

Special Education Records Retention

Q1: How long should special education records be maintained?

A: Special education records, including placement records, referrals, evaluations, testing data, etc., should be maintained for four (4) fiscal years after a student's final enrollment in a special education program.

Q2: What is defined as "final enrollment" in a special education program?

A: Final enrollment in a special education program is the last day a student is enrolled in a special education program and is no longer receiving services.

Q3: How should special education census records be maintained?

A: If retained by the public education agency (PEA), special education census records should be maintained for five (5) years after the fiscal year in which they were prepared. However, since PEAs are required to submit special education census data annually to the Arizona Department of Education (ADE) via the Arizona Education Data Standards (AzEDS), the responsibility defaults to ADE.

Q4: Where is this information published?

A: It is specified in the "Records Retention and Disposition Schedule" on page 30 of the *Records Retention and Disposition for Arizona School Districts* document.

Q5: Where can I get a copy of the retention schedule for school districts and charter schools?

A: You can find the retention schedule for schools districts and charter schools on the State Records Management Center website at <http://www.azlibrary.gov/arm/retention-schedules>.

Q6: What is the state statute regarding record retention?

A: ARS § 41-1351: Determination of value; disposition

Every public officer who has public records in the public officer's custody shall consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value. Those records determined to be of legal, administrative, historical or other value shall be preserved. Those records determined to be of no legal, administrative, historical or other value shall be disposed of by such method as the state library may specify. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.

Q7: What is the federal statute regarding record retention?

A: 34 CFR § 300.624: Destruction of Information

(a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the

child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

(Authority: 20 U.S.C. 1412(a)(8); 1417(c))

Q8: How long should Medicaid (MIPS) records be maintained?

A: According to Public Consulting Group (PCG), Medicaid records must be maintained for five (5) years.

Q9: Parents must be notified prior to the destruction of special education records. How can this be accomplished?

A: This may be accomplished by notifying parents of this retention and disposition policy during initial placement of their child in a special education program. Parents can also be notified by a newspaper advertisement alerting the public to an upcoming record destruction.

Q10: Where can I find more information regarding record retention?

A: State Records Management Center

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