

Adoption: 28 July 2020

Revision History:

Last Board Review:

28 July 2020

Next Board Review:

2025-2026

I. PURPOSE

The purpose of this policy is to ensure that necessary records and documents of Kaleidoscope Charter School (KCS) are adequately protected, maintained, and disposed of in a manner that is in line with state standards. This Policy will also aid employees of school district in understanding their obligations in retaining electronic documents – including, but not limited to, email, web files, text files, sound and movie files, PDF documents, and Microsoft Office related files.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to comply with the records retention and destruction procedures as outlined by the State of Minnesota for school districts.

III. BACKGROUND

- A. The cost of retaining unneeded, unused documents is high. The importance of permanently retaining certain records is critical. An organized system of records management will assure that appropriate actions are taken concerning retention of various documents.
- B. Record retention schedules in this policy (appendix A) are in adherence to applicable State statutes and have been approved on appropriate forms by the State of Minnesota, Department of Administration, Records Management Division.
- C. The Sarbanes-Oxley Act makes it illegal to alter, cover up, falsify or destroy any document, or persuade anyone to do so, to prevent its use in an official proceeding (a federal investigation). This act turns intentional document destruction into a process that must be controlled and justified.

IV. DEFINITIONS

The Minnesota Government Data Practices Act requires that all government data collected, created, received, maintained or disseminated by any state or local agency, inclusive of school districts, must be made accessible to the public unless the data are classified as inaccessible by state statute, federal law or temporary classification.

- A. The classification of data and their definitions are:

- 1. “Public Data”

Data which are accessible to the public in accordance with the provisions of M.S.13.03. To request Public Data from the school, refer to KCS Policy 722 – Public Data Requests.

2. "Private Data on Individuals"

Data which are only accessible to the individual subject of the data and to entities authorized by law to gain access. These data are not accessible to the public. To request Private Data from the school, refer to KCS Policy 406 – Public and Private Personal Data.

3. "Confidential Data on Individuals"

Data which are only accessible to entities authorized by law to gain access. These data are not accessible to the individual subject of that data or to the public.

4. "Private Data on Decedents"

Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data.

5. "Confidential Data on Decedents"

Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data.

6. "Nonpublic Data Not on Individuals"

Data which are accessible to the subject, if any, of the data and to the entities authorized by law to gain access. These data are not accessible to the public.

7. "Protected Nonpublic Data Not on Individuals"

Data which are only accessible to entities authorized by law to gain access. These data are not accessible to the subject of the data or to the public.

B. "Record"

1. Government record means state and local records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information, or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency;
2. State record means a record of department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law;
3. Local record means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity;

4. Record excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws;
 5. Vital record means any record that is necessary to the continuation or resumption of operations.
- C. "Information technology and electronic records"

The definition of a record is dependent upon content, not the physical format or storage media. The Uniform Electronic Transactions Act (UTEA) and the Electronic Signatures in National and Global E. Commerce Act (E. Sign) characterize electronic documents and digital signatures as equal in nature to paper documents.

V. COMPLIANCE

- A. The School Board directs the Executive Director to establish a records preservation plan and procedure that is in compliance with the Minnesota Department of Administration school district general records retention schedule.

Note: The applicability and enforceability of this policy 735 is limited to, and qualified by, Minnesota or Federal law that, at the time any such circumstance within the scope of the policy arises, may be contrary to some aspect or all of the policy.

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