

RETENTION AND DESTRUCTION OF PUBLIC RECORDS

TITLE 5 CALIFORNIA ADMINISTRATIVE CODE

ARTICLE 2 – PERIODS OF RETENTION

Definition of Records, as defined in 5 CCR § 59020 of the Education Code, is as follows: “Records” means all records, maps, books, paper, data processing output, and electronic documents that a Community College District is required by law to prepare or retain by law or official duty. “Records” includes “student records” as defined in § 76210 of the Education Code and subsection (c) of § 54606 of this title.

The following documents are not considered “records” and may be destroyed at any time:

- Additional copies of documents beyond the original or one copy (A person receiving a duplicate copy needs not to retain it.)
- Correspondence between district employees that does not pertain to personnel matters, or constitute a student record.
- Advertisements and other sales materials received.
- Textbooks, used for instruction, and other instructional materials, including library books, pamphlets and magazines.

NOTE: Authority cited: §§ 66700, 70901 and 76220, Education Code. Reference: §§ 76210 and 76220, Education Code.

CLASSIFICATION OF RECORDS (5 CCR § 59022)

- (a) The governing board of each Community College District shall establish an annual procedure by which the chief executive officer, or other designee shall review documents and papers received or produced during the prior academic year and classify them as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable.
- (b) All records not classified prior to July 1, 1976, are subject to the same review and classification as in (a). If such records are three or more years old and classified as Class 3 – Disposable, they may be destroyed without further delay, but in accordance with Article 3.
- (c) Records originating during a current academic year shall not be classified during that year.
- (d) 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.
- (e) Whenever an original Class 1-Permanent record is photographed, micro-photographed, or otherwise reproduced on film or electronically, the copy thus made is hereby classified as Class 1 Permanent. The original record, unless classified as Class 2-Optional, may be classified as Class 3 Disposable, and may then be destroyed in accordance with this chapter if the following conditions have been met:
 - (1) The reproduction was accurate in detail.
 - (2) The chief executive officer, or other designee, has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of section 1531 of

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the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.

- (3) The copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.
- (4) In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

NOTE: Authority cited: §§ 66700 and 70901, Education Code. Reference: §§ 66700 and 70901, Education Code; and § 1531, Evidence Code.

CLASS 1 – PERMANENT RECORDS (5 CCR § 59023)

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 copied or reproduced in accordance with subsection (e) of § 59022.

Examples of types of records:

- Official budget;
- Financial report of all funds, including cafeteria and student body funds;
- Audit of all funds;
- Full-time equivalent (FTE) student, including Period 1 and Period 2 reports; and • other major annual reports, including those containing information related to:
 - Property ○ Activities ○ Financial condition ○ Transactions
 - Those declared by board minutes to be permanent

Official actions:

- Minutes of the board or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only;
- 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 governing board for a board member, the board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose; and records transmitted by another agency that pertain to that agency's action with respect to district reorganization.
- *Human Resources* – The following personnel records (All detail records relating to):
 - Employment ○ Assignment ○ Employee evaluations

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- Amounts and dates of dates of service rendered ○
Termination or dismissal of an employee in any position
- Sick leave records
- Rate of compensation (salaries, wages, deductions withholdings and to whom paid (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)
- *Student Records* – Records of enrollment and scholarship for each student (including) ○ Name of student ○ Date of birth (DOB) ○ Place of birth
 - Name and address of a parent having custody or a guardian (if minor) ○ Entering and leaving date for each academic year and summer/other sessions ○ Subjects taken each year, half-year, summer session or quarter
 - Grades or credits given toward graduation
- *Claims / Accidents / Injury* – All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by California law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1 – Permanent records, one year after the claim has settled or after the applicable statute of limitations (SOL) has run.
- *Property Records* – All detail records related to:
 - Land ○ Buildings ○ Equipment

In lieu of such detail records, a complete property ledger may be classified as Class 1 – Permanent, and the detail records may then be classified as Class 3 – Disposable, if the property ledger includes:

- All fixed assets
- An equipment inventory; and for each unit of property:
 - Date of acquisition or augmentation ○
From whom acquired
 - Adequate description of identification ○
Amount paid
 - Comparable data if property lost, sold or disposed of

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CLASS 2 – OPTIONAL RECORDS (5 CCR § 59024)

Any record worthy of further 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 chief executive officer (CEO) or designee determines that classification should not be made by the time specified in § 59022 – then all records of the prior year may be classified as Class 2 – Optional, pending further review and classification within one year.

Examples of types of records: Job applications, “B” warrant listings and summaries, cancelled checks (revolving, clearing accounts), cash receipts/deposits, Purchasing Bids, W-4 withholding allowance certificates.

How long are Class 2 records to be retained: Class 2 records should be destroyed during the 3rd year after the record was designated as CLASS 3 record.

CLASS 3 – DISPOSABLE RECORDS (5 CCR § 59025)

All records, other than “continuing 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, full-time equivalent student, or a business or financial transaction (purchase orders, invoices, warrants, ledger sheets, canceled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report; and
- (b) periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

How long are Class 3 records to be retained: Class 3 – Disposable records should be destroyed during the third college year after in which it was originated (i.e. 2006-07 + 3 = 2009-2010 is the year record is destroyed):

- *Federal Programs* (student aid, etc.) - may require longer retention periods take precedence over the third year rule
- *Audit records* – destroy three years after the third July 1st following completion of audit (e.g., Audit of 1994 (completed February 1994 – would be destroyed after July 1, 1997)

ALTERNATE MEDIA FORMS FOR RECORDS RETENTION

Electronic Records/Optical Disk Requirements: May be retained in lieu of the record itself. This would require the alternate media to contain accurate detail, copies of signature, and have a dated certification. These records should be readily accessible and permanently preservable (for Class 1). Class 1 originals in paper form may be destroyed after the hard copy is scanned or imaged.