

Good morning, members of the Legislative Commission on Data Practices.

Thank you for the opportunity to speak today. I am Tanya Tacker, Executive Director of Special Education at Rum River Special Education Cooperative. Rum River proudly serves six districts in east-central Minnesota, including Braham, Isle, Milaca, Mora, Ogilvie, and Princeton.

I appear before you to express strong support for updating Minnesota's data records retention laws. Districts across the state are working hard to follow the law, protect student information, and maintain transparency for families and the public. This is not about limiting access or withholding data. School districts believe strongly that the public should be able to access district data. What we need is clarity so that we retain the right information, in the right way, for the right amount of time.

Most Minnesota school districts rely on the Minnesota Historical Society's General Records Retention Schedule. This schedule was first issued in 1985 and last updated in 2000. It does not address the full range of data types and technologies now used in schools, or the volume and complexity of the data schools now manage. This gap creates significant challenges for districts trying to protect student privacy while meeting legal and educational obligations.

As directors and superintendents, we see the impact of outdated retention guidance every day. We manage highly sensitive special education records—such as individualized education programs, evaluations, health information, and behavioral data—that must be accurate, secure, accessible, and retained according to state and federal laws. Yet the current schedule does not clearly address digital formats, electronic record systems, or newer documentation methods. This lack of clear guidance forces staff to make judgment calls, resulting in inconsistent practices and varying standards across districts. The challenge intensifies when considering district-wide data governance, where multiple departments maintain diverse records in different systems. Without updated statewide guidance, districts must invest significant time and resources in staff training, IT security, and legal consultation to remain compliant, which strains limited resources and increases the

risk of accidental deletion or unnecessary retention that could harm students or expose districts to liability.

Many districts also struggle with large volumes of data stored on outdated or legacy electronic systems. There is uncertainty about whether these records can be securely deleted or must be retained indefinitely. That uncertainty leads to unnecessary storage costs, complicated access procedures, and a significant pull on staff time. At the same time, deleting too early can jeopardize a student's legal protections or continuity of services.

Confusion around data practices extends strongly to the retention of hard copies of special education records. Retaining these paper files poses serious challenges for districts of every size. Storage space is limited, costs continue to rise, and staff time is stretched thin. Organizing, moving, and securely protecting large volumes of records requires constant attention and creates significant logistical and financial strain. This ongoing burden diverts resources away from instructional and support services, adding operational challenges on top of already demanding workloads.

Across the state, districts share the same unanswered questions and seek clarity on their obligations.

We need clear guidance on the specific legal requirements for digital record retention.

- Need clarity on how long electronic records stored on outdated systems must be kept.
- Need direction on when districts can securely delete records without risking educational or legal harm.
- Need to understand what records must be retained in paper form and which can be digitized and safely disposed of.
- Need clarity on how IDEA language shapes retention responsibilities and how it aligns with state law.
- Need to know which records require permanent retention and which can follow shorter, reasonable timelines.
- Need consistent statewide guidance to ensure uniform practices as the current schedule no longer reflects modern documentation.

To address these challenges and support districts in meeting their obligations, I recommend the following actions to update and improve the state's data retention policies.

- Update the General Records Retention Schedule to reflect digital systems, modern documentation, and federal requirements.
- Provide clear timelines and expectations for electronic records, including those stored on legacy systems.
- Clarify what must remain in hard copy and what can be digitized and securely disposed of.
- Align state retention rules with IDEA and other federal mandates to eliminate contradictions.
- Establish consistent statewide timelines so districts follow uniform expectations.
- Offer practical examples and tools to help districts implement the updated schedule effectively.
- Support the adoption of secure, modern record systems by ensuring retention policies keep pace with current technology.

In closing, I urge the Commission to support moving these updates forward. Modernizing our data retention laws reflects both technological realities and the growing importance of data privacy in education. It will strengthen protections for Minnesota students and support districts in their complex work.

Thank you for your time and leadership on this vital issue.