

The Executive Director shall develop procedures for a records retention system that is in compliance with RSA 189:29-a and Department of Education regulations, and also address 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 Executive Director shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy shall apply to all MC² 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 and holds their records at the district office. MC² accesses records as needed and forwards all relevant information to the district. The sending district maintains a student's special education records.

B. Litigation Hold

On receipt of notice from legal counsel representing MC² 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 MC² 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 Executive Director 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 MC² 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 the Superintendent as the party responsible for the records. The Superintendent is responsible for assuring the accessibility of the records for the mandated period." In the case of MC², the responsibilities of the referenced Superintendent fall to the Executive Director.

E. Retention Schedule

The schedule for retention found in EHB-R shall apply to all records obtained, created or maintained by Making Community Connections Charter School (MC²).

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)

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