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4 **RECORDS RETENTION AND DESTRUCTION**

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6 **DEFINITION OF RECORDS**

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8 Records are defined as all records, maps, books, papers, data processing output, and documents of the  
9 District required by Title 5 to be retained, including but not limited to records created originally by  
10 computer and "electronically stored information" (ESI), as that term is defined by the Federal Rules of  
11 Civil Procedure.  
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13 Student records may be any item of information directly related to an identifiable student, other than  
14 directory information, which is maintained by a community college or required to be maintained by any  
15 employee in the performance of his or her duties, whether recorded by handwriting, print, tapes, film,  
16 microfilm, or other means.  
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18 The following documents, listed under California Code of Regulations, Title 5, Section 59020, are not  
19 records and may be destroyed at any time:  
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- 21 1. Additional copies of documents beyond the original or one copy. (A person receiving a duplicated  
22 copy need not retain it.)
- 23 2. Correspondence between district employees that does not pertain to personnel matters or  
24 constitute a student record.
- 25 3. Advertisements and other sales material received.
- 26 4. Textbooks used for instruction, and other instructional materials, including library books,  
27 pamphlets, and magazines.

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29 **RETENTION, TRANSFER, AND DESTRUCTION OF RECORDS**

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31 The Business Manager shall supervise the classification and destruction of records and ESI. The District  
32 must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of  
33 Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant  
34 ESI in the form in which it is ordinarily maintained and readily usable.  
35

36 Email systems are not routinely backed up for future retrieval purposes, though back-ups may serve this  
37 purpose incidentally. Email users and those in possession of district records in the form of electronic mail  
38 are cautioned to be prudent in their reliance on electronic mail for purposes of maintaining a lasting  
39 record. If long-term accessibility is required, electronic mail is to be transferred to a more lasting format.  
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41 **Classification of Records**

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43 **1. Prior Year Records**

44 The Business Manager, in consultation with the Director, Internal Audits, shall review documents and  
45 papers received or produced during the prior college year and classify them as Class 1 - Permanent,  
46 Class 2 - Optional, or Class 3 - Disposable.  
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48 **2. Records Not Classified Before July 1, 1976**

49 All records not classified prior to July 1, 1976, are subject to the same review and classification as in "1."  
50 If such records are three or more years old and classified in Class 3 - Disposable, they may be destroyed  
51 without further delay, but in accordance with procedures for destruction.  
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53 **3. Current Year Records**

54 Records originating during a current college year shall not be classified during that year.  
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56 **4. Continuing Records**

57 Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purposes  
58 over a period of years, shall not be classified until such usefulness has ceased.

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60 **5. Microfilm Copy**

61 Whenever an original Class 1 - Permanent record is photographed, microphotographed, or otherwise  
62 reproduced on film or electronically, the copy made is classified as Class 1 - Permanent. The original  
63 record, unless classified as Class 2 - Optional, may be classified as Class 3 - Disposable. It may then be  
64 destroyed in accordance with the California Administrative Code if the following conditions have been  
65 met:

- 66  
67 a. The reproduction was accurate in detail.  
68 b. The Business Manager has attached to or incorporated in the copy or system, a signed and dated  
69 certification of compliance with the provisions of the California Evidence Code (Section 1531),  
70 stating in substance that the copy is a correct copy of the original, or a specified part thereof, as  
71 the case may be.  
72 c. The copy was placed in an accessible location, and provision was made for preserving  
73 permanently, examining and using the same.  
74 d. In addition, if the record is photographed or microfilmed, the reproduction must be on film of a  
75 type approved for permanent, photographic records by the United States Bureau of Standards.  
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78 **Period of Retention of Records**

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80 **1. Class 1 - Permanent Records**

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82 The original of each of the types of records listed below or one exact copy, when the original is required  
83 by law to be filed with another agency, is a Class 1 - Permanent record. It shall be retained indefinitely,  
84 unless reproduced in accordance with #5 (Microfilm Copy) above.

85  
86 **a. Annual Reports:**

- 87 1) Official budget;  
88 2) Financial report of all funds, including cafeteria and student body funds;  
89 3) Audit of all funds;  
90 4) Full-time equivalent student, including Period 1 and Period 2 reports; and  
91 5) Other major annual reports, including:  
92 a) Those containing information relating to property, activities, financial condition, or  
93 transactions; and  
94 b) Those declared by board minutes to be permanent.

95  
96 **b. Official Actions:**

- 97 1) Minutes of the board or committee thereof, including the text of a rule, regulation, policy, or  
98 resolution not set forth verbatim in minutes but included therein by reference only;  
99 2) Elections, including the call, if any, for and the result (but not including detail documents, such  
100 as ballots) of an election called, conducted, or canvassed by the governing board for a board  
101 member, the board member's recall, issuance of bonds, incurring any long-term liability, change  
102 in maximum tax rates, reorganizations, or any other purpose; and  
103 3) Records transmitted by another agency that pertain to that agency's action with respect to  
104 district reorganization.

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106 **c. Personnel Records of Employees.**

- 107 1) All detail records relating to employment, assignment, employee evaluations, amount, and  
108 dates of service rendered, termination or dismissal of an employee in any position, sick leave  
109 record, rate of compensation  
110 2) Salaries or wages paid, deduction or withholdings made, and the person or agency to whom  
111 such amounts were paid. In lieu of the detail records, a complete proven summary payroll record

112 for each employee of the school district containing the same data may be classified as Class 1 -  
113 Permanent, and the detail records may then be classified as Class 3 - Disposable.

114  
115 d. Student Records:

116 1) The records of enrollment and scholarship for each student. Such records of enrollment and  
117 scholarship may include but need not be limited to:

- 118 a) name of student;
- 119 b) date of birth;
- 120 c) place of birth;
- 121 d) name and address of a parent having custody or a guardian, if the student is a minor;
- 122 e) entering and leaving date for each academic year and for any summer session or other  
123 extra session;
- 124 f) subjects taken during each year, half year, summer session, or quarter; and
- 125 g) if grades or credits are given, the grades and number of credits toward graduation allowed  
126 for work taken.

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

131  
132 e. Property records:

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

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

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142 2. Class 2 - Optional Records

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144 Any record worthy of further preservation but not classified as Class 1 - Permanent, may be classified as  
145 Class 2 - Optional. It shall then be retained until reclassified as Class 3 - Disposable. If the Business  
146 Manager determines that classification should not be made annually, all records of the prior year may be  
147 classified as Class 2 - Optional, pending further review and classification within one year.

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149 3. Class 3 - Disposable Records

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151 All records, other than continuing records not classified as Class 1 - Permanent or Class 2 - Optional,  
152 shall be classified as Class 3 - Disposable.

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154 Generally, a Class 3 - Disposable record, unless otherwise specified, should be destroyed during the third  
155 school year after the school year in which it originated (e.g., 2002 - 03 plus three equals 2005 - 06). A  
156 Class 3 - Disposable record shall not be destroyed until after the third July 1 succeeding the completion of  
157 the audit required by the Education Code or of any other legally required audit. This also applies after the  
158 ending date of any retention period required by any agency other than the State of California, whichever  
159 date is later. Federal programs, including various student aid programs, may require longer retention  
160 periods and such program requirements shall take precedence over the requirements contained herein.  
161 A continuing record shall not be destroyed until the third year after it has been classified as Class 3 -  
162 Disposable.

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164 4. Statute of Limitations

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166 In addition to periods of retention required by the Board of Governors, a district may desire for its own  
167 benefit to maintain some records at least beyond the statutory period for bringing suits upon these

168 records. If the district has any particular inquiry in placing any records in the proper classifications, the  
169 doubt should be resolved in favor of the longer retention period.

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171 **Destruction of Records - Community College Districts**

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173 Records ordered for destruction shall be permanently destroyed by such foolproof methods as shredding,  
174 burning or pulping; and such destruction shall be supervised by the chief executive officer or other  
175 designee.

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182 Reference:

183 Title 5, Sections 16022, 16026, 16035, 54606, 54608, 59020 – 59029

184 California Education Code, Sections 76220 – 76225, 76230 – 76234

185 California Evidence Code 1531

186 California State Administrative Manual, Section 1602

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