

CORNERSTONE MONTESSORI ELEMENTARY SCHOOL
Records Retention for Special Education Students (Policy 725.2)

I. PURPOSE

School 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](#)

II. GENERAL STATEMENT OF POLICY

The following procedures regarding the retention and destruction of student records for special education students are adopted by the Cornerstone Montessori Elementary School (CMES) 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, CMES is advised to provide "Notice" to the student of CMES'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

CMES will retain educational records for students with disabilities for a period of five years beyond the last day of enrollment or upon graduation from the program. In addition, special education records will not be destroyed if there is an outstanding request for the record by the parent or eligible student.

Notice of Policy

Parents or guardians 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. Parents or guardians will be asked to sign an acknowledgement (Notice of Special Education Retention Policy) of the CMES'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.

When to destroy the full record?

After five years from a child's departure from CMES, all special education records will be destroyed.

Non-Custodial Parents

CMES will provide records to a child's non-custodial parent, unless a state court has determined otherwise. As a result, both parents must be given the opportunity to participate in the development and approval of the child's education placement. The custodial parent should provide documentation to the Head of School establishing custodial rights and any other court orders. The non-custodial parent will receive a copy of any correspondence upon providing the Head of School with a mailing address.

IV. GENERAL STATEMENT OF PROCEDURES FOR TRANSFER STUDENTS

When a student transfers out of CMES, the CMES will submit the student's educational records, as requested by the transferring school, within ten business days to the school of transfer.

Legal References:

Minn. Statute 138.17

20 U.S.C. 123f

Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. 99.10

34 C.F.R 300.573

Approved by Board: June 22, 2021

Revised: October 17, 2023