

**RECORDS MANAGEMENT - CLASSIFICATION OF RECORDS (Non-Pupil Records)**

**Definition of Records**

Records are defined as meaning all maps, books, papers, and documents of a school district required by law to be prepared or retained. They may be prepared or retained as necessary or convenient to the discharge of official duty.

School district records shall be developed, maintained and disposed of according to the requirements of law and the regulations of the State Department of Education. The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss. District public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence.

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

**Types of Records**

1. Prior Year Records

Before January 1 of each year, the District Superintendent, or his/her designee, shall review documents and papers originating during the prior school year and classify them as Class 1 - Permanent, Class 2 - Optional, or Class 3 - Disposable.

2. Continuing Records

Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes over a period of years, shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the district.

3. Microfilm Copy

Whenever an original record is photographed, microphotographed, or otherwise reproduced on film, the copy thus made is classified as Class 1 - Permanent. The

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original record, unless classified as Class 2 - Optional, may be classified as Class 3 - Disposable. It may then be destroyed in accordance with the California Code of Regulations if the following conditions have been met.

- a. The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.
  - b. The Superintendent, or his/her designee, has attached to or incorporated in the microfilm system a signed and dated certification of compliance with provisions of the Evidence Code, stating in substance that the copy is a correct copy of the original.
  - c. The microfilm copy was placed in an accessible location, and provision was made for preserving permanently, examining, and using the same.
4. **Historical Inventory of Equipment**

An historical inventory of equipment shall be subject to classification for retention when the inventory is superseded or when the equipment is removed from district ownership. Otherwise, it shall be a continuing record. Historical inventory of equipment, herein referred to as inventory, means a list, a card file, or electronic data-processed information containing the description, name, identification numbers, and original cost of all items of district-owned equipment whose current market value exceeds \$500 per item (or exceeds any lesser amount approved by the Governing Board), the date of acquisition, the location of use, and the date and mode of disposal.

**Classification of Records**

1. Class 1 - Permanent Records (5 CCR 16023)

The original of each of the records listed in this section, or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1 - Permanent record and shall be retained indefinitely, unless microfilmed.

- a. Annual Reports
  - (1) Official budget
  - (2) Financial report of all funds, including cafeteria and student body funds.
  - (3) Audit of all funds.

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- (4) Average daily attendance, including Period 1 and Period 2 reports.
- (5) Other major annual reports, including:
  - (a) Those containing information relating to property, activities, financial condition, or transaction.
  - (b) Those declared by Board minutes to be permanent.

b. Official Actions

- (1) Minutes of the Board or committees thereof, including the text of a rule, regulation, policy, or regulation not set forth verbatim in the minutes but included therein by reference only.
- (2) Elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted, or canvassed by the Board for a Board Member, his recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose.
- (3) Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

c. Personnel Records

- (1) Employees
  - (a) All detail records relating to employment, assignment, amounts, and dates of service rendered, termination, or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made, and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for every employee of the school district containing the same data may be classified as Class 1-Permanent, and the detail records may then be classified as Class 3 - Disposable.
  - (b) Information of a derogatory nature as defined in Education Code Section 44031 shall be Class 1 - Permanent only after it becomes final. This information becomes final when:

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- i. The time for filing a grievance has lapsed, or
- ii. The document has been sustained by the grievance process.

(c) Information of a derogatory nature as defined in Education Code Section 44031 shall be Class 3 - Disposable if prior to the effective date of this section the document was subject of a grievance process and was not sustained.

(2) Pupil records

(a) All records pertaining to any accident or injury involving a minor for which a claim of damages had been filed as required by law, including any policy or liability insurance relating thereto, except that these records cease to be Class 1 - Permanent records one (1) year after the claim has been settled or the statute of limitations has run.

d. Property Records

All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger/database may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable, if the property ledger/database includes:

- (1) All fixed assets.
- (2) An equipment inventory.
- (3) For each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable date if the unit is disposed of by sale, loss, or otherwise.

2. Class 2 - Optional Records (5 CCR 16024)

Any record worthy of temporary preservation but not classified as Class 1 - Permanent may be classified as Class 2 - Optional and shall then be retained until reclassified as Class 3 - Disposable. If the Superintendent and Board agree that

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classification should not be made by the time specified in California Code of Regulations, Title 5, Section 16022, all records of the prior year may be classified as Class 2 - Optional pending further review and classification within one year.

3. Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

All records not classified as Class 1 - Permanent or Class 2 - Optional shall be classified as Class 3 - Disposable, including, but not limited to, detail records relating to:

- a. Records Basic to Audit, including those relating to attendance, average daily attendance, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, canceled checks and stubs, student body and cafeterial fund records, etc.) and detail records used in the preparation of any other report. Teachers' registers may be classified as Class 3 - Disposable only if all information required in California Code of Regulations, Title 5, Section 432 is retained in other records or if the General Records pages are removed from the register and are classified as Class 1 -Permanent.
- b. Periodic Reports, including daily, weekly, and monthly reports, bulletins, and instructions.

**Retention Period**

A Class 3 - Disposable record shall not be destroyed until after the third July 1 succeeding the completion of the audit required by Education Code Section 41020 or of any other legally required audit, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3 - Disposable.

**Destruction of Records**

Unless otherwise specified above, all Class 3 - Disposable records shall be destroyed during the third school year after the school year in which they originated (e.g., 2014-2015 records may be destroyed after July 1, 2018).

Emails shall be retained within the email systems for ABS. days following the employee manually deleting the message from their inbox. Emails will be purged from the email system on the 345eth day after being deleted by the employee.

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However, when litigation against the district or its employees is filed or threatened, the law imposes a duty upon a district to preserve electronic communications that pertain to the issues at hand to the best of the district's abilities.

Voicemail messages are retained for 14 days after the employee has initially listened and deleted the message. Voicemail will be purged from the system on the 15th day after being deleted by the employee.

Miscellaneous electronic documents are purged from all systems six (6) months after a user \ manually deletes a document.

**Statute of Limitations**

The district may desire for its own benefit to maintain some records at least beyond the statutory period for bringing suits upon these records. If the district receives a challenge as to the placement of any records in the proper classifications, the doubt should be resolved in favor of the longer retention period.

1. Purchase Orders, Written Contracts

Any purchase orders, contracts, or other documents of this type should be retained for at least five (5) years from the date last performance becomes due. This is done because any contract in writing may be the subject of a suit within four (4) years after final performance of any act under the contract becomes due.

2. Financial Records

Any records involving financial transactions for which a public officer would become liable for malfeasance of misfeasance of duty should be retained for a period of at least four years.

This applies unless otherwise required inasmuch as any criminal action may be brought against such person for up to three (3) years after the act occurred. Financial records which might be the basis for an action for embezzlement should be retained as permanent records inasmuch as there is no limitation for bringing an action against an officer for such an act.

**Destruction/Disposal of Records**

The Superintendent delegates to each department creating a document the responsibility to classify and retain or destroy their documents. Copies located elsewhere in the district may be destroyed by those who have possession of the documents.

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Board policies and procedures shall be followed in disposing of district records.

The department head shall personally supervise the following:

1. Classification of each record.
2. Marking of each file or other container as to class and the school year in which the records originated. If the records are classified as Class 3 - Disposable, he/she shall also mark the school year in which they are to be destroyed.
3. Listing for each class by year, the general description, and approximate number of items of each kind.
4. Placing a copy of the appropriate list in each container, as well as in the current or continuing file.
5. At least sixty (60) days before the date of proposed destruction, submitting to the Board one (1) copy of the list for each class and certify that no records are included in the list in conflict with these regulations.
6. Recommending that listed records in each class be retained or destroyed as provided in this section.
7. Retaining or destroying records only as approved and ordered in the minutes of the Board.

The Governing Board shall:

1. Approve or disapprove the recommendation of the department head.
2. Order a reclassification when necessary or desirable.
3. Order by action recorded in the minutes (with lists attached), the retention, or destruction, of records in accordance with these regulations.

The responsible department shall initiate a letter to the Board attesting to the fact that the documents have, indeed, been destroyed, and by what means (fire, shredding, pulping, etc.).

The principal objectives in managing the retention and destruction of records includes:

1. The orderly preservation of records having long term or permanent worth as determined by legal requirements.

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2. The systematic retirement and transfer to more economical storage of those records.
3. The implementation of microfilm/microfiche transfers where practical.
4. The orderly and prompt destruction of non-permanent records when they are no longer useful.