

PELHAM SCHOOL DISTRICT PROCEDURE EHB-R – LOCAL RECORDS RETENTION SCHEDULE

See Board Policy: EHB

Related Policies: EH, EHAB, JRA, and JBJ

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 local records retention schedule (This document) 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 local records retention schedule (This 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.

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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." [Brackets represent modified language to reflect the 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.

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.

District Policy History:

Adopted: June 07, 2006

Revised: June 05, 2019

Revised: March 22, 2022

Legal References:

RSA 91-A, Right to Know Law

RSA 33-A, Disposition of Municipal Records

RSA 189:29-a-b, 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. 1232f-g, Family Educational Rights and Privacy Act (FERPA)

34 CFR 300.624 Code of Federal Regulations

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Type of Record	Statute, Rule, or other Legal Authority –(if none listed the retention period is a recommendation)	Retention Period	Responsible Party
Business Records			
Accident Reports			
Employee		Term of employment plus 6 years	HR
Student		Age of majority plus 6 years	Principal
Account Receivable	RSA 33-A:3-a	Until audited plus 1 year	BA
Annual Audit	RSA 33-A:3-a (10 years)	Permanent	BA
Annual Report (District), Warrants, Annual District Meeting Minutes, Budgets (District & SAU)	RSA 33-A:3-a	Permanent	BA
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	Grant Manager/BA
Architectural Plans		Permanent	BA -Facilities
Asbestos Removal		Permanent	BA -Facilities
Engineering Surveys		Permanent	BA -Facilities
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	BA -Facilities
Bank Deposit Slips	RSA 33-A:3-a	6 years	BA
Bonds and continuation certificates	RSA 33-A:3-a (expiration plus 2 years)	Permanent	BA
Budget Worksheets		End of budget year plus 1 year	BA
Cash receipts, disbursement records, checks	RSA 33-A:3-a	Until Audited and 6 years after last entry	BA
Child Labor Permits		1 year	Principal
Work Study	29 C.F.R. §570.37	3 years from the date of enrollment	Principal
Certified Educator		Permanent	HR
COBRA Notices	42 U.S.C. 300bb-1, <i>et. seq.</i> (3 years) ERISA 29 U.S.C. §1027 (6 years)	6 years from date of issue	HR

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Collective Bargaining Agreements		Permanent	HR/BA
Correspondence for Business transactions		Life of subject matter plus 4 years	BA
Correspondence - General		3 years or longer when historic/useful	Departmental Administration
Correspondence Transitory	RSA 33-A:3-a	As needed for reference	Departmental Administration
Deeds		Permanent	BA
District Meeting Minutes & Warrant		Permanent	Superintendent
Insurance Policies	RSA 33-A:3-a	Permanent	HR/BA
Notes (loan documents)	RSA 33-A:3-a	Until paid, Audited, plus 3 years	BA
Student Activities Records/Account	RSA 33-A:3-a (bank deposit slips and statements 6 years)	Until Audited, plus 6 years	BA
Enrollment Reports			
Fall Reports A12A (RSA 189:28)		Permanent	Superintendent
Pupil Registers	RSA 189:27-b	Permanent	Principal
Resident Pupil Membership Forms		14 years	Principal
School Opening Reports		3 years	Superintendent
Statistical Report A-3 (RSA 189:28)		Permanent	Superintendent
Internal Records			
Child Abuse Reports/Allegations		Permanent	Superintendent
Criminal Investigation		Permanent	Superintendent
Personnel Investigation		Permanent	HR
Sexual Harassment		Permanent	HR
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	Departmental Administration
Vehicle maintenance	RSA 33-A:3-a	Life of vehicle, plus 3 years	BA -Facilities
Personnel Records			
Application for employment - Successful	RSA 33-A:3-a. Retirement or termination plus 50 years	Term of employment plus 50 years.	HR
Application for employment - Unsuccessful	Current year plus 3 years	Current year plus 3 years	HR
Class observation		1 year	Principal
Criminal Record Check (no record)	RSA 189:13-a (Superintendent only)	Destroy immediately after review	HR/ Superintendent

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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	HR
Criminal Record Check (record)	RSA 189:13-a (Superintendent only)	Destroy within 30 days of receipt	HR/ Superintendent
Deferred Compensation plans	RSA 33-A:3-a	7 years	HR
Dues Authorization	RSA 33-A:3-a	Term of Employment, plus 50 years	BA/HR
Employment test papers with results	29 C.F.R. §1627.3	One year from date of personnel action	HR
Evaluations	RSA 33-A:3-a	Term of Employment, plus 50 years	HR
HIPPA Documentation	RSA 33-A:3-a. – Personnel record HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938	Term of Employment, plus 50 years	HR
Labor-PELRB actions	RSA 33-A:3-a	Permanent	HR
Labor Negotiations	RSA 33-A:3-a	Permanent	HR
Leaves	FMLA – 3 years	3 years	HR
Request for Leaves		3 years	HR
Legal Actions – Lawsuits	RSA 33-A:3-a	Permanent	BA/HR
Medical Benefits Application	RSA 33-A:3-a	Term of Employment, plus 50 years	HR
Medical Exams, Physical exams used for personnel action	29 C.F.R. §1627.3(One year from date of personnel action) RSA 33-A:3-a. – Personnel record 29 C.F.R. §1910.1020 (term of employment plus 30 years)	Term of Employment, plus 50 years	HR
Oath of Office	RSA 33-A:3-a Term, plus 3 years	Permanent	Superintendent
Personnel Records	RSA 33-A:3-a. Retirement or termination plus 50 years	Term of employment plus 50 years.	HR
Promotion, demotion, transfer, selection for training, layoff, recall, or discharge	29 C.F.R. §1627.3 (1 year from date of action) RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years	HR
Recruitment Documents	29 C.F.R. §1627.3	One year from date of personnel action	HR
Re-employment letter of assurance	RSA 33-A:3-a	Term of Employment, plus 50 years	HR
Retirement application	RSA 33-A:3-a	Term of Employment, plus 50 years	HR

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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	BA
School Bus Driver Drug tests – negative & cancelled	49 C.F.R. §382.401	1 year	BA
Separation from Employment Form/Letter	RSA 33-A:3-a	Term of Employment, plus 50 years	HR
Settlement agreements, even if in anticipation of a lawsuit	RSA 91-A:4, VI (10 years)	Permanent	Supt/HR/BA
Staff Development Plan	Term of Employment, plus 50 years	Term of Employment, plus 50 years	HR
Substitute Teacher Lists		7 years	HR
Reports/Forms - District			
C-2 Unemployment		6 years	BA/HR
DES-100 (wage reports)		6 years	BA/HR
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	Grant Manager/BA
FICA Reports – monthly		7 years	BA
Fixed Trip Requests/Confirmation		1 year	Principal
Fixed Assets Schedule		Permanent	BA
Invoices	Until audited plus 1 year	3 years	BA
Medicaid Service Logs	RSA 186-C:10-a	7 years	SPED
MS-22 Budget Form		6 years	BA
MS-23 Budget Form		6 years	BA
MS-25 Budget Form		Permanent	BA
Minutes of Board Meetings, Board Committees	RSA 91-A:2, II, RSA 33-A:3-a	Permanent	Superintendent
Payroll Records	RSA 33-A:3-a Audited, plus 2 year 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 §	6 years	BA
Purchase Orders		Until audited plus 1 year	BA
Request for Payment Vouchers		Until audited plus 1 year	BA

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Requisitions		Until audited plus 1 year	BA
Retirement Reports (monthly)		1 year	BA/HR
Time Cards	Lab 803.03. Notification and Records no less than 4 years	5 years	BA
Travel Reimbursement	Until audit plus 1 year	3 years	BA
Treasurer's Receipts – canceled checks		6 years	Treasurer
Treasurer's Report		Permanent	Treasurer
Vouchers/Manifests		Until audit plus 1 year	BA
Student Records			
Applications for Free/Reduced Lunch		6 years	BA/Nutrition
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	CIA
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	Principal
Disciplinary Records		Term of Enrollment plus 3 years	Principal
Early Dismissal		1 year	Principal
Emergency Information Form		1 year/as updated	Principal
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	Principal
Health and Physical Records, Immunization Record		Term of Enrollment plus 3 years	Principal
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	Principal
Medical Reports		Term of Enrollment, plus 3 years	Principal
Registration Form		Term of Enrollment, plus 3 years	Principal
Student Handbook		1 copy of each edition, Permanent	Principal
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	Principal

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Tax Forms			
W-2, W-4, W-9 & 1099	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	BA
941-E Quarterly Taxes	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	BA
Vocational Education			
AV-1 Forms		1 year	BA
Vocational Center Regional Contracts		20 years	BA
Federal Vocational Forms		6 years	BA