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## **Destroying Non-Archival Records: Strategies for Giving Notice of Destruction of Special Education (SpEd) Records**

**Purpose: Provide practical advice to schools and educational service districts on the management of notices sent to parents and adult children regarding the retention and disposition of special education program student history files.**

The Office of the Superintendent of Public Instruction requires:

*“Each school district shall inform parents and adult students when personally identifiable information collected, maintained, or used in compliance with this chapter is no longer needed to provide educational services to the student, or is no longer required to be retained under state or federal law. State procedures for school district records retention are published by the secretary of state, division of archives and records management, and specify the length of time that education records must be retained.” (WAC 392-172A-05235)*

Here are some basic strategies that can be used to give notice so that SpEd records can be destroyed:

### **Point Forward Strategy**

1. As soon as a student leaves a special education program, notify the parents that the student's records are no longer needed to provide educational services to the student and will be destroyed in 6 years in accordance with the minimum records retention period.
2. Flag the special education student history file and the notice provided to the parents to be destroyed 6 years from the date of the notice.
3. Wait 6 years, destroy the records.

### **Cleaning Up the Backlog Strategy**

For schools with a backlog of SpEd records where the student has left the program but hasn't received a notice regarding the destruction of their records, here is a strategy to meet notification requirements so the records may be destroyed:

1. Make a “good faith effort” to notify the parents/adult children, giving them a clear date by which to contact the school. Some suggestions include:
  - a. Sending a letter or postcard to the last known address; or
  - b. Posting a notice on the school's website, newsletter, and/or newspaper with a date range of SpEd records to be destroyed.
2. Retain both the SpEd records and the records of your attempt to provide notice.
3. Six years after your last attempt to provide notice, destroy the records.

For further guidance on how to comply with the requirements of giving notice, please contact the Office of the Superintendent of Public Instruction (OSPI) and your school's legal counsel.

**Additional advice regarding the management of public records is available from  
Washington State Archives:**