

FIFTH EDITION

RECORDS RETENTION MANUAL

KINDERGARTEN THROUGH GRADE 12

and

COMMUNITY COLLEGES

Prepared by
CASBO Southern Section
Accounting Research and Development Committee

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Introduction

The subject of records is very broad and includes several functions. Records Retention is the holding (period) of records/documents for further use. A record may be any document containing information. Records Management is a broader concept and fixes responsibility for and exercises controls over all records/documents, within an organization, from their creation to their final disposition. Records Storage is a function of Records Management, addressing the retention of original records or copies (whether photographed, micro-photographed, or otherwise reproduced on film or electronic media); and the development of a systematized storage plan and indexing with respect to preservation, easy retrieval for later use, or final destruction and disposal.

This Manual is intended for Records Retention purposes only. While suggested procedures and sample forms have been included, this publication is not intended as a Records Management manual. The development of detailed procedures for Records Management must be left to individual districts to meet their own specific needs.

The Records Retention Manual is designed as a quick reference to the retention period of documents. While the lists of documents may not be totally inclusive, most documents used in school districts are represented. Various documents may appear in more than one area of responsibility. Old documents, no longer required, remain listed because they must still be maintained. The retention periods indicated are to assist district personnel in both the retention of permanent records and the timely destruction of documents.

This publication is a compilation of information from the California Education Code, California Code of Regulations - Title 5, Commercial Code, Government Code and many other sources indicating a legal document retention period for specific documents. Please refer to the Table of References for a list of sources.

This document is designed to be distributed to the appropriate departments. It is our recommendation that a copy of the LEGAL REQUIREMENTS (pages 111-131) accompany each section distributed. Please give credit to CASBO if any portion of this document is copied.

Disclaimer

The contents of this manual are appropriate as of the time of publishing the manual. Future administrative decisions, regulations, or legislative action could result in major changes. CASBO is not responsible for any legal conflicts resulting from the use of this manual.

Suggested Procedures

Preparatory Steps - The Legal Provisions provided in this document, beginning on page 121, should be thoroughly reviewed. A preliminary district study should be made of existing applicable board policies and administrative procedures, records on hand, probable personnel requirements in order to establish and maintain new or revised procedures, and to assess physical facilities available for storage of records, and establish a schedule for accomplishing the tasks involved.

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 pupil's cumulative record is *a continuing record* until the pupil ceases to be enrolled in the district. It is then classified as *a Class 1- Permanent Record*.

Classification of Records - The school district's chief administrator shall be the person responsible for classifying school district records into the following classifications (California Code of Regulations - Title 5, Sections 16020-16030):

- Class 1 - Permanent Records (as listed in Section 16023) - The original, or one exact copy, unless microfilmed, shall be retained indefinitely.
- Class 2 - Optional Records - Not required by law to be retained permanently but deemed worthy of further preservation as specified in Section 16024.
- Class 3 - Disposable Records - required retention periods and procedures for destruction or transfer of records as specified in Section 16025.

While the required retention period for some records is dependent upon the date of the applicable audit, varying audit practices of federal, state, and other agencies must also be considered.

Before January 1, the superintendent (or a person designated by the district not employing a superintendent) shall classify and review every record originating during the prior school fiscal year. The retention period for Class 3 records should be designated and such records should be physically segregated by the fiscal year in which they are scheduled for destruction. In the inventory process, those carbons or other copies which are no longer useful to the district (except one copy of an original required by law to be filed with another agency) may be destroyed without making an inventory record.

Destruction of Records - All Class 3 records which have been held for the required retention periods and any permanent records which have been classified as Class 3 after having been duly microfilmed and held for the required retention period may be destroyed as per Title 5, Sections 16026 - 16027 of the California Code of Regulations.

The governing board should be notified of pending action to dispose of records and such notification be recorded in the board minutes. Notification should also be given to the governing board attesting to the fact that the documents had been properly destroyed.

Disposal of records should be accomplished by burning, shredding, pulping, or other means to assure complete destruction and to prevent any reconstruction of the records to any degree.

Microfilm and Other Applications

The following outlines the various applications of microfilming techniques that may be utilized by all divisions and departments in managing their individual records. Each organization is responsible for determining the applications for microfilm and the microform to be used, whether it is microfilm cartridge or microfiche.

Microfilm, Microfiche - Microfilm, or microfiche, is a micro-photographic image of record material, which may be retained in lieu of the record itself. The following requirements apply to micro-photographic images of any class of records:

1. The image must be accurate in detail.
2. The film must meet ANSI (American National Standards Institute) standards.
3. The film or fiche must incorporate the Superintendent's signed and dated certification of compliance with the provisions of the Evidence Code.
4. The image must be conveniently accessible and provision made for preserving permanently, examining and using of the film.

Optical Disk - Please refer to the Commercial Code authorization of recordation on optical disk.

Electronic copies – Education Code Section 35254 states that “The governing board of any school district may make photographic, microfilm, or electronic copies of any records of the district. The original of any records of which a photographic, microfilm, or electronic copy has been made may be destroyed when provision is made for permanently maintaining the photographic, microfilm or electronic copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit.”

The following applications should be considered:

Space Saving - Permanent records or records to be kept for a period of ten years or longer should be microfilmed to save storage space. This process applies whether the records are to be kept in the office or sent to the warehouse for storage when they have become inactive.

Records which are too active to send to the warehouse for storage, but by volume create a storage problem in office areas, may be microfilmed and effectively save office storage space and cost.

Fast Retrieval - Fast retrieval of records information saves labor costs and provides better customer service. However, to achieve any appreciable savings the retrieval rate should be fairly high. For example, if retrieval of information took only one hour per day, the savings would be negligible. But, if retrieval time was four or five hours per day, then an attractive labor savings can be realized by implementing a document imaging system.

Protection of Records - Microfilm is the least expensive of all reproduction methods. In the case of very valuable documents, which are referenced frequently, the hard copies are microfilmed for use in the office and the hard copies may be stored in a safe place. File integrity is also maintained since the documents are on a microfilm roll where the images remain on the roll in proper order.

Reduced Filing Time - A great deal of time can be spent in fine sorting of documents and placing them in file folders. Random microfilming using an appropriate indexing method and batch sorting before microfilming can eliminate filing and thus provide a savings in clerical costs.

Rapid Reproduction - Microfilm can be used for fast reproduction work in lieu of other copying processes. When documents are microfilmed and the microfilm is used to make paper prints, a savings is realized because of the low cost of the film, the speed of filming, and the speed of the automatic printer.

Suggested Forms

Statements

Letters

Records Inventories

Storage Labels

Introduction

Examples of various statements, letters, records inventories, and storage labels appear on the following pages. They are not intended as official forms that must be used but are simply provided to assist you in the task of records retention/destruction.

Example: Classification Statements

Class 1

The documents on the attached list are permanent records originating in the school year ___/__. The Superintendent requests that these records be classified as Class 1 records.

Class 2

The documents on the attached list are disposable records originating in the school year ___/__. These records require a retention period longer than three (3) years and the Superintendent requests that these records be classified as Class 2 records.

Class 3

The documents on the attached list are disposable records originating in the school year ___/__. The Superintendent requests that these records be classified as Class 3 records.

Example: **Destruction Statements (for Board Approval)**

Class 2

The documents on the attached list have been previously classified as Class 2 records. The Superintendent requests that these records be reclassified as Class 3 records.

These records have met the retention period requirements of Article 2, Sections 16023 through 16028 of Title 5, California Code of Regulations, and are of no further use to the district. The Superintendent requests permission to destroy the documents listed above.

Class 3

The documents on the attached list have been previously classified as Class 3 records.

These records have been retained for the legal period of time as per Article 2, Sections 16023 through 16028, of Title 5, California Code of Regulations. There is no further need to retain these records for use in the district. The Superintendent requests permission to destroy the documents listed above.

Example: Letter (to the Governing Board) for Reclassification Request

Date

Governing Board

_____ District

_____ California

Gentlemen:

The attached list of documents is considered to be Class 2. The Superintendent hereby requests permission to reclassify this list as Class 3 subsequent to submitting them for destruction.

These records have met the retention period requirements of Article 2, Sections 16023 through 16028 of Title 5, California Code of Regulations, and are of no further use to the district.

Records Officer

Governing Board Disposition

Date: _____

Disposition:

(Signature) Governing Board

Example: **Letter (to the Governing Board) for Destruction Approval**

Date

Governing Board

_____ District

_____ California

Gentlemen:

The attached list of documents is considered Class 3. These records have been retained for the legal period of time as per Article 2, Sections 16023 through 16028, of Article 5, California Code of Regulations.

This list also contains Class 1 documents that have been microfilmed, and Class 2 documents that have been reclassified to Class 3 per letter to the Board of Trustees, dated .

There is no further need to retain these records for use in the district. The Superintendent requests permission to destroy the documents listed.

Records Officer

Governing Board Disposition

Date:

Disposition:

.

(Signature) Governing Board

Example: **Letter (to the Superintendent) Witnessing Document Destruction**

Date

Superintendent

_____ District

_____ California 00000

Dear Sir:

The attached list of documents, listed on pages _____ to _____, has been submitted to the Governing Board for release for destruction per attached letter dated

I have, as appointed officer for the _____ District, observed their destruction on _____.

(Person in Charge of Records)

Example: **Class 1 Records Inventory**

Class 1 Records

_____ Department Fiscal Year of Origin _____

<u>Quantity</u>	<u>Record Type and Description</u>	<u>Document Location</u>
	Auditors Report	
	Board of Education Annual Report	
	Budget (Official)	
	District Organization Documents	
	Election Records	
	Financial Annual Reports (All Funds)	
	Fixed Assets (Detail Records)	
	Minutes of all Board of Education Meetings	
	Payroll Summary (Annual)	
	Personnel Records	
	Student Cumulative Records	
	Tax Records	

Example: **Class 1 Records Storage Inventory**

Class 1 Records

_____ Department Fiscal Year of Origin _____

<u>Quantity</u>	<u>Record Type and Description</u>	<u>Drawer Space Used to Store Documents</u>
-----------------	------------------------------------	---

Example: **Class 2 Records Inventory**

Class 2 Records

_____ Department Fiscal Year of Origin _____
_____ For Classification

<u>Quantity</u>	<u>Record Type and Description</u>	<u>School Year for Reclassification</u>
	OSHA Records	
	Special Project Records	

Example: **Class 2 Records Storage Inventory**

Class 2 Records

_____ Department Fiscal Year of Origin _____
_____ For Classification

Quantity Record Type and Description Drawer Space Used to Store Documents

Example: **Class 2 Records Storage Inventory**

Class 2 Records

_____ Department Fiscal Year of Origin _____
_____ For Classification

Quantity Record Type and Description Drawer Space Used to Store Documents

Example: **Storage Label**

School or Department _____

Box No. _____ Classification _____

Date of Classification _____ Date to be Destroyed _____

Contents:

Fiscal Year

Item

Microfilmed: _____ Yes _____ No _____

Date: _____

District Records Officer

Box _____ of _____

Example: **Storage Label**

Carton Contents

DEPARTMENT:

DIVISION:

Contents: Record Title/Subject Matter

Time Period Covered

Destruction Data

Box ____ of ____

Documents and Retention Periods

by

Areas of Responsibility

Areas of Responsibility

Introduction

This section of the Manual has been designed to be distributed to the appropriate departments. It is suggested that a copy of the Legal Provisions beginning on page 121 accompany each section distributed.

Various documents may appear in more than one area of responsibility. Old documents, no longer required, remain listed because they still must be maintained. This manual update reflects new additional documents as well as all the previous ones.

In some instances the documents listed have retained the same title but have a new document number. The new number appears in the far left column and the old number is printed, just below it, in parenthesis.

To assist the reader in understanding the Column Headings on the subsequent pages, the following explanations are provided:

Form No. (if any) - If the document or form has a number, the number will be listed in the far left column for each document. If there is no form or document number, the space will be blank.

Class - The column contains a 1, 2, or 3. This represents Class 1 - Permanent Records, Class 2 - Optional Records, and Class 3 - Disposable Records. If other characters appear, refer to the footnotes.

Record Title - The title or heading on the document or form is listed in this column.

Required Hard Copy Retention Period - The required legal retention period as found in Title 5, the Education Code, Civil Code, etc. (refer to the Table of References) is listed in this column. If other characters appear, refer to the footnote.

Recommended Retention - The recommended retention period is the authors' recommendation. This is usually greater than the legal requirement due to the reasons listed in the next column.

Reasons for Recommended Period - There may be reasons for recommending an extra year over the legal requirement. Where no legal requirements have been found, recommendations have also been provided. Following are some examples:

- Audit Purposes - Retain until after completion of the audit.
- Audit Resolutions.
- Timing/Fiscal Year End - Legal Retention period may not coincide with the fiscal/school year end.

Areas of Responsibility ... continued

- Fiscal Accountability - Maintain for reference purposes for Fiscal Accountability.
- Retain until a pertinent document is received.
- Retain in case of Dispute.
- Retain for possible Litigation.

If Filmed - If the documents have been filmed or copied, the legal retention of the original document is 4 years and the copy must be retained permanently. If dashes () appear in the column it refers to the footnote "Feasibility to Microfilm or copy electronically at District Discretion". The usual rule of thumb is if a document must be retained from 15 to 20 years it may be considered appropriate to microfilm or otherwise copy it.

Footnotes are provided at the bottom of each page to assist in the understanding of the information.

Legal Provisions

Title 5 California Code of Regulations (K-12)

California Code of Regulation Title 5, Division 1, Chapter 16

Subchapter 2 – Destruction of Records of School Districts

Article 1 General Provisions

Section 16020. Definition of Records

(a) As used in this article, “records” means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained or which are prepared or retained as necessary or convenient to the discharge of official duty.

Amended effective 1-13-84

Section 16021. Repealed effective January 13, 1984.

Section 16022. Classification of records

(a) **Prior Year Records** – Before January 1, the district superintendent (or a person designated by the district not employing a superintendent) shall review documents and papers originating during the prior school year and classify them as Class 1 – Permanent, Class 2 – Optional, Class 3 – Disposable

(b) **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 pupil’s cumulative record, if not transferred, is a continuing record until the pupil ceases to be enrolled in the district.

(c) **Microfilm Copy** – Whenever an original record is photographed, microphotographed or otherwise reproduced on film, 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:

(d) The reproduction was accurate in detail and on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

(e) The superintendent has attached to or incorporated in the microfilm copy has signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code.

(f) The microfilm copy was placed in a conveniently accessible file, and provision was made for preserving permanently, examining and using the same.

(g) Any “historical inventory of equipment” shall be a continuing record as provided in subdivision (b) and shall not be subject to classification for retention or destruction until the inventory is superseded or until the equipment is removed from district ownership

Amended effective 1-13-84

Title 5 California Code of Regulations (K-12) ... continued

Article 2 Period of Retention

Section 16023. Class – 1 Permanent Records

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 in accordance with Section 16022(c).

(a) Annual Reports

(1) Official Budget

(2) Financial report of all funds, including cafeteria and student body funds.

(3) Audit of all funds.

(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 transactions.

(B) Those declared by board minutes to be permanent

(b) Official Actions

(1) Minutes of the Board of Committees Thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in the minutes but included therein by reference only.

(2) Elections, including the class, 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, 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 defined in Education Code Section 44031 shall be Class 1 – Permanent only after it becomes final. This information becomes final when:

Title 5 California Code of Regulations (K-12) ... continued

1. The time for filing a grievance has lapsed, or
2. 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 grievance process and was not sustained.

(2) Pupils

(A) The records of enrollment and scholarship for each pupil required by Section 432.

(B) All records pertaining to any accident or injury involving a minor 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 records one 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 may be classified as Class 1 – Permanent, and the detail records may then be classified as Class 3 – Disposable, if the property ledger includes:

(1) All fixed assets.

(2) An equipment inventory.

(3) For each unit of property, the date of acquisition or augmentation, the person from who acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

Amended effective 1-13-84

Section 16024. Class 2 – Optional Records

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 governing board agree that classification should not be made by the time specified in Section 16022, all records of the prior year may be classified as Class 2 – Optional pending further review and classification within one year.

Amended effective 1-13-84

Section 16025. Class 3 – Disposable Records

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, cancelled checks and stubs, student body and cafeteria 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 Section 432 is retained in other records or if the General Record pages are removed from the register and are classified as Class 1 – Permanent.

Title 5 California Code of Regulations (K-12) ... continued

(b) Periodic Reports, including daily, weekly, and monthly reports, bulletins and instructions.

Section 16026. 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.

Section 16027. Destruction of Records

Unless otherwise specified in this chapter, all Class 3 – Disposable records shall be destroyed during the third school year after the school year in which they originated (e.g., 1976-77 records may be destroyed after July 1, 1980).

Amended effective 1-13-84

Section 16028. Repealed effective January 13, 1984.

Article 3 repealed effective December 9, 1979.

Title 5 California Code Of Regulations (C.C.)

Division 6. California Community Colleges

Chapter 10. Community College Administration

Subchapter 2.5. Retention and Destruction of Records

ARTICLE 1. GENERAL PROVISIONS

Section 59020. Definition of Records

- (a) For purposes of this subchapter, "records" means all records, maps, books, papers, 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 section 76210 of the Education Code.
- (b) The following documents are not "records" and may be destroyed at any time:
- (1) Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)
 - (2) Correspondence between district employees that does not pertain to personnel matters or constitute a student record.
 - (3) Advertisements and other sales material received.
 - (4) Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines.

Note: Authority cited: Sections 66700, 70901 and
76220, Education Code. Reference: Sections 76210 and
76220, Education Code.

Section 59021. Scope of Chapter

The provisions of this chapter apply only in the event that the destruction or retention of records by the district is not otherwise authorized or provided for by law.

Note: Authority cited: Sections 66700, 70901 and
76220, Education Code. Reference: Section 76220,
Education Code.

Section 59022. Classification of Records

- (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.

Title 5 California Code Of Regulations (C.C.) ...continued

(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, microphotographed, 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 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: Sections 66700 and 70901, Education Code. Reference: Sections 66700 and 70901, Education Code; and Section 1531, Evidence Code.

ARTICLE 2. PERIOD OF RETENTION

Section 59023. Class 1 – Permanent Records

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 Section 59022.

(a) The following annual reports:

(1) official budget;

(2) financial report of all funds, including cafeteria and student body funds;

(3) audit of all funds;

(4) full-time equivalent student, including Period 1 and Period 2 reports; and

(5) other major annual reports, including:

(A) those containing information relating to property, activities, financial condition, or transactions; and

(B) those declared by board minutes to be permanent.

Title 5 California Code Of Regulations (C.C.) ...continued

(b) The following official actions:

- (1) 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;
- (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 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
- (3) records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

(c) The following personnel records of employees. 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 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.

(d) The following student records:

- (1) the records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:
 - (A) name of student;
 - (B) date of birth;
 - (C) place of birth;
 - (D) name and address of a parent having custody or a guardian, if the student is a minor;
 - (E) entering and leaving date for each academic year and for any summer session or other extra session;
 - (F) subjects taken during each year, half year, summer session or quarter; and
 - (G) if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

Title 5 California Code Of Regulations (C.C.) ...continued

(2) 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 records, 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:

(1) all fixed assets;

(2) an equipment inventory; and

(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 data if the unit is disposed of by sale, loss, or otherwise.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59024. Class 2 – Optional Records

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, or other designee, determines that classification should not be made by the time specified in section 59022, all records of the prior year may be classified as Class 2-Optional, pending further review and classification within one year.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59025. Class 3 – Disposable Records

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.

Title 5 California Code Of Regulations (C.C.) ...continued

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59026. Retention Period

(a) Generally, a Class 3-Disposable record, unless otherwise specified in this Subchapter, should be destroyed during the third college year after the college year in which it originated (e.g., 1993-94 plus 3 = 1996-97). Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.

(b) With respect to records basic to an audit, 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 84040 or of any other legally required audit, or that period specified by Section 59118, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

(c) With respect to continuing records, a continuing record shall not be destroyed until the third year after it has been classified as Class 3- Disposable.

Note: Authority cited: Sections 66700, 70901, 71020.5 and 84500, Education Code. Reference: Section 70901, Education Code.

ARTICLE 3. PROCEDURES FOR DESTRUCTION

Section 59027. Chief Administrative Officer Actions

(a) The chief administrative officer, or the designee of that officer, shall:

(1) Personally supervise the classification of records.

(2) Mark each file or other container as to classification and the school year in which the records originated. If the records are classified as Class 3- Disposable, the chief administrative officer shall also mark the school year in which such records are to be destroyed.

(3) Supervise the destruction of records.

(b) The chief administrative officer or designee shall submit to the governing board a list of records recommended for destruction, and shall certify that no records are included in the list in conflict with these regulations.

Title 5 California Code Of Regulations (C.C.) ...continued

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59028. Board Action

The governing board shall:

- (a) Approve or disapprove the recommendation of its designee.
- (b) Order a reclassification when necessary or desirable.
- (c) Order by action recorded in the minutes (with lists attached) the destruction of records in accordance with these regulations.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59029. Manner of Destruction

Upon the order of the governing board 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 chief executive officer or other designee.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59030. Certification as to Content of Records Destroyed by Calamity.

Whenever in any college year the community college register of any instructor, or other records of any district are destroyed by conflagration or public calamity, preventing the instructor and college officers from making their annual reports in the usual manner and with accuracy, affidavits of the instructor, the president, or other officers of the district, certifying as to the contents of the destroyed register or other records, shall be accepted by all college authorities for all purposes pertaining to the district, except that of calculations of full-time equivalent students (FTES).

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59031. Full-time Equivalent Student Records Where Area Hit by Calamity.

Whenever the full-time equivalent student of a community college district has been materially affected in any college year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the instructor, the president, or officers of the district, shall be accepted by all

Title 5 California Code Of Regulations (C.C.) ...continued

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59033. Attendance Accounting For Lost or Destroyed Records.

Whenever any attendance records have been lost or destroyed by conflagration or public calamity, attendance accounting related to such records shall be made in accordance with section 58031.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59040. College Year.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

Section 59041. Academic Year.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

California Education Code (K-12)

Chapter 2 Governing Boards

Article 8 Records and Reports

Duty to Keep Certain Records and Reports

35250. The Governing Board of every school district shall:

(a) Certify or attest to actions taken by the governing board whenever such certification or attestation is required for any purpose.

(b) Keep an accurate account of the receipts and expenditures of school moneys.

(c) Make an annual report, on or before the first day of July, to the county superintendent of schools in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction.

(d) Make or maintain such other records or reports as are required by law.

Certification as to Contents of Destroyed Records

35251. Whenever in any school year the school register of any teachers, or other records of any school district are destroyed by conflagration or public calamity, preventing the teacher and school officers from making their annual reports in the usual manner and with accuracy, affidavits of the teachers, the school principals, or other officers of the school district, certifying as to the contents of the destroyed register or other records, shall be accepted by all school authorities for all school purposes appertaining to the school district, except that of average daily attendance.

Average Daily Attendance Records Where Area Hit by Calamity

35252. Whenever the average daily attendance of any school district has been materially affected in any school year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the teacher, the school principal, or officers of the school district shall be accepted by all school officers for all school matters appertaining to the school district, except that of average daily attendance.

Regulations to Destroy Records

35253. Whenever the destruction of records of a district is not otherwise authorized or provided for by law, the governing board of the district may destroy such records of the district in accordance with regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt.

Microfilming or photographic copies of records.

35254. The governing board of any school district may make microfilm or photographic copies of any records of the district. The original of any records of which a photographic or microfilm copy has been made may be destroyed when provision is made for permanently maintaining such photographic or microfilm copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit. *Records of Joint School District*

California Education Code (K-12)... continued

35255. In any joint school district, all returns, reports, certificates, estimates, petitions, and other papers of any kind relating to schools and school districts, required by law to be filed with or presented to the board of supervisors or county superintendent of schools, shall be filed with or presented to the supervisors or superintendent of schools of each county in which any portion of the district is situated.

Chapter 3 Reorganization of School Districts - General Provisions

Article 7 Disposition of Records, Funds, Property, and Obligations When Reorganized

Disposal of Records

35562. If all the territory of any school district becomes part of two or more districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of pupils shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the school in which a pupil was last enrolled.

Chapter 6.5 Pupil Records

Article 2 Definitions

Definitions

49061. As used in this chapter:

(a) "Parent" means ...

(b) "Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

"Pupil record" shall not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this subdivision, "substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

California Education Code (K-12)...continued

Article 3 General Provisions

Records Establishment, Maintenance and Destruction

49062. School districts shall establish, maintain, and destroy pupil records according to regulations adopted by the State Board of Education. Pupil records shall include a pupil's health record. Such regulations shall establish state policy as to what items of information shall be placed into pupil records and what information is appropriate to be compiled by individual school officers or employees under the exception to pupil records provided in subdivision (b) of Section 49061. No pupil records shall be destroyed except pursuant to such regulations or as provided in subdivisions (b) and (c) of Section 49070.

Transfer of Permanent Enrollment and Scholarship Record

49068. Whenever a pupil transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the pupil's permanent record or a copy thereof shall be transferred by the former district or private school upon a request from the district or private school where the pupil intends to enroll. Any school district requesting such a transfer of a record shall notify the parent of his right to receive a copy of the record and a right to a hearing to challenge the content of the record. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of records.

Article 4 Rights of Parents

Challenging Content of Records

49070. Following an inspection and review of a pupil's records, the parent of a pupil or former pupil of a school district may challenge the content of any pupil record.

(a) The parent of a pupil may file a written request with the superintendent of the district to correct or remove any information recorded in the written records concerning his child which he alleges to be: (1) inaccurate, (2) an unsubstantiated personal conclusion or inference, (3) a conclusion or inference outside of the observer's area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of such request, the superintendent or his designee shall meet with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district. The superintendent shall then sustain or deny the allegations.

If the superintendent sustains any or all of the allegations, he shall order the correction or the removal and destruction of the information. However, in accordance with Section 49066, the superintendent shall not order a pupil's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.

California Education Code (K-12)... continued

If the superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent may, within 30 days of the refusal, appeal the decision in writing to the governing board of the school district.

(c) Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district, determine whether or not to sustain or deny the allegations.

If the governing board sustains any or all of the allegations, it shall order the superintendent to immediately correct or remove and destroy the information from the written records of the pupil. However, in accordance with Section 49066, the governing board shall not order a pupil's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.

The decision of the governing board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the parent initiated legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the district superintendent, the parent shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the pupil's school record until such time as the information objected to is corrected or removed.

Right to Include Statement or Response to Disciplinary Actions

49072. Whenever there is included in any pupil record information concerning any disciplinary action taken by school district personnel in connection with the pupil, the school district maintaining such record or records shall allow the pupil's parent to include in such pupil record a written statement or response concerning the disciplinary action.

Article 5 Privacy of Pupil Records

Access to Records by Any Person with Written Parental Consent

49075. A school district may permit access to pupil records to any person for whom a parent of the pupil has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited. The consent notice shall be permanently kept with the record file.

California Education Code (C.C.)

Chapter 6 Miscellaneous Provisions

Article 1 Records and Reports

Duty to Keep Certain Records and Reports

72600. The governing board of every community college district shall:

(a) Certify or attest to actions taken by the governing board whenever such certification or attestation is required for any purpose.

(b) Keep an accurate account of the receipts and expenditures of district moneys in accordance with the provisions of Sections 84030 and 84031.

(c) Make an annual report, on or before the first day of July, to the county superintendent of schools in the manner and form and on the blanks prescribed by the board of governors.

(d) Make or maintain such other records or reports as are required by law.

Certification as to Contents of Destroyed Records

72601. Whenever in any college year the community college register of any instructor, or other records of any district are destroyed by conflagration or by public calamity, preventing the instructor and college officers from making their annual reports in the usual manner and with accuracy, affidavits of the instructor, the president, or other officers of the district, certifying as to the contents of the destroyed register or other records, shall be accepted by all college authorities for all purposes appertaining to the district, except that of average daily attendance.

Amended by Stats. 1981, Ch. 470 effective 1-1-82.

Average Daily Attendance Records Where Area Hit by Calamity

72602. Whenever the average daily attendance of a community college district has been materially affected in any college year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the instructor, the president, or officers of the district, shall be accepted by all college officers for all matters appertaining to the district, except that of average daily attendance.

Amended by Stats. 1981, Ch. 470 effective 1-1-82.

Regulations to Destroy Records

72603. Whenever the destruction of records of a district is not otherwise authorized or provided for by law, the governing board of the district may destroy such records of the district in accordance with regulations of the board of governors which they are authorized to adopt.

72604. Repealed 1981 Laws, Ch. 470 and 471 effective 1-1-82.

California Education Code (C.C.)... continued

Records of Joint School Districts

72605. In any joint community college district, all returns, reports, certificates, estimates, petitions, and other papers of any kind relating to community colleges and community college districts, required by law to be filed with or presented to the board of supervisors or county superintendent of schools, shall be filed with or presented to the supervisors or superintendent of schools of each county in which any portion of the district is situated.

Chapter 1.5 Student Records

Article 2 Definitions

Definitions

76210. As used in this chapter:

(a) "Student record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by a community college or required to be maintained by any employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

"Student record" shall not mean confidential letters and statements of recommendations maintained by a community college on or before January 1, 1975, provided that such letters or statements are not used for purposes other than those for which they were specifically intended, nor shall it mean information provided by a student's parents relating to applications for financial aid or scholarships, nor shall it mean information related to a student compiled by a community college officer or employee which remains in the sole possession of the maker and is not accessible or revealed to any other person except a substitute. For purposes of this subdivision, "substitute" shall mean a person who performs in a temporary basis the duties of the individual who made the notes and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

"Student record" shall also not include information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and is not available to anyone other than persons providing such treatment; provided, however, that such a record may be personally reviewed by a physician or other appropriate professional of the student's choice.

(b) "Student record" shall not mean information maintained by a community college law enforcement unit if the personnel of the unit do not have access to student records pursuant to Section 76423, if the information maintained by the unit is kept apart from information maintained pursuant to subdivision (a) of this section, if the information is maintained solely for law enforcement purposes, and if the information is not made available to person other than law enforcement officials of the same jurisdiction, nor shall it mean information maintained in the normal course of business pertaining to persons who are employed by a community college, provided that such information relates exclusively to such person in that person's capacity as an employee and is not available for use for any other purpose.

California Education Code (C.C.)... continued

Article 3 General Provisions

Regulations/Establishment, Maintenance, and Destruction

76220. Community college districts shall establish, maintain, and destroy student records according to regulations adopted by the Board of governors of the California Community Colleges. Such regulations shall establish state policy as to what items of information shall be placed into student records and what information is appropriate to be compiled by individual community college officers or employees under the exception to student records provided in subdivisions (a) and (b) of Section 76210. No student records shall be destroyed except pursuant to such regulations or as provided in subdivisions (b) and (c) of Section 76232.

Transfer of Records; Notice of Rights; Regulations

76225. Whenever a student transfers from one community college or public or private institution of postsecondary education to another within the state, appropriate records or a copy thereof shall be transferred by the former community college, college or university, or school or school district upon a request from the student; provided, however, that the community college, college or university, or school or school district from which the student is transferring may notify the student that the student's records will be transferred upon payment by the student of all fees and charges due the community college, college or university, or school or school district. Any community college, college or university, or school or school district making such a transfer of such records shall notify the student of his right to receive a copy of the record and his right to a hearing to challenge the content of the record.

The Board of Governors of, the California Community Colleges may adopt rules and regulations concerning transfer of such records to, from, or between schools under its jurisdiction.

Article 4 Rights of Students

Challenging Content of Records

76232. (a) Any student may file a written request with the chief administrative officer of a community college district to correct or remove information recorded in his student records which he alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or inference (3) a conclusion or inference outside of the observer's area of competence or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of such request, the chief administrative officer or his designee shall meet with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the community college district. The chief administrative officer or his designee shall then sustain or deny the allegations.

California Education Code (C.C.)... continued

If the chief administrative officer or his designee sustains any or all of the allegations, he shall order the correction or removal and destruction of the information.

If the chief administrative officer or his designee denies any or all of the allegations and refuses to order the correction or removal of the information, the student may, within 30 days of the refusal, appeal the decision in writing to the governing board of the community college district.

(c) Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the community college district, determine whether to sustain or deny the allegations.

If the governing board sustains any or all of the allegations, it shall order the chief administrative officer or his designee to immediately correct or remove and destroy the information.

The decision of the governing board shall be final.

Records of these administrative proceeding shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the student, or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the student's record until such time as the information objected to is corrected or removed.

Right to Include Statement or Response to Disciplinary Actions

76233. Whenever here is included in any student record information concerning any disciplinary action taken by community college personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Article 5 Privacy of Student Records

Access to Records by any Person With Written Consent of Student

76242. A community college district may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released. The recipient must be notified that the transmission of the information to others without the written consent of the student is prohibited. The consent notice shall be permanently kept with the record file.

Government Code Section 14756 (of the California Codes)

Government Code Section 14756 states: The public records of any state agency may be microfilmed, electronically data imaged, or otherwise photographically reproduced and certified upon the written authorization of the head of the agency. The microfilming, electronic data imaging, or photographic reproduction shall be made in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management, and as adopted by the Department of General Services in consultation with the Secretary of State, for recording of permanent records or nonpermanent records.

The certification of each reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for the reproduction, and other information that the Attorney General requires.

The certified reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.

Child Nutrition and Food Distribution Division Office of Child Nutrition Services

Policy Memorandum No.85-306, February 1990

Policy

Effective January 1, 1990, Child Nutrition Program records shall be retained for a period of three years after the submission of the fiscal year's final Claim for Reimbursement. In cases where audit findings have not been resolved, records shall be retained beyond the three-year period until the audit issues are resolved. This policy also applies to adult day care food program sponsors.

Background

Federal regulations governing Child Nutrition Programs stipulate a three-year record retention period; however, based on requirements of the California Education Code, Section 33421, a five-year record retention period for Child Nutrition Program records has been in effect.

On July 21, 1989, Assembly Bill 1226 was signed into law as Chapter 194, Statutes of 1989, effective January 1, 1990. This legislation specifies that Child Nutrition Program records shall be retained in accordance with regulations adopted by the United States Department of Agriculture. The enactment of this legislation establishes consistency between state law and federal regulation with regards to the retention of child Nutrition Program records.

Table of References

Administration of Public Transportation

Attendance, Pupil and Administration Services Annual Bulletin
General Bulletin County of Los Angeles, Office of Education

California Code of Regulations (CCR) Title 5

California Code of Civil Procedures

California Department Of General Services - Public School Construction

California Education Code

California Highway Patrol School Bus Driver's and Carrier's Handbook

Child Nutrition and Food Distribution Division Office of Child Nutrition Services,
Policy Memorandum

Code of Federal Regulations

Commercial Code

Data Acquisition Calendars - California State Department of Education

Federal Register - Guide to Records Retention Requirements

Government Code

Institute Of Transportation Studies - University Of California

Payroll Management Guide

Records Disposition Handbook - Records Management Division, Department of General Services,
State of California

Vocational Education Financial Report and Claim for Funds Workbook

Wage Garnishment Law