

---

## MAKING COMMUNITY CONNECTIONS CHARTER SCHOOL

### DATA/RECORDS RETENTION

EHB

---

The CEO 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 CEO shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all MC<sup>2</sup> records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.

#### A. Special Education Records

Given the student's resident district has the responsibility for ensuring provision of the special education and related services in the child's IEP, MC<sup>2</sup> will maintain a student's special education records solely for the duration of the student's enrollment.

#### B. Litigation Hold

On receipt of notice from legal counsel representing MC<sup>2</sup> 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 MC<sup>2</sup> 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 CEO 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*  
*20 U.S.C. 1232g, Family Educational Rights and Privacy Act (FERPA)*

Appendix Reference:

Date Adopted: July 8, 2013

Revision Dates: May 20, 2019

Last Review Date: