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## Managing Records

# Records Retention and Disposition Schedule ED-1 (/records/retention\_ed-1)

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## ED-1: Special Education

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## Individual Student Records

**NOTE:** Section 300.573(b) of 34 CFR requires school districts and BOCES to destroy, at the parent's request pursuant to Section 300.573(a), "personally identifiable information" contained in these records, when this information "is no longer needed to provide educational services to the child." However, pursuant to Section 300.573(b), "a permanent record of the 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." (See item no. 366, below, and item no. 275, in the Student Records section of this Schedule.) Such destruction may occur before the legal minimum retention period stated above has arrived, **if it is conducted strictly according to the procedures outlined in federal regulations and guidelines provided by the federal Department of Education and the New York State Education Department's Office for Special Education Services.**

**School districts and BOCES should carefully determine what educational needs warrant retention of any records which parents might request be destroyed.** In informing parents of their rights, school districts and BOCES may also

ED-1: Civil Defense (/records/retention\_ed-1\_civil-defense)

ED-1: Election (/records/retention\_ed-1\_election)

ED-1: Electronic Data Processing (/records/retention\_ed-1\_electronic-data-processing)

ED-1: Environmental Management (/records/retention\_ed-1\_environmental-management)

ED-1: Fiscal (/records/retention\_ed-1\_fiscal)

ED-1: Food Management and Child Nutrition (/records/retention\_ed-1\_food)

ED-1: Gifted and Talented Programs (/records/retention\_ed-1\_gifted-talented)

ED-1: Health (/records/retention\_ed-1\_health)

ED-1: Human Rights/Economic Opportunity (/records/retention\_ed-1\_human-rights)

ED-1: Instruction (/records/retention\_ed-1\_instruction)

ED-1: Insurance (/records/retention\_ed-

wish to remind parents that certain records with personally identifiable information may be useful in the future to the parents or children for other purposes, such as for social security benefits or to qualify for future services from the New York State Office of Mental Retardation and Developmental Disabilities. To protect the school district or BOCES in the case of a future request for records destroyed at parental request, school officials should consider maintaining a record of any such destruction done at parental request with remaining records in the applicable set of records. For additional information, contact the State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Special Educational Policy and Quality Assurance.

*1.[267]	<p><b>Special education file</b> of student (including both school-age students and pre-school children) with a disability</p>
	<p>a. Student information sheet, most recent year's IEP (Individualized Education Program), evaluation record, and summary record (if created):</p> <p><b>RETENTION:</b> 6 years after student graduates/would normally have graduated from high school or 6 years after student attains age 21, whichever is shorter</p> <p><b>NOTE:</b> These records may be needed more than 6 years beyond the student's graduation or 21st birthday to verify previous disability, especially in connection with applications by former students for social security or other benefits. At the same time, unnecessarily long retention of these records may jeopardize the personal privacy safeguards contained in Section 300 of Title 34 of the Code of Federal Regulations. School districts and BOCES should weigh these concerns carefully and consult their attorney or counsel before establishing policy concerning retention of these records beyond their legal minimum retention periods.</p>

1\_insurance)

ED-1: Library/Library System (/records /retention\_ed-1\_library)

ED-1: Magnet Schools (/records/retention\_ed-1\_magnet-schools)

ED-1: Miscellaneous (/records/retention\_ed-1\_miscellaneous)

ED-1: Museum (/records /retention\_ed-1\_museum)

ED-1: Nursing Education (/records/retention\_ed-1\_nursing)

ED-1: Personnel/Civil Service (/records /retention\_ed-1\_personnel)

ED-1: Public Access to Records (/records /retention\_ed-1\_public-access)

ED-1: Public Employment and Training (/records /retention\_ed-1\_public-employment-training)

ED-1: Public Property and Equipment (/records/retention\_ed-1\_public-property)

ED-1: School Safety (/records/retention\_ed-1\_school-safety)

ED-1: Special Education (/records/retention\_ed-

b. Other special education records including but not limited to attendance record, copy of high school transcript or student progress reports, referral form, individual evaluations, and health record, IEP's (**except** most recent), parent communication, agency communication, and attendance/staff reports, behavior/staff changes records, test papers, psychologists' notes and "protocols," **regardless** of whether or not student is declassified from special education:

**RETENTION:** 6 years

c. Federal Medical Assistance records for Special Education and Case Management Services, including but not limited to all documentation, logs, surveys, reports, remittance statements and memoranda of advisements pursuant to the School Supportive Health Services Program (SSHSP) and the Preschool Supportive Health Services Program (PSHSP):

**RETENTION:** 6 years after date of payment to school district or BOCES

**Records of special education "committee minutes,"** where needs of various students and their progress and problems are discussed, when significant information is transferred or posted to individual student special education records:

**RETENTION:** 6 years

**NOTE:** If significant information is **not** transferred or posted to the special education file for each individual student, then these records must be retained for 6 years after student graduates/would normally have graduated from high school or 6 years after student attains age 21, whichever is shorter, as per item no. 267a, above.

\*2.[365]

**Referral service records of preschool student with a disability,** including but not limited to intake information record, record of referral for services, follow-up review record, and correspondence:

**RETENTION:** 6 years

3.[271]

1\_special-education)

ED-1: Student Records  
 (/records/retention\_ed-1\_student-records)

ED-1: Supplemental Education Services  
 (/records/retention\_ed-1\_supplemental-education-services)

ED-1: Taxation and Assessment (/records /retention\_ed-1\_taxation)

ED-1: Teacher Resource and Computer Training Center (/records /retention\_ed-1\_teacher-resource-computer-training)

ED-1: Transportation  
 (/records/retention\_ed-1\_transportation)

## Financial Tracking and Reporting

1.[268]	<p><b>State agency notification to school district identifying student with a disability placed in residential facility,</b> (State Education Department STAC [System for Tracking and Accounting for Children] 200 or 201 Form or equivalent) prepared by state agency other than State Education Department:  <b>RETENTION:</b> 6 years after notice superseded, or student attains age 21, whichever is shorter</p>
2.[269]	<p><b>Commissioner of Education approval for providing and funding special education services,</b> (State Education Department STAC [System for Tracking and Accounting for Children] 3 Form or equivalent), identifying child, services provider, and type, duration and cost of services:  <b>RETENTION:</b> 6 years</p>
3.[270]	<p><b>Federal assistance records for special education,</b> including but not limited to application, advisement, eligible student survey form, reports, statement of payment and memorandum of instruction:  <b>RETENTION:</b> 6 years</p>

## Program Administration

1.[368]	<p><b>Plans prepared in relation to providing special education services</b></p>
	<p>a. School district annual or biennial plan outlining special program and education services, required by Section 200.2(c) of 8NYCRR:  <b>RETENTION: PERMANENT</b></p>
	<p>b. Special education space requirement plan developed by BOCES, including related correspondence and any amendments:  <b>RETENTION:</b> 6 years after superseded</p>
2.[369]	<p><b>Reports relating to special education program</b> (not covered by other items in this Schedule)</p>

	<p>a. Summary reports of student data: <b>RETENTION:</b> 6 years</p>
	<p>b. Annual and other reports covering the evaluation, referral, placement and review processes, and IEP (Individualized Education Program) development: <b>RETENTION:</b> 6 years</p>
3.[370]	<p><b>Waivers permitting a school district or BOCES to implement an innovative special education program</b>, along with applications, correspondence, reports and all related records</p>
	<p>a. Waiver granted on an annual basis: <b>RETENTION:</b> 6 years</p>
	<p>b. Waiver granted on a permanent basis: <b>RETENTION:</b> 6 years after expiration</p>
	<p>c. Annual or other reports submitted to New York State Education Department (SED) regarding operation and evaluation of the program: <b>RETENTION:</b> 6 years</p>
4.[371]	<p><b>Records of special education program monitoring by New York State Education Department (SED)</b>, including but not limited to monitoring report, response and records of any resulting action taken: <b>RETENTION:</b> 6 years after date of most recent entry in record, or until the next program review is completed, whichever is later</p>

## Miscellaneous

1.[372]	<p><b>Census and register of students with disabilities</b> residing in school district, eligible to attend school or pre-school special education program:  <b>RETENTION:</b> 6 years</p> <p><b>NOTE:</b> This item does <b>not</b> cover the school census listing all persons of school age residing in the district which is covered by item no. 43, found in the Student Records section, Student Information Systems and Related Records subsection. If the general school census and the census and register of students with disabilities are one and the same record, follow the instructions given under item no. 43.</p>
2.[373]	<p><b>Lists maintained in relation to providing special education services</b>, including but not limited to list of names and resumes of impartial hearing officers, list of free or low-cost legal and other relevant services, list of public and private agencies and other professional resources where independent evaluations may be obtained, list of potential surrogate parents, and list of preschool programs:  <b>RETENTION:</b> 6 years</p> <p><b>NOTE:</b> This does <b>not</b> cover the register, census or list of students with disabilities, which is covered by item no. 372, above.</p>
3.[374]	<p><b>Requests for access to special education records</b></p>
	<p>a. Requests for access by parents and authorized employees:  <b>RETENTION:</b> 1 year</p>
	<p>b. All other requests, maintained pursuant to Section 300.563 of 34 CFR, including name of party requesting access, date access denied or granted, and purpose for which access is requested:  <b>RETENTION:</b> 5 years</p>
4.[375]	<p><b>Records of special education testing of students</b>, where students are <b>not</b> classified as requiring special education</p>

	a. Lists of students tested but not classified: <b>RETENTION:</b> 6 years
	b. Records relating to individual student not classified, including but not limited to referral, results of testing and evaluation report: <b>RETENTION:</b> 0 after student attains age 21, but not less than 6 years

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