



## **5720.1: RECORDS RETENTION AND DISPOSITION**

### **I. Definitions.**

The following definitions shall apply herein:

A. "Permanent Student Records" shall consist of the following:

1. Student's social security number or student identification number.
2. Record of dates of attendance.
3. Grade level completed.
4. Transcript of classes taken with grades and credits received.
5. Record of date and type of inoculations and health examinations that are given to the class or student body as a whole.
6. Signatures of people who are required to sign for access to student records and statement of purpose for such access.
7. Student's or student's parents' written consent of release of student records.

B. "Subsidiary Student Records" shall consist of the following:

1. Results of Essential Learner Outcomes assessments, state testing, and standardized achievement, aptitude, ability, interest, and intelligence tests including, but not limited to, Armed Services Vocational Aptitude Battery and Screening Assessment Gifted Students.
2. Personal Learning Plans, Individual Learning Plans, and re-teaching plans.
3. Record of participation in officially recognized school activities and sports.
4. Psychological examination reports (maintain in special education file).

5. School educational specialists' reports.
6. Response to Instruction and Intervention documentation.
7. Truancy reports (maintain in discipline file).
8. Results of non-disciplinary school hearings concerning students.
9. Parent's written consent permitting special examination of their child.
10. Copy of the birth certificate.
11. Divorce decrees or court custody documents.
12. Residency forms.
13. Communication of status if student will not graduate.
14. Developmental Asset Profile (DAP), and Life Skills Assessment results.
15. Section 504 documents.
16. Title One Reports.
17. Retention or acceleration building reports and principal letter.

C. "Special Education Records" shall include records relating to the provision of special education and related services and the evaluation for special education and related services.

D. "Cumulative Folders" shall include those permanent student records that are maintained at the District

school building of attendance. When copies of a student's records are requested or when the student's records are transferred, the cumulative folder will be updated to include those subsidiary records that pertain to the student.

E. "Electronic Student Records" shall include all Permanent Student Record files, Special Education Record files, Subsidiary Student Record files and all other student record files maintained by the District.

F. "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education. If a student is disabled, the type and severity of the disability shall be taken into consideration when determining if the student is an eligible student.

## **II. Records Retention, Maintenance, Transfer, and Destruction.**

### **A. Accountability for Records.**

1. The principal of each elementary and middle school and the registrar of each high school shall be responsible for the maintenance, retention, transfer, and destruction of student records in accordance with this Rule.

### **B. Maintenance and Destruction.**

1. All permanent student records shall be maintained in the student's cumulative folder. Permanent student records and directory information shall be stored either electronically or in some other approved manner or format or microfilmed and destroyed upon the student's graduation or after a three (3) year continuous absence from school, in the manner set forth hereinafter. The microfilm, or other approved electronically stored format shall be maintained permanently.

2. Student disciplinary records shall be maintained in a separate file. Student disciplinary records shall be destroyed after the student's three (3) year continuous absence from the District.

3. Subsidiary student records may be maintained in specified files other than the cumulative folder for the

purposes of daily record keeping, but must be included in the cumulative folder when the student's records are requested or when they are transferred. Subsidiary records shall be destroyed after the student's three (3) year continuous absence from the District.

4. The District shall not destroy any student records if there is an outstanding request to inspect and review the records.

#### C. Transfer of Student Records between Building Levels and District Schools.

1. All records of a student transferring from one school to another within the District shall be sent by the school where the student has been enrolled as soon as the receiving school notifies such school.

2. All records including disciplinary records for all students who complete the eighth grade shall be forwarded to the District high school. In the event a student completes eighth grade but does not enroll in a District high school, the receiving District high school shall maintain such records for three (3) consecutive years. After such a three (3) consecutive year period, the permanent student records shall be transferred to Student Services to be electronically filed or microfilmed and destroyed and the District high school shall destroy the subsidiary student records and discipline records.

3. All records including disciplinary records for all students who complete the fifth grade shall be forwarded to the District middle school. In the event a student completes fifth grade but does not enroll in a District middle school, the receiving District middle school shall maintain such records for three (3) consecutive years. After such a three (3) consecutive year period, the permanent student records shall be transferred to Student Services to be electronically filed or microfilmed and destroyed and the District middle school shall destroy the subsidiary student records and discipline records.

4. No records shall be removed or purged before transfer to another school within the District.

#### D. Special Education Records.

1. Special education records shall be transferred to the Special Education Department whenever a student

leaves the District.

2. The Special Education Department shall retain special education records for five (5) years after the completion of the activities for which special education funds were used.
3. Parents shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the student.
4. The information which is no longer necessary to provide educational services to the student must be destroyed at the request of the parent. However, a permanent record of the student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### E. Transfer of Student Records to Other Schools.

1. The records, including disciplinary records, of a student who moves out of the District shall be transferred to another school or postsecondary institution under the following conditions:
  - a. For students under eighteen (18) years of age,
    - i. When a written request from the school or postsecondary institution where the student seeks or intends to enroll, or where the student is already enrolled, is received, and the records are for purposes related to the student's enrollment or transfer, or
    - ii. Upon written consent or request of the parent or guardian, or
    - iii. Upon written request from a student who seeks or intends to enroll, or who is already enrolled, in a post-secondary institution.
  - b. For eligible students,

- i. When a written request from the school or post-secondary institution where the student seeks or intends to enroll, or where the student is already enrolled, is received, and the records are for purposes related to the student's enrollment or transfer, or
- ii. Upon written request or consent of the eligible student.
- c. When a request is received from the school or postsecondary institution where the student seeks or intends to enroll, or where the student is already enrolled, the parents or eligible student shall be notified of the transfer, receive a copy of the records if desired, and have an opportunity for a hearing to challenge the content of the records.

### **Date of Revision**

July 20, 1992

November 20, 2000

July 16, 2001

June 1, 2002

May 19, 2003

May 3, 2004

August 16, 2010

April 1, 2013

September 2, 2014

### **Reaffirmed**

May 17, 2021

### **Related Policies and Rules**

[5720: Records Retention and Disposition](#)

### **Legal Reference**

20 U.S.C. § 1232g

34 C.F.R. § 99.1 et seq.

34 C.F.R. §300.613-.624

Neb. Rev. Stat. § 79-2,104(1)

Neb. Rev. Stat. § 79-2,105

Title 92, Nebraska Administrative Code, Chapter 51-009.03

Nebraska Records Management Division Schedule 10

Nebraska Records Management Division Schedule 24