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**PROVIDENCE SCHOOL DISTRICT’S SPECIAL EDUCATION RECORDS RETENTION AND DESTRUCTION PROCEDURES**

Any regulations regarding educational record retention applying to all students, also apply to special education students. For purposes of consistency however, and in recognition of the very different nature of the records public school districts generate in the normal course of educating their special education students, the Providence School District (“District”) makes the following clarifications to its data retention procedures in regards to special education records:

**Retaining Records**

1. The District shall retain the student’s name, address, and phone number, standardized and achievement test results, grades, attendance, and grade level completed, without time limitation. However, in this circumstance, the term “standardized and achievement tests” means tests provided to both regular and special education students to gauge their overall academic performance and progress. The term “standardized and achievement tests” does not include protocols for tests conducted in connection with special education evaluations.

**Supporting Evaluation Documents – two types**

* **Documents containing personally identifiable information**
* **Supporting documents that do not contain personal identifiable information**

2. For the purpose of this procedure supporting evaluation documents are **defined as answer sheets, raw data, and test protocols containing test answers.** The supporting evaluation documents can be divided into two types: those that contain personally identifiable information about a student such as a name, student identification number, or other information that would link the document to the student and those supporting evaluation documents that do not. Additionally personal notes of the evaluators are not considered part of supporting evaluation documents.

**Supporting evaluation documents that contain personally identifiable information**

3. Supporting evaluation documents that contain personally identifiable information shall be placed in a separate file by the evaluator and the parents will be given the opportunity to inspect and review the student’s educational record in accordance with State and Federal Regulations. At no time shall the District be required to provide the parent with a copy of any supporting evaluation documents if by doing so any copyright is in jeopardy. These supporting documents will be kept for 3 years or until the next evaluation is completed and it is deemed that is no longer necessary to support the student’s instructional program and placement.

**Supporting evaluation documents that does not contain personally identifiable information**

4**.** In some instances where a supporting evaluation document that does not contain personally identifiable information is necessary to provide to the parent explanations and interpretations of the evaluation, the District will read the questions to the parent, or provide an interpretation for the student’s answers in some other manner adequate to inform the parent.

**Supporting evaluation documents for a student who is found not eligible for Special education services**

5. Supporting evaluation documents for a student who is evaluated and found not to be eligible for special education or 504 services shall be maintained by the District for a period of three years. (ie. protocols, raw data sheets etc…)

**Records in possession of personnel which are sole possession of person who created them**

6. Pursuant to both Rhode Island and federal law, records in the possession of instructional personnel which are in the sole possession of the person who created them, and are not accessible or revealed to any other individual and are destroyed at the end of the school year, shall not be deemed to be “educational records.” Duplicate copies of permanent file information (e.g. most recent Individualized Education Plan and Evaluation Summary) may be kept in a teacher/specialist locked working file.

**Retention of Special Education Records**

7. With the above exceptions, the school district shall retain all special education records until six years after the student has attained twenty-one (21) years of age. At that time, the contents will be destroyed.

**Notice of Special Education Retention and Destruction Procedures**

General notice of the District’s “**Special Education Records Retention and Destruction Procedures”**may be given via any of a variety of methods, such as the District website or District Handbook.

This document shall constitute notice and no further notice will be given at the end of the six years after the student attains twenty-one (21) years of age, when Special Education records are destroyed. Parents and eligible students shall be required to sign a document: (1) acknowledging that they have been notified of the District’s policy and procedures with respect to the destruction of Special Education records six years after a student has attained twenty-one (21) years of age; and (2) acknowledging that they have received “Notice” of said policy and procedure.

A copy of the aforementioned document acknowledging notice of the Special Education Retention and Destruction Policy and Procedures shall be retained in the student’s permanent special education records.

Parents and eligible students shall be notified about this policy and procedure at the time the student is:

1. dismissed from special education services;
2. graduates with a diploma from the School District; or
3. ages out of school per Rhode Island and federal law in effect at the time.

 District will additionally will have the parent sign this form at least one of the following meetings:

* Three –Year Re-Evaluation Meeting
* Summary of Performance Meeting
* Terminates Services

8. The District will make “reasonable attempts” to inform the parent of this procedure. Reasonable attempt is defined as sending three copies of this procedure to the parent

9. The District shall destroy records at the written request of the parents if they are no longer needed for educational purposes**.**

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**NOTICE OF THE PROVIDENCE SCHOOL DISTRICT’S SPECIAL EDUCATION RECORDS RETENTION AND DESTRUCTION PROCEDURES**

Student Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Birth Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In accordance with the policy and procedures of the Providence School District, notice is hereby being given as to the length of time that your or your child’s special education records shall be retained.

Special Education records shall be retained until six (6) years after the student’s 21st (twenty-first) birthday in accordance with the District’s retention schedule. At that time, the contents will be destroyed.

By signing this notice, you are acknowledging that you have received “**Providence School District’s Special Education Records Retention and Destruction Policy and Procedures**.” No further notice will be given.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Student *(when appropriate)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Parent *(or legally appointed guardian)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date