

LOCAL RECORDS RETENTION SCHEDULE

Litigation Hold

On receipt of notice from legal counsel representing the District that a litigation hold is required, the routine destruction of public information, 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.

Right-to-Know Request – Hold

On receipt of a Right-to-Know law request to inspect or copy public information, the Superintendent shall cease any destruction of public information 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.

Retention Periods

The recommended retention periods in the NHSBA sample regulation, except where another statute or rule are cited, are based on the New Hampshire requirements for municipalities as set forth in RSA 33-a:3-a where a category of records is listed in that statute which is not addressed in school law, consideration of the civil statutes of limitation in New Hampshire, and the guidance last issued several years ago by the New Hampshire Department of Education.

Where different retention periods are required or recommended by different sources of legal authority, the longest retention period is recommended, but the shorter period is cited with the source of legal authority.

The General Education Provisions Act (GEPA) 20 U.S.C. 1232f 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, while 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. We have tried to flag with

an “*” categories of records which may include documents related to the use of federal funds and require retention of those documents for a longer period. Districts will need to decide whether to

simply apply the longer period to all documents in the category or to have a system of segregating for longer retention those documents related to use of federal funds.

The NHSBA is engaged in an ongoing effort to identify legal authority, where it exists, for the retention period for each category of records. We plan to issue further updates as this work progresses. This update is being released now, even though that research is not yet complete, because the existing sample regulation has retention periods which we know are not consistent with current law and regulation.

Prior to destroying any class of records for which no definitive legal authority regarding retention is identified, we recommend that each District consult with local legal counsel and your insurance carrier for any recommendations they may have on retention periods. The recommended retention period is a minimum. Unless destruction is required by law, where public information have historical value or other considerations warrant retention, the records may be retained for a longer period or permanently.

EMAIL RETENTION

Effective July 1, 2019, district email accounts will no longer retain items older than two years (730 days). The District’s email systems will begin automatically deleting the items once they have reached two years in age on a perpetual basis. This includes all items stored within a mailbox with the exceptions noted below. All District email accounts will be subject to the retention policy including individual employee accounts, school site accounts, departmental accounts, shared accounts and email accounts for any other purpose hosted on the District’s email systems.

| Items exempted from automatic deletion | Items to be automatically deleted |
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| Contacts Tasks Notes | Email messages (both sent and received) Calendar Items Voicemail messages Instant Messages Deleted Items File Attachments RSS Feeds All other items not specifically listed as exempt |

Employees who wish to retain a specific item longer than two years must archive that item on to their cloud or network drive, in PDF or file format. Employees are expected to archive only

those items that are essential to the employee’s ongoing work. In addition, items that are classified as a District record according to Board Policy must be stored in a safe location outside of an email mailbox.

| Type of Record | Statute, Rule, or other legal authority – if none listed the retention period is a recommendation | Retention Period |
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| Business Records | | |
| Accident Reports: | | |
| • Employee | | Term of employment, plus 6 years |
| • Student | | Age of majority, plus 6 years |
| Accounts Receivable | RSA 33-A:3-a | Until audited, plus 1 year |
| Annual Audit | RSA 33-A:3-a (10 years) | Permanent |
| Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU) | RSA 33-A:3-a | Permanent |
| 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 |
| Architectural Plans | | Permanent |
| Asbestos Removal | | Permanent |
| Bank Deposit Slips | RSA 33-A:3-a | 6 years |
| Bonds and continuation certificates | RSA 33-A:3-a (expiration plus 2 years) | Permanent |
| Budget Worksheets | | End of budget year, plus 1 year |
| Cash receipts, disbursement records, checks | RSA 33-A:3-a | Until Audited and at least 6 years after last entry |
| Child Labor Permits | | 1 year |
| Work-study | 29 C.F.R. §570.37 | 3 years from date of enrollment |
| Contracts:* | RSA 33-A:3-a (Life of project or purchase) | Life of contract plus 3 years |

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| <ul style="list-style-type: none"> 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 |
| <ul style="list-style-type: none"> Engineering Surveys | | Permanent |
| <ul style="list-style-type: none"> Unsuccessful bids | RSA 33-A:3-a (Completion of project, plus one year) | Life of contract plus 3 years |
| Certified Educator | | Permanent |
| 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 |
| Collective Bargaining Agreements | | Permanent |
| Correspondence for Business transactions* | | Life of subject matter plus 4 years |
| Correspondence - General | | 3 years or longer when historic/useful |
| Correspondence Transitory | RSA 33-A:3-a | As needed for reference |
| Deeds | | Permanent |
| District Meeting Minutes & Warrant | | Permanent |
| Insurance policies | RSA 33-A:3-a | Permanent |
| Notes (loan documents) | RSA 33-A:3-a | Until paid, Audited, plus 3 years |
| Student Activities Records/Accounts | RSA 33-A:3-a (bank deposit slips and statements 6 years) | Until Audited, plus 6 years |
| Enrollment Reports: | | |
| <ul style="list-style-type: none"> Fall Reports A12A (RSA 189:28) | | Permanent |
| <ul style="list-style-type: none"> Pupil Registers | RSA 189:27-b | Permanent |
| <ul style="list-style-type: none"> Resident Pupil Membership Forms | | 14 years |
| <ul style="list-style-type: none"> School Opening Reports | | 3 years |
| <ul style="list-style-type: none"> Statistical Report A-3 (RSA 189:28) | | Permanent |
| Federal Projects Documents | Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity | 5 years after submission of final audit report and |

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| | for which the funds are used), other authorities may apply | documentation for expenditures, unless there is an ongoing audit |
| FICA Reports – monthly | | 7 years |
| Fixed Trip Requests/Confirmation | | 1 year |
| Fixed Assets Schedule | | Permanent/as updated |
| Form C-2 Unemployment | | 6 years |
| Wage Report (DES 100) | | 6 years |
| Invoices* | Until Audited, plus 1 year | 3 years* |
| MS-22 Budget Form | | 6 years |
| MS-23 Budget Form | | 6 years |
| MS-25 Budget Form | | Permanent |
| Minutes of Board Meetings, Board Committees | RSA 91-A:2, II, RSA 33-A:3-a | Permanent |
| Purchase Orders* | | Until Audited, plus 1 year |
| Request for Payment Vouchers* | | Until Audited, plus 1 year |
| Requisitions* | | Until Audited, plus 1 year |
| Retirement Reports – Monthly | | 1 year |
| Time Cards: | | |
| • Bus Drivers | Lab 803.03. Notification and Records no less than 4 years | 5 years |
| • Custodial | Lab 803.03. Notification and Records no less than 4 years | 5 years |
| • Secretarial | Lab 803.03. Notification and Records no less than 4 years | 5 years |
| • Substitute Teachers pay slips | Lab 803.03. Notification and Records no less than 4 years | 5 years |
| 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 § 825.500 FMLA, 29 U.S.C.§2616, 3 years | 6 years |
| Travel Reimbursements* | Until Audit, plus 1 year | 3 years* |
| Treasurer’s Receipts – canceled checks | | 6 years |
| Treasurer’s Report | | 6 years |

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| Vocational Education: | | |
| • AVI Forms | | 1 year |
| • Vocational Center Regional Contracts | | 20 years |
| • Federal Vocational Forms* | | 6 years |
| Vouchers Manifests* | | Until Audit, plus 1 year |
| Tax Forms: | | |
| • W-2's, 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 |
| • W-4 Withholding Exemption Certificate | 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 |
| • W-9 | 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 |
| • 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 |
| Personnel Records | RSA 33-A:3-a. Retirement or termination, plus 50 years | Term of Employment, plus 50 years |
| Application for employment - Successful | RSA 33-A:3-a Unsuccessful applicants: current year, plus 3 years. | Term of Employment, plus 50 years |
| Attendance Records: | | |
| • Leaves | Family Medical Leave Act – 3 years | 3 years |
| • Request for Leaves | | 1 year |
| Class Observation Forms | | 1 year |
| Criminal Record Check: | | |
| • No criminal record | RSA 189:13-a (Superintendent only) | Destroy immediately after review |
| • Criminal record | RSA 189:13-a (Superintendent only) | Destroy within 30 days of receipt |

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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 |
| Deferred Compensation plans | RSA 33-A:3-a | 7 years |
| Dues Authorization | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |
| Employment test papers with results | 29 C.F.R. §1627.3 | One year from date of personnel action |
| Evaluations | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |
| 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 |
| Labor-PELRB actions | RSA 33-A:3-a | Permanent |
| Labor Negotiations | RSA 33-A:3-a | Permanent |
| Legal Actions - lawsuits | RSA 33-A:3-a | Permanent |
| Medical Benefits Application | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |
| Medical exams, Physical examinations 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 |
| Oaths of Office | RSA 33-A:3-a Term, plus 3 years | Permanent |
| 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 |
| Recruitment Documents | 29 C.F.R. §1627.3 | One year from date of personnel action |
| Re-employment Letter of Assurance | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |
| Retirement application | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |

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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 |
| School Bus Driver Drug tests – negative & cancelled | 49 C.F.R. §382.401 | 1 year |
| Separation from Employment Form/Letter | RSA 33-A:3-a. – Personnel record | Term of Employment, plus 50 years |
| Settlement agreements, even if in anticipation of a lawsuit | RSA 91-A:4, VI (10 years) | Permanent |
| Staff Development Plan | Term of Employment, plus 50 years | Term of Employment, plus 50 years |
| Substitute Teacher Lists | | 7 years |
| Student Records: | | |
| Applications for Free/Reduced Lunch | | 6 years |
| 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 |
| 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 |
| Disciplinary Records | | Term of Enrollment, plus 3 years |
| Early Dismissal | | 1 year |
| Emergency Information Form | | 1 year/as updated |
| 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 |
| Health and Physical Records | | Term of Enrollment, plus 3 years |
| Immunization Record | | Term of Enrollment, plus 3 years |

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| 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 |
| Medical Reports | | Term of Enrollment, plus 3 years |
| Registration Form | | Term of Enrollment, plus 3 years |
| Student Handbook | | 1 copy of each edition Permanent |
| 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 |
| Internal Records: | | |
| Child Abuse Reports/Allegations | | Permanent |
| Criminal Investigation | | Permanent |
| Personnel Investigations | | Permanent |
| Sexual Harassment | | Permanent |
| 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 |
| Vehicle maintenance | RSA 33-A:3-a | Life of vehicle, plus 3 years |

Special Education Records

Dept of Education Administrative Rule 1119.01, Confidentiality Requirements, section (b)(1)

“An LEA shall not destroy a student’s special education records prior to the student’s 25th birthday, except with prior written consent of the parent or, where applicable, the adult student, pursuant to 34 CFR 300.624(b). The LEA must maintain a copy of the last IEP that was in effect prior to the student’s exit from special education until the student’s 60th birthday. An LEA may retain and store the student’s special education records in electronic form or any other form. An LEA shall provide a parent or adult student a written notice of its document destruction policies upon the student’s graduation with a regular high school diploma or at the transfer of rights or whichever occurs first. The LEA shall provide public notice of its document destruction policy at least annually.”

* = If record related to federal funds:

Federal Funds

Records of amounts and disposition/use of federal funds, 20 U.S.C. 1232f, (a):

“Each recipient of Federal funds under any applicable program through any grant, subgrant, cooperative agreement, loan, or other arrangement shall keep records which fully disclose the

amount and disposition by the recipient of those 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. The recipient shall maintain such records for three years after the completion of the activity for which the funds are used.” (emphasis added).

Electronic Records

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 the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.”

(Adopted 12/5/2005)

(Revised 10/1/2018, 8/5/2019)