

## Records Retention Policy

The Board of Meyer Center for Special Children adopts the following policy, effective on the date of adoption by the Board.

### 1. SCOPE & OBJECTIVES

**a. Scope.** This Records Retention Policy (“Policy”) applies to all paper and electronic Records (as defined below) of Meyer Center for Special Children (“Company”). In this Policy, the term “Record” shall mean all electronic and paper records, including without limitation any e-mail messages (including attachments), instant messages (IM’s), memos, letters, written agreements, presentations, invoices, receipts, documents, clinical, medical or other records generated, distributed or received in connection with Company’s business, regardless of whether in paper or electronic format.

**b. Objectives.** This Policy is intended to achieve the following objectives:

1. Compliance with Law. Company shall retain each Record for at least such period of time as applicable federal and state law require.
2. Accessibility. Company shall retain each Record in a manner and for a period of time sufficient to ensure that such Record is accessible for so long as the availability of such Record is reasonably necessary for legal or business reasons.
3. Cost reduction. To reduce the high cost of indexing, storing and handling the vast number of records that otherwise would accumulate, Company shall destroy all Records whose retention is not necessary for legal or business reasons.
4. Retention of Records for Tax Purposes. Company shall retain Records for at least as long as such information may affect tax reporting by Company.

### 2. OWNERSHIP AND IMPLEMENTATION

Company owns all Records regardless of location or mode of storage, communication, transmission or receipt. Company exercises its right to control possession of, access to, use of and disposition of all Records. Such exercise occurs through this Policy, procedures established under this Policy and other management instructions. Company’s management shall designate one individual to serve as the “Records Administrator” until his or her successor is appointed. The Records Administrator shall oversee implementation of this Policy and shall guide employees with respect to the specific implementation of this Policy as appropriate.

#### Custodial Responsibility

The person in professional status responsible for maintaining records will be responsible for administering the use of the file in observance of due process and will guarantee that records

contain factual, documented information on students. Any information not meeting this requirement shall be removed.

### 3. STORAGE AND ACCESS

**Filing and Storage.** To the extent reasonably practicable, Company shall file and store Records to facilitate appropriate (i) retrieval during the applicable Document Management Period(s) and (ii) disposal after such Document Management Period(s). The Records Administrator will establish, maintain and improve the procedures necessary to accomplish the Policy.

- Confidential documents will be:
  - Stored in either a secure electronic system, or in locked room that is protected by a fire door and sprinkler system.
  - Properly indexed within locked cabinets in the locked room.
  - Only accessible to person's authorized to review the records as part of their employment.
  - No photographic equipment, including cell phones, are allowed to be used when viewing a confidential record.
- Employees that are authorized to access confidential records must do so in the following way:
  - Via a secure login and password to electronic systems.
  - Obtain key to the locked room from Records Administrator or designee.
  - Sign in and out that they have viewed or checked out the record for use.

### 4. ACCESS

**Freedom of Information Act.** – Company shall comply with all Freedom of Information (“FOIA”) request in accordance with Title 30 of the South Carolina Code of Laws, Chapter 4.

No person or party, except the parents or legal guardians and students over eighteen (18) years of age, shall be permitted to examine or obtain information from the records of students except, (1) by the written consent of the student's parent or lawful guardian specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents or lawful guardian and the student if desired by the parents, or (2) in compliance with judicial orders, or pursuant to any lawfully issued subpoena, upon the condition that parents or lawful guardians of the student are notified of all such orders or subpoenas in advance of the compliance therewith. (Divorce does not end a parent's right to review the child's records unless the courts specify that such review or contact is prohibited.)

SECTION 3.4. Student records shall be made available to an outside person or agency only under the following conditions:

1. A "Release of Information" request is received by school officials duly signed by a parent of the student, or legal guardian, or by a student of legal age (18 years or older). File completed request in student cumulative record.
2. A "Request for Information" request is received by school officials in the form of specific request from the court or a court order. Only information requested shall be provided and the parents and/or students shall be notified of all such orders in advance of compliance with the order.
3. A "Request for Transcript" is received by school officials from a receiving school including schools operated by the Department of Juvenile Justice. Only information such as grades, attendance records, discipline records for students in grades 7-12, and group test scores should be included. Psychological reports and health reports cannot be released without having been specified in the signed "Release of Information" request as per Paragraph 1 above. Schools must comply with appropriate requests for transcripts within 10 calendar days.
4. In instances where requests for information might come from an outside agency working for the welfare of a student, the agency will file a release from the student or parent or guardian. In lieu of such a release, a form signed by a judge (not necessarily in the form of a subpoena) would suffice, provided the parent, student, or guardian is notified that such a form has been received.
5. In instances where requests for information come from the Comptroller General of the United States, the Secretary of Health and Human Resources, Secretary of Education, an administrative head of an education agency or state educational authorities in connection with the audit and evaluation of federal programs or for the enforcement of federal legal requirements which relate to such programs, only that data which would not permit the personal identification of such students or their parents shall be released. This does not prevent federal officials, administrative head of an agency or state educational authorities to audit and evaluate provided confidentiality is maintained and information later destroyed. The only exception shall be when the collections of personally identifiable data is specifically authorized by federal law. The school shall not withhold any student record because of nonpayment of fees.

The school receiving the transferred record shall notify the parent(s)/guardian(s) of students that the record has been received.

Student records shall be available to parents, legal guardians, and students of legal age, upon their written request. This does not include records that have the names of several students. Individual parents, guardians, or students may also inspect these records upon request.

In an effort to have student and/or clinical records available in a timely manner, and to offset costs associated with producing documentation, the following procedures apply to the copying of records:

The parent/guardian will be notified when the copies are available for pickup

The charges associated with copying do not include faxes or copies to school officials for purposes of Release of Information, Request for Information, or Request for Transcripts.

The school must have at least 48 hours advance notice of the request for student records

Fees will not be charged for copies of records sent to, or at the request of another health care provider for the purpose of continuing a student's medical care. The Meyer Center for Special Children may require payment for a requested copy of a medical record before releasing a copy. The fee for photocopying change annually per S.C. Code §§44-115-80:

#### **4. OTHER ADMINISTRATION**

**a. Annual Policy Review.** At least annually, Company will review this Policy to determine whether legal or business requirements warrant any revision. Company may at any time amend, modify, waive or revoke all or any portion of this Policy or replace it with one or more new policies.

**b. Applicability.** Except as otherwise determined by the Records Administrator, this Policy shall apply only to Records that are produced by, or otherwise come into the possession of, Company's personnel following the adoption of this Policy.

#### **5. RETENTION AND DESTRUCTION**

**Retention Periods.** The retention period required under this Policy for each category of Record (such category's "Document Management Period") are set forth in Exhibits A-C. If more than one category applies to a particular Record, then the longest Retention Period of the applicable categories shall apply.

#### **COMPANY RECORDS**

Company records shall be defined as all information used for the purpose of operating as a Non-

profit business.

Retention: Company Records follow Exhibit A, Document Management Policy.

## **STUDENT RECORDS**

Student records shall be defined as all information about students recorded or collected in any format by local school systems or individual schools that may include educational/psychological assessments, school attendance records, personal data, health information, disciplinary actions, and/or academic progress.

1. Student cumulative records must contain, but are not limited to:
  - Identifying data: name, address and phone
  - Grade level completed
  - Academic achievement
  - Attendance data
  - Standardized test scores
  - Immunization records
  - Required health screenings
  - Proof of Residency
  - Birth Certificate
  - Documentation of the destruction of non-permanent record notification to parents/guardians

Academic achievement records of individual students of School shall be maintained for a period of at least 75 years (after the student leaves or transfers) and the attendance data for a period of at least three years.

Retention: Student Records and Special Education Records follow Exhibit B, General Records Retention Scheduled for School District Records per SC Department of Archives and History.

## **CLINICAL RECORDS**

Clinical records are considered to be part of a student's education record. Medicaid transportation billing records are not considered part of a student's education record.

Retention: Clinical Records follow Exhibit C, Center for Medicaid Services and SC Department of Health and Human Services

## EXHIBIT A

### DOCUMENT MANAGEMENT POLICY

*For each document, add its location or where it is stored.*

DESCRIPTION	RETENTION PERIOD
Accounts payable ledgers and schedules	7 years
Accounts receivable ledgers and schedules	3 years
Audit reports of accountants	Permanently
Bank statements	3 years
Board Meeting recordings, Agendas, Meeting Minutes, including Bylaws and Articles of Incorporation	Permanently
Annual Budgets	Permanently
Capital Project Records	Permanently
Capital stock and bond records (ledgers, transfer payments, stubs showing issues, record of interest coupon, options, etc.)	Permanently
Cash books	3 years
Checks (canceled, with exception below)	Per Bank Guidelines
Checks (canceled, for important payments; i.e., taxes, purchase of property, special contracts, etc. [checks should be filed with the papers pertaining to the underlying transaction]):	Permanently
Contracts and leases (expired)	7 years
Contracts and leases still in effect	Permanently
Correspondence, general	5 years
Correspondence (legal and important matters)	Permanently
Deeds, Mortgages and Building Blueprints	Permanently
Depreciation schedules	5 years
Donation records of endowment funds and of significant restricted funds	Permanently
General Donation records, other [Note: Donation records include a written agreement between the donor and the charity with regard to any contribution, an email communication or notes of or recordings of an oral discussion between the charity and the donor where the representative of the charity made representations to the donor with regard to the contribution on which the donor may have relied in making the gift.]	10 years
Duplicate deposit slips	3 years
Employee personnel records (after termination)	7 years
Employment applications	2 years

Fixed Asset Inventory	Until suspended, then destroy
Financial statements (end-of-year)	Permanently
General ledgers and end-of-year statements	Permanently
State, Local and Federal Grants	3 years
Insurance policies (expired)	3 years
Insurance records, current accident reports, claims, policies, etc.	Permanently
Internal reports, miscellaneous	3 years
Inventories of products, materials, supplies	7 years
Invoices to customers	7 years
Invoices from vendors	7 years
Journals	10 years
Payroll records and summaries, including payments to pensioners	7 years
Purchase orders	3 years
Sales records	5 years
Scrap and salvage records	10 years
Subsidiary ledgers	10 years
Tax returns and worksheets, revenue agents' reports, and other documents relating to determination of tax liability	Permanently
Time sheets and cards	7 years
Voucher register and schedules	5 years
Medicaid Transportation Billing Records	10 years
Volunteer records	5 years

## EXHIBIT B

### GENERAL RECORDS RETENTION SCHEDULED FOR SCHOOL DISTRICTS

[https://scdah.sc.gov/sites/scdah/files/Documents/Records%20Management%20\(RM\)/Schedules/genskedskldist.pdf](https://scdah.sc.gov/sites/scdah/files/Documents/Records%20Management%20(RM)/Schedules/genskedskldist.pdf)

## EXHIBIT C

### CLINICAL RECORDS

Center for Medicaid Services § 485.721 - Condition of participation: Clinical records:

[https://www.govregs.com/regulations/title42\\_chapterIV-i3\\_part485\\_subpartH\\_section485.721](https://www.govregs.com/regulations/title42_chapterIV-i3_part485_subpartH_section485.721)

SCDHHS LEA Medicaid Manual: <https://www.scdhhs.gov/provider-type/local-education-agencies-lea-services-provider-manual>

S.C. Code of Laws section 30-1-90(b)