

**Business and Noninstructional Operations**

**DISTRICT RECORDS**

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained and disposed of in accordance with law, Board policy, and administrative regulation.

- (cf. 1340 - Access to District Records)
- (cf. 3440 - Inventories)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 5125 - Student Records)

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

- (cf. 0440 - District Technology Plan)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 4040 - Employee Use of Technology)
- (cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

- (cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

**DISTRICT RECORDS (continued)**

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

- (cf. 1112 - Media Relations)
- (cf. 1113 - District and School Web Sites)
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)
- (cf. 5145.6 - Parental Notifications)

**Safe at Home Program**

District public record shall not include the actual addresses of students, parent/guardians or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home Program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

- (cf. 5111.1 - District Residency)
- (cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

- 35145 Public meetings
- 35163 Official actions, minutes and journal
- 35250-35255 Records and reports
- 44031 Personnel file contents and inspection
- 49065 Reasonable charge for transcripts
- 49069 Absolute right to access

CIVIL CODE

- 1798.29 Breach of security involving personal information

CODE OF CIVIL PROCEDURE

- 2031.010-2031.060 Civil Discovery Act, scope of discovery demand
- 2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

- 6205-6211 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
- 6252-6265 Inspection of public records
- 12946 Retention of employment applications and records for two years

PENAL CODE

- 11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

- 430 Individual student records; definition
- 432 Varieties of student records
- 16020-16022 Records, general provisions

**DISTRICT RECORDS (continued)**

Legal Reference: (continued)

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy Act

Management Resources:

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

(9/88) 10/96  
6/11/97  
3/8/00  
(11/99) 3/01) 11/06  
5/9/07  
3/10  
11/16/16

## **Business and Noninstructional Operations**

### **DISTRICT RECORDS**

#### **Classification of Records**

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record.

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

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district.

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

#### **Class 1 - Permanent Records**

The original of each of the following records, or one exact copy of it 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 5 CCR 16022:

1. Annual Reports
  - a. Official budget
  - b. Financial reports of all funds, including cafeteria and student body funds
  - c. Audit of all funds
  - d. Average daily attendance, including Period 1 and Period 2 reports
  - e. Other major annual reports, including:
    - (1) Those containing information relating to property, activities, financial condition, or transactions

**DISTRICT RECORDS (continued)**

(2) Those declared by Governing Board minutes to be permanent

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only
- b. The call for and the result of any elections called, conducted, or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

3. Personnel Records

Class 1 (Permanent) records include all detailed 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; and deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent) and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

4. Student

The records of enrollment and scholarship for each student required by Title 5, Section 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law: shall be classified as Class 1 (Permanent) records. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has expired.

5. Property Records

Class 1 (Permanent) records include all detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets; an equipment inventory; and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

**DISTRICT RECORDS (continued)****Class 2 - Optional Records**

Any record considered temporarily worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified Class 2 (Optional) pending further review and classification within one year. (5 CCR 16024)

**Class 3 - Disposable Records**

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3 (Disposable). (5 CCR 16026, 16027)

- (cf. 1340 - Access to District Records)
- (cf. 3440 - Inventories)
- (cf. 5125 - Student Records)
- (cf. 3100 - Budget)
- (cf. 3452 - Student Activity Funds)
- (cf. 3460 - Financial Reports and Accountability)
- (cf. 3551 - Food Service Operations/Cafeteria Fund)
- (cf. 7214 - General Obligation Bonds)
- (cf. 9324 - Minutes and Recordings)
- (cf. 5111.1 - District Residency)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5143 - Insurance)
- (cf. 3280 - Sale or Lease of District-Owned Real Property)
- (cf. 5113.2 - Work Permits)