



AP 3310 Records Retention and Destruction

References: Title 5, Sections 59020, et seq. ;
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

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Last Revised:

Last Reviewed: February 2020

Purpose

The objectives of the District Records Retention and Destruction program are to:

- Protect vital records in the District.
- Establish schedules for insuring the appropriate retention and storage of important records and the destruction of records which are no longer needed.

Definitions and Exclusions

- "Records" means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and electronically stored information (ESI), as that term is defined by the Federal Rules of Civil Procedure. Such records shall include but are not limited to student records, employment records and financial records.
- The following documents are not "records" and may be destroyed at any time:
 - Additional copies of documents beyond the original or one copy.
 - Correspondence between district employees that does not pertain to personnel matters or constitutes a student record.
 - Advertisements and other sales material received.
 - Textbooks used for instruction, and other instructional materials including library books, pamphlets and magazines.

Responsibility

The Superintendent/President or designee shall be responsible for the overall supervision of the records retention and destruction program.

Classifications

Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations.

- *Class 1 - Permanent Records*, are to be retained indefinitely, unless photographed, micro- photographed, or otherwise reproduced on film or electronically stored in accordance with Title 5.
- *Class 2 - Optional Records*, a holding classification awaiting assignment of record to one of the other classes; use when discretion dictates.
- *Class 3 – Disposable Records*, shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.

Examples

Class 1 - Permanent:

A. Annual Reports:

- Official budget.
- Financial report of all funds, including cafeteria and student body funds.
- Audit of all funds.
- Full-time equivalent student (FTES) reports including Period 1 and Period 2.
- Other major annual reports, including those containing information relating to property, activities, financial condition, or transactions and those declared by Board Minutes to be permanent.

B. 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 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.
- Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

C. Personnel Records:

- All detail records relating to employment, assignment, employee evaluations, 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 district containing the same data may be classified as Class 1 - Permanent, and the detail records may then be classified as Class 3 - Disposable.

D. Student Records:

- Records of enrollment and scholarship for each student. Such records may include but need not be limited to name, student identification number- or social security number, date of birth, place of birth, entering and leaving date for each term, subjects taken, and grades and credits awarded.
- All records pertaining to any accident or injury involving a student for which a claim for damages has been filed as required by law, including any policy of liability insurance relating thereto, except that these records cease to be Class 1 - Permanent, one year after the claim has been settled or after the applicable statute of limitations has run.

E. Property Records:

- All detail records relating to land, buildings, and 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.
 - For each unit of property, the date of acquisition or augmentation, the person from whom acquired, and adequate description or identification, and

the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

F. Foundation Records:

- All documents of incorporation, governing by-laws and amendments, and all state and federal exemption designations and corresponding regulations governing operation of Title 26, USC, Section 501(c)(3) tax exempt non-profit organizations.

Class 2 – Optional Records:

- A. Those records deemed worthy of further preservation but not previously classed as Class 1 and shall be retained until reclassification to Class 3.

Class 3 – Disposable Records:

A. Detail Records

- records basic to audit
- attendance
- full-time equivalent student
- business or financial transactions
- detail records used in the preparation of any other report

B. Periodic Reports

- daily, weekly or monthly reports
- bulletins

Retention of Records

Class 1 - Permanent

The original of each permanent record shall be retained indefinitely unless microfilmed or electronically stored in accordance with Title V, after which it can be reclassified as Class 3 - Disposable.

Class 2 - Optional Records

Any record worthy of further preservation but not classified as Class 1, shall be retained until reclassified as Class 3 - Disposable.

Class 3 - Disposable Records

Generally a Class 3 - Disposable Record, unless otherwise specified, should be destroyed during the third college year after the college year in which it originated (e.g., record originated in 2006-07 plus 3 years = records destroyed in 2009-2010).

Records Basic to an Audit, shall not be destroyed until after the third July 1 succeeding the completion of the annual audit required by the Education Code 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.

Destruction of Records

Annually, area administrators shall submit to the Vice President for Administration a list of records recommended for destruction with the date(s) created and to be destroyed. The Vice President for Administration shall submit to the Governing Board the list of records recommended for destruction and shall certify that no records are included in the list in conflict with these regulations.

The Board of Trustees shall:

- Approve or disapprove the recommendation of the Superintendent/President or designee regarding classification of records.
- Order a reclassification when necessary or desirable.
- Order by action recorded in the minutes (with lists attached) the destruction of records in accordance with these regulations.

Manner of Destruction:

Upon the order of the Board of Trustees that specified records shall be destroyed, such records shall be permanently destroyed by such foolproof methods as shredding, burning, or pulping, and such destruction shall be supervised by the Superintendent/President or designee.