

Record Keeping Issues

I. Retention, Student Records

A. Federal rule – 34 C.F.R. Sec. 300.573

1. Special education records – 3 years after services no longer required

a. Permanent record “may be maintained without time limits”

- i. name
- ii. address
- iii. phone number
- iv. grades
- v. attendance record
- vi. classes attended
- vii. grade level completed
- viii. year completed

b. All other information (specific special ed services provided, e.g.)

- i. school shall inform parents when this information is no longer “needed to provide educational services to the child”
- ii. Parents may demand that this information (but not the permanent record) be destroyed

2. 20 U.S. C. Section 1232f has a 3 year retention requirement for:

- a. Student records for services funded in whole or in part of federal dollars
- b. Contrast with special ed rule above (records “no longer needed to provide educational services” to student).

B. State laws/rules

1. Easy answer: there is no specific time requirement in Iowa

2. Hard answer: look to various limitations of action

- a. Personal injury – 2 years
- b. Unwritten contracts – 5 years
- c. Written contracts – 10 years

3. Harder answer: remember special rules for minors

- a. Most limitations of action are extended to one year beyond when student attains age 18 if statute would expire before then

- b. Child sexual abuse not discovered until after student is an adult within 4 years of time of discovery

4. Remember, retention is to help you and your school

## II. Retention, Non-Student Records

### A. Federal law

1. 20 U.S.C. Section 1232f: all records of federal funds received must be kept 3 years, including
  - a. amount and disposition of federal funds
  - b. total cost of activity funded
  - c. share of total cost paid by other sources
  - d. any other information that will help an auditor
2. 29 C.F. R. Section 516.6: keep following 3 years
  - a. payroll records
  - b. collective bargaining agreements
  - c. individual contracts
  - d. sales and purchase records
3. 29 C.F.R. Section 516.6: keep following 2 years
  - a. basic employment and earnings records
  - b. wage rate tables
  - c. order, shipping and billing records

### B. State law

1. 2 year statute of limitations for actions for wages
2. See limitations of actions for contracts and personal injury
3. 11 year statute of limitations for public bond obligations
4. Iowa Code Section 291.6: public school board secretary must keep
  - a. all business records
  - b. minutes of meetings
  - c. accounts with treasurer
  - d. No reference to time frames in given in 291.6

## III. Transfer, Other Release of Student Records

### A. FERPA (Family Education Rights and Privacy Act), 20 U.S.C. Section 1232g

1. It is permissible to transfer records to “officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student’s parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.” 20 U.S.C. Section 1232g(b)(4)(A).
2. Schools must maintain a log with each student record of all individuals and agencies that have requested or obtained access to the same, and if released, what the legitimate interest was by the requester. 20 U.S.C. Section 1232g(b)(4)(A).

B. State provisions

1. Iowa Code Section 279.9A
  - a. Requires a school to provide to other school officials an “accurate record of any suspension or expulsion actions taken, and the basis for those actions.”
  - b. Disclosure allowed only to school and AEA staff who are “involved” with the student.
2. Iowa Code Section 280.19A – if a student was in an at-risk program or other alternative educational program, these records must be provided to new school.