §1027 ( 6 years)                         | issue                                  |
| Collective Bargaining Agreements  |  | Permanent                              |
| Correspondence for Business transactions*   |  | Life of subject matter plus 4 years    |
| Correspondence - General  |  | 3 years or longer when historic/useful |
| Correspondence Transitory   | RSA 33-A:3-a   | As needed for reference                |
| Deeds   |  | Permanent                              |
| District Meeting Minutes & Warrant  |  | Permanent                              |
| Insurance policies  | RSA 33-A:3-a   | Permanent                              |
| Notes (loan documents)  | RSA 33-A:3-a   | Until paid, Audited, plus 3 years      |
| Student Activities Records/Accounts   | RSA 33-A:3-a (bank deposit slips and statements 6 years) | Until Audited, plus 6 years            |
| Enrollment Reports:   |  |  |
| <ul style="list-style-type: none"> <li>Fall Reports A12A (RSA 189:28)</li> </ul>  |  | Permanent                              |
| <ul style="list-style-type: none"> <li>Pupil Registers</li> </ul>                 | RSA 189:27-b   | Permanent                              |
| <ul style="list-style-type: none"> <li>Resident Pupil Membership Forms</li> </ul> |  | 14 years                               |
| <ul style="list-style-type: none"> <li>School Opening Reports</li> </ul>          |  | 3 years                                |

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| <ul style="list-style-type: none"> <li>Statistical Report A-3 (RSA 189:28)</li> </ul> |   | Permanent   |
| Federal Projects Documents  | Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity for which the funds are used), other authorities may apply | 5 years after submission of final audit report and documentation for expenditures, unless there is an ongoing audit |
| FICA Reports – monthly  |   | 7 years   |
| Fixed Trip Requests/Confirmation  |   | 1 year  |
| Fixed Assets Schedule   |   | Permanent/as updated  |



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| Form C-2 Unemployment                       |   | 6 years                    |
| Wage Report (DES 100)                       |   | 6 years                    |
| Invoices*                                   | Until Audited, plus 1 year  | 3 years*                   |
| MS-22 Budget Form                           |   | 6 years                    |
| MS-23 Budget Form                           |   | 6 years                    |
| MS-25 Budget Form                           |   | Permanent                  |
| Minutes of Board Meetings, Board Committees | RSA 91-A:2, II, RSA 33-A:3-a  | Permanent                  |
| Purchase Orders*                            |   | Until Audited, plus 1 year |
| Request for Payment Vouchers*               |   | Until Audited, plus 1 year |
| Requisitions*                               |   | Until Audited, plus 1 year |
| Retirement Reports – Monthly                |   | 1 year                     |
| Time Cards:                                 |   |                            |
| • Bus Drivers                               | Lab 803.03. Notification and Records no less than 4 years   | 5 years                    |
| • Custodial                                 | Lab 803.03. Notification and Records no less than 4 years   | 5 years                    |
| • Secretarial                               | Lab 803.03. Notification and Records no less than 4 years   | 5 years                    |
| • Substitute Teachers pay slips             | Lab 803.03. Notification and Records no less than 4 years   | 5 years                    |
| Payroll Records                             | RSA 33-A:3-a Audited, plus 2 year<br>29 C.F.R. §1627.3 (3 years) ADEA: 29 U.S.C. §626, 29 CFR Part 1602 (2 years from job action); 29 C.F.R § 825.500 FMLA, 29 U.S.C.§2616, 3 years | 6 years                    |
| Travel Reimbursements*                      | Until Audit, plus 1 year  | 3 years*                   |

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| Treasurer’s Receipts – canceled checks |  | 6 years |
| Treasurer’s Report                     |  | 6 years |
| Vocational Education:                  |  |         |
| • AVI Forms                            |  | 1 year  |

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| <ul style="list-style-type: none"> <li>Vocational Center Regional Contracts</li> </ul>  |  | 20 years                          |
| <ul style="list-style-type: none"> <li>Federal Vocational Forms*</li> </ul>             |  | 6 years                           |
| Vouchers Manifests*   |  | Until Audit, plus 1 year          |
| Tax Forms:  |  |                                   |
| <ul style="list-style-type: none"> <li>W-2's, 1099 *</li> </ul>                         | Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2)(tax advisors say 7 years)  | 7 years                           |
| <ul style="list-style-type: none"> <li>W-4 Withholding Exemption Certificate</li> </ul> | Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years) | 7 years                           |
| <ul style="list-style-type: none"> <li>W-9</li> </ul>                                   | Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years) | 7 years                           |
| <ul style="list-style-type: none"> <li>941-E Quarterly Taxes</li> </ul>                 | Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years) | 7 years                           |
| Personnel Records   | RSA 33-A:3-a. Retirement or termination, plus 50 years   | Term of Employment, plus 50 years |
| Application for employment - Successful   | RSA 33-A:3-a<br>Unsuccessful applicants: current year, plus 3 years.   | Term of Employment, plus 50 years |
| Attendance Records:   |  |                                   |
| <ul style="list-style-type: none"> <li>Leaves</li> </ul>                                | Family Medical Leave Act – 3 years   | 3 years                           |
| <ul style="list-style-type: none"> <li>Request for Leaves</li> </ul>                    |  | 1 year                            |
| Class Observation Forms   |  | 1 year                            |
| Criminal Record Check:  |  |                                   |
| <ul style="list-style-type: none"> <li>No criminal record</li> </ul>                    | RSA 189:13-a (Superintendent only)   | Destroy immediately after review  |

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| • Criminal record   | RSA 189:13-a (Superintendent only)   | Destroy within 30 days of receipt      |
| Civil Rights Forms, Discrimination claims, accommodation under ADA, information used for EEO-5 report, EEO-5 report | 29 C.F.R. §1602.40; 42 U.S.C. 12117; 42 U.S.C. § §§ 2000e-8-2000e-12; 42 U.S.C. § 2000ff-6; (final disposition, 2 years, 3 years)                        | 6 years                                |
| Deferred Compensation plans   | RSA 33-A:3-a   | 7 years                                |
| Dues Authorization  | RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |
| Employment test papers with results   | 29 C.F.R. §1627.3  | One year from date of personnel action |
| Evaluations   | RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |
| HIPPA Documentation   | RSA 33-A:3-a. – Personnel record<br>HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938  | Term of Employment, plus 50 years      |
| Labor-PELRB actions   | RSA 33-A:3-a   | Permanent                              |
| Labor Negotiations  | RSA 33-A:3-a   | Permanent                              |
| Legal Actions - lawsuits  | RSA 33-A:3-a   | Permanent                              |
| Medical Benefits Application  | RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |
| Medical exams, Physical examinations used for personnel action  | 29 C.F.R. §1627.3(One year from date of personnel action)<br>RSA 33-A:3-a. – Personnel record<br>29 C.F.R. §1910.1020 (term of employment plus 30 years) | Term of Employment, plus 50 years      |
| Oaths of Office   | RSA 33-A:3-a Term, plus 3 years  | Permanent                              |
| Promotion, demotion, transfer, selection for training, layoff, recall, or discharge                                 | 29 C.F.R. §1627.3 (1 year from date of action)<br>RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |
| Recruitment Documents   | 29 C.F.R. §1627.3  | One year from date of personnel action |
| Re-employment Letter of Assurance   | RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |
| Retirement application  | RSA 33-A:3-a. – Personnel record   | Term of Employment, plus 50 years      |

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|---|---|-----------------------------------|
| School Bus Driver Drug Tests – positive results & records of administration of test | 49 C.F.R. §382.401; 49 C.F.R. § 40.333  | 5 years                           |
| School Bus Driver Drug tests – negative & cancelled                                 | 49 C.F.R. §382.401  | 1 year                            |
| Separation from Employment Form/Letter  | RSA 33-A:3-a. – Personnel record  | Term of Employment, plus 50 years |
| Settlement agreements, even if in anticipation of a lawsuit                         | RSA 91-A:4, VI (10 years)   | Permanent                         |
| Staff Development Plan  | Term of Employment, plus 50 years   | Term of Employment, plus 50 years |
| Substitute Teacher Lists  |   | 7 years                           |
| Student Records:  |   |                                   |
| Applications for Free/Reduced Lunch   |   | 6 years                           |
| Assessment Results  | Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. | Permanent                         |
| Attendance  | Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. | Permanent                         |
| Disciplinary Records  |   | Term of Enrollment, plus 3 years  |
| Early Dismissal   |   | 1 year                            |
| Emergency Information Form  |   | 1 year/as updated                 |
| Grades  | Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. | Permanent                         |
| Health and Physical Records   |   | Term of Enrollment, plus 3 years  |

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| Immunization Record                                 |   | Term of Enrollment, plus 3 years            |
| Log of requests for access to education records     | FERPA 20 U.S.C. §1232g (b)(4)(A)  | As long as the education record is retained |
| Medical Reports                                     |   | Term of Enrollment, plus 3 years            |
| Registration Form                                   |   | Term of Enrollment, plus 3 years            |
| Student Handbook                                    |   | 1 copy of each edition, Permanent           |
| Transcripts   | Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe. | Permanent                                   |
| Internal Records:                                   |   |   |
| Child Abuse Reports/Allegations                     |   | Permanent                                   |
| Criminal Investigation                              |   | Permanent                                   |
| Personnel Investigations                            |   | Permanent                                   |
| Sexual Harassment                                   |   | Permanent                                   |
| Records Management, transfer to storage or disposal | RSA 33-A:3-a (summary report of what category of records, for what range of dates, was put in storage or destroyed)   | Permanent                                   |
| Vehicle maintenance                                 | RSA 33-A:3-a  | Life of vehicle, plus 3 years               |

Prior to destroying any class of records for which no definitive legal authority regarding retention is identified, we recommend that each District consult with local legal counsel and your insurance carrier for any recommendations they may have on retention periods. The recommended retention period is a minimum. Unless destruction is required by law, where governmental records have historical value or other considerations warrant retention, the records may be retained for a longer period or permanently.