



Board Agenda Item #	II A: Action Item
Date:	March 11, 2021
To:	Magnolia Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	David Yilmaz, Chief Accountability Officer
RE:	Approval of Revised Maintenance and Destruction of Student Records Policy

Proposed Board Recommendation

I move that the board approve the Revised Maintenance and Destruction of Student Records Policy.

Background

This is a policy that MPS adopted on July 23, 2020 in order to have consistent office procedures regarding maintenance and destruction of student records. The policy is based on Title 5 of the California Code of Regulations (“CCR”) sections 431 through 438, per the following:

- “Mandatory Permanent Student Records”: Must be maintained indefinitely or an exact copy thereof for every student who was enrolled in the charter school.
- “Mandatory Interim Student Records”: Must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023).
- “Permitted Student Records”: May be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school.

The policy describes student records that fall under these three categories and provides guidance for how long records should be retained before they are destroyed.

Revisions to the Policy

Since the adoption of the original policy MPS accountability department has been working to develop office procedures on how to deconstruct our existing student records and reconstruct them according to the three types of records explained above. We also held discussions about maintenance timelines. The following are the updates since the policy was adopted:

- In the original policy we had adopted LAUSD’s timeline of keeping mandatory interim records for five years and permitted records for four years after a student graduates or transfers. After internal discussions and legal counsel, we have decided to revise our timeline in alignment with the CCR above, i.e., three years for mandatory interim student records and six months for permitted records. An added benefit to this new timeline is that it makes it more practical for storage and digitization purposes.
- We removed a few repetitive tables that were based on LAUSD procedures.
- We added the following statement for digitization:
 - “Three years after graduation or transfer to another school district, Mandatory Permanent Student Records will be digitized and paper copies will be destroyed.”
- We added a table for “Title IX Complaint Investigation Records.” Those records must be maintained for at least 7 years.

Budget Implications

N/A for the 2020-21 school year, but starting 2022-23 there may be some cost associated with digitization and shredding of paper student records, especially for the old records in MPS’ storage unit. We will research our options to outsource shredding and digitization of student records. On the other hand, we plan to save from paying for storage space to offset the cost of shredding and digitizing.

How Does This Action Relate/Affect/Benefit All MSAs?

This revised policy will help us implement consistent office procedures regarding maintenance and destruction of student records.

Name of Staff Originator:

David Yilmaz, Chief Accountability Officer

Exhibits (Attachments):

- Maintenance and Destruction of Student Records Policy
- Maintenance of Student Records Board Presentation

MAINTENANCE AND DESTRUCTION OF STUDENT RECORDS POLICY

Magnolia Public Schools (“MPS” or the “Charter School”) Governing Board adopts this policy to ensure that all student records should be classified, retained, protected, or if and when these records are eligible, destroyed in accordance with the law.

MPS student records will be reviewed on an annual basis and classified as Permanent, Optional, or Disposable. Disposable records should be deleted or destroyed after they have met their retention requirements. The following Records Retention Schedule provides guidance for how long records should be retained before they can be destroyed.

Any records with personal information, health information, student information or employee information should never be left unprotected and should be shredded or otherwise made irretrievable when deleted or destroyed.

No additions except routine updating shall be made to the record after high school graduation or permanent departure without the prior consent of the parent or adult student. The method of destruction shall assure that records are not available to possible public inspection in the process of destruction.

Records Retention Schedule and Classification

- “*Mandatory Permanent Student Records*”: Must be maintained indefinitely or an exact copy thereof for every student who was enrolled in the charter school. Three years after graduation or transfer to another school district, Mandatory Permanent Student Records will be digitized and paper copies will be destroyed. These records are defined as:
 1. Enrollment Records that detail:
 - Legal name of student
 - Date of birth
 - Birth certificate or other verification of birth date, sex, and place of birth
 - Name and address of parent of minor student
 - Address of minor student if different than above
 - An annual verification of the name and address of the parent and the residence of the student
 - Health Information Card
 - Immunization Cards (pull out immunization copies, information should have been transferred to the immunization card)
 - Verification of exemption from required immunization.
 2. Transcripts or other record that details:
 - Entering and leaving date of each school year and for any summer session or other extra session Subjects taken during each year, half year, summer session or quarter
 - If marks or credit are given, the mark or number of credits toward graduation

allows for work taken.

- Date of high school graduation or equivalent

The mandatory permanent student record or a copy thereof shall be forwarded by the Charter School upon request of a public or private school in which the student has enrolled or intends to enroll. If the Charter School forwards the original mandatory permanent student record, a copy must be maintained by the Charter School. If the Charter School forwards a copy, the original must be maintained by the Charter School.

- *“Mandatory Interim Student Records”*: Must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e., 2019- 2020 records may be destroyed after July 1, 2023). These records are defined as:
 1. Access logs - A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible student, or a dependent adult student, or an adult student, or the custodian of records.
 2. Custody orders
 3. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver, administration of medication forms
 4. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge (IEP documents and Section 504 Plans)
 5. Language training records
 6. Progress reports and/or notices
 7. Parental restrictions regarding access to directory information or related stipulations
 8. Parental or adult student rejoinders to challenged records and to disciplinary action
 9. Parental authorizations or prohibitions of student participation in specific programs
 10. Results of standardized tests administered within the preceding three years.

The mandatory interim student record or a copy thereof shall be forwarded by the Charter School upon request of a public school in California in which the student has enrolled or intends to enroll. If the transfer is to an out of state or to a private school, the mandatory interim student record may be forwarded. If the Charter School forwards the original mandatory interim student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

- *“Permitted Student Records”*: may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school. These records are

defined as:

1. Objective counselor and/or teacher ratings; e.g., SSPT Student Support and Progress Team (SSPT) Documents
2. Standardized test results older than three years
3. Routine discipline data
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Attendance records not covered in the 5 CCR § 400 (e.g. notes from parents including absence notices)

Notes made or kept for the convenience of the classroom teacher may be disposed of when the student leaves the teacher’s roster or when the notes are no longer useful.

Permitted student records may be forwarded upon a request by a public or private school in which a student is enrolling. If the Charter School forwards the original permitted student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

Cumulative Card: Document used to maintain Mandatory Permanent Student Records.

Cumulative File: File used to maintain student record information including Mandatory Permanent Records, Mandatory Interim Records, and Permitted Records.

Title IX Complaint Investigation Records

Document	Time Period
(Original or copy)	At least 7 years
(A) Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.	
(B) Records of any appeal of a formal sexual harassment complaint and the results of that appeal.	
(C) Records of any informal resolution of a sexual harassment complaint and the results of that informal resolution.	
(D) All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.	
(E) Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.	

Student Record Maintenance



Revised: 3/11/21

New MPS Student Cumulative Record

When creating the MPS student record:

- MPS student cumulative record will now have subsections to them.
 - Every paper, form, or information related to this student will fall under 1 of the 3 categories below:



Mandatory
Permanent

Paper copies kept 3 years after graduation or transfer. Mandatory Permanent records get digitized.



**Interim
Records**

Paper copies kept 3 years after graduation or transfer. Will not get digitized and are destroyed after 3 years.



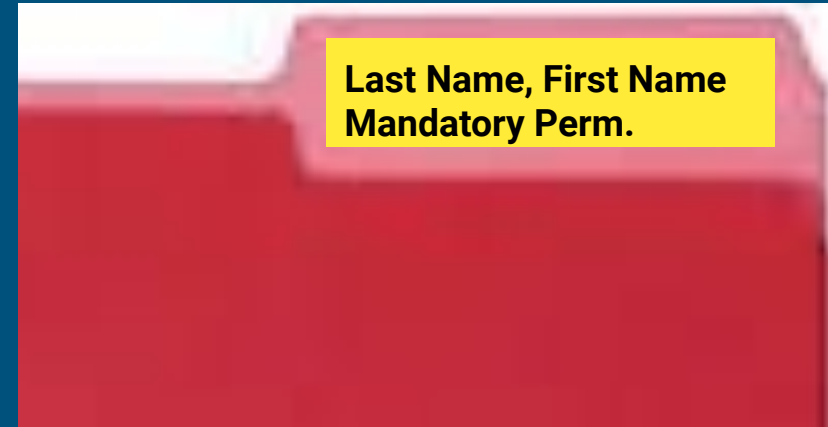
**Permitted
Records**

Per policy-kept for 6 months In Practice-1 year-3 years depending on usefulness of records. Will not get digitized.

Mandatory Permanent Records

The following documents get stored in the mandatory permanent file

- Cumulative Record/Card
- Pre-Application
- MPS Registration Form
- MPS enrollment packet
- Birth Certificate/ or other age verification
- Proof of Residence
- Residency Questionnaires
- Transcript
- Report Cards
- Health form pocket:
 - White card,
 - Pink card,
 - Copy of Immunization Record
- Immunization exemptions
- Emergency Cards



Mandatory Interim Records

The following documents get stored in the mandatory interim file:

- Access logs and Parental Restrictions regarding access to directory information (if applicable)
- Any test results submitted by parent during registration
- Parent authorizations/ prohibitions of student participation in specific programs including:
 - lunch forms
 - Field Trip Slips
- Progress reports
- Special education assessment report, plans, IEPs, SST meeting notes, prior written notices, Section 504 plans and Assessments.
 - ***This includes Psych evaluations!*** **CONFIRMED BY LEGAL**
- Language training records:
 - Reclassification of an EL letter
- Custody/legal forms/orders
 - Restraining Orders
 - Caregiver affidavits
 - DCFS forms/case notes **CONFIRMED BY LEGAL**
- Parent rejoinders to challenged records
- Results of Standardised tests taken at MPS
- Health records, including administration of medication forms and health screening results, but excluding the health forms filed in the permanent record.
- Expulsion orders
 - **Note: records of a complaint investigations or disciplinary action regarding sexual harassment must be kept for 7 years.**
- Independent study Contracts

Last Name, First Name
Mandatory Interim.

Permitted Records

Last Name, First Name
Permitted Rec.

The following documents get stored in the permitted file

- Attendance Items *Although the following documents are permitted records, internally, we are keeping these items for 3 years due to audit requirements*
 - Parent notes/rosters
 - Truancy notices
 - SART contracts
 - Involuntary removal notices/No Show Letters
- Disciplinary notes *Although the discipline documents are permitted records, internally, we are keeping these items for 3 years.*
 - Suspension notices and investigation files(ie witness statements, student reflections)
 - **Note: records of a complaint investigations or disciplinary action regarding sexual harassment must be kept for 7 years.**
- Standardized test results older than 3 years
- SST meeting notes, notices, and documents
- Student Handbook signatures.
- Intent to Return

Procedure:

- Creating new records:
 - For students new to the state/district and kinder:
 - Instead of making 2 records, create 1 student folder with the sections mentioned in slide 4.
 - If you receive information from a previous school, file them in the applicable section of the student record.
 - Students transferring into your school:
 - Create student record as outlined in slide 4.
 - Once you receive the cumulative record from the previous school, deconstruct the file and separate the items in the applicable sections of the student folder.
 - Keep the folder that the student record came in just in case the student transfers you can reconstruct it and send it out in the folder you received
- Filing during the year
 - Continue to file items in the applicable section of the student record.
 - Maintain Cumulative card up to date, testing scores, grade labels, student pictures etc.
 - Information that would previously go in the mps student record (attendance/behavior/intent to return) will now be filed in the student's "Permitted records" section

Digitization Procedure

- Want to phase out using physical storage
- Permanent records will be scanned at the school sites every June.
 - Interim and permitted records will not be scanned to save time and digital space.
- All records (permanent, interim, permitted) that have been kept for 3 years after graduation/transfer will be destroyed every July.
 - Sites will use a 3rd party company to destroy records as needed
- Where will the digitized permanent records be saved?
 - Option 1: Infinite Campus
 - Pros: Easy access, attached to students, all records in one place
 - Qs: Cost? May it slow down the system? What if we stop using Infinite Campus?
 - Option 2: MPS NAS/Dropbox
 - Pros: MPS owned
 - Qs: How easy is it to use? Prone to accidental deletion?
- What will happen to the records in the storage?
 - Permitted: The usefulness of the permitted records has passed.
 - Interim records: Keep for 3 years in the storage. (Until June 2023)
 - Permanent records: Digitize!

Example:

- June 2021:
 - Digitize permanent records of the class of 2021
 - Keep all records of the class of 2021
- June 2022:
 - Digitize permanent records of the class of 2022
 - Keep all records of the class of 2022 and 2021
- June 2023:
 - Digitize permanent records of the class of 2023
 - Keep all records of the class of 2023, 2022, and 2021
- June 2024:
 - Digitize permanent records of the class of 2024
 - Keep all records of the class of 2024, 2023, and 2022
 - *Destruct all records of the class of 2021*
- June 2025:
 - Digitize permanent records of the class of 2025
 - Keep all records of the class of 2025, 2024, and 2023
 - *Destruct all records of the class of 2022*

This year digitization will not be a priority. This year we are prioritizing merging current student records and setting up our new system.

When a student transfers:

If the student is transferring to a school in District.

1. Make copies of everything in the Interim and Permanent Records
2. File the copies back in the applicable MPS cumulative folder
3. Reassemble the district (LAUSD,SAUSD,SDUSD) cumulative record with the original documents
4. Record the school and date the file was sent in the MPS Cumulative Card
5. Send the reassembled record to the next school

If the student is transferring to a school OUT of District or a private school.

Do not send original Documents!

1. Make copies of everything in the Interim and Permanent Records
2. File the Originals back in the applicable MPS cumulative folder
3. Record the school and date the copies were sent in the MPS Cumulative Card
4. Send/fax the copies of the record to the next school

Estimated Project Timeline

