



## **AP 3310 Records Retention and Destruction**

### **General Description**

The District develops and maintains records to meet county, state, and federal requirements. Records are also developed and maintained in order to meet the daily operating requirements of the District.

The administrative value of many records generally decreases rapidly when transactions are completed. Some of these records can and should be destroyed when their usefulness has ended. Other records have continuing legal, fiscal, and/or historical value for years after their administrative value is exhausted. Other specific records must be retained permanently, according to state regulations. Title 5 of the California Code of Regulations delineates the retention requirements for permanent, optional, and disposable records.

All departments implementing and/or maintaining records in the college's electronic document management system are expected to follow the records retention procedure and develop/implement processes for removing relevant documents from the document management system based on the retention policy.

### **Definition of Records**

Records are defined as all records, maps, books, papers, data processing output, and electronic 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.

The appropriate department manager shall supervise the classification and destruction of records and ESI for his/her area(s) of responsibility. The District must preserve ESI and ESI that is relevant to actual or potential litigation pursuant to the Federal Rules of Civil Procedure. The District shall comply with the Federal Rules of Civil Procedure and produce relevant ESI in the form in which it is ordinarily maintained or readily usable. An annual report shall be made to the Governing Board regarding the classification and destruction of records and ESI.

Student records may be 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/her duties, whether recorded electronically or by handwriting, print, tapes, film, microfilm, or other means.

The following documents, listed under California Code of Regulations, Title 5, Section 59020, are not "records" and may be destroyed at any time:



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

### Classification of Records

The appropriate manager will review documents and papers received or produced in his/her area(s) of responsibility and classify them according to Title 5 of the California Code of Regulations (see the related section below) and the retention recommendations provided for in the Records Retention Manual for K-12 and Community Colleges published by the California Association of School Business Officials (CASBO) a copy of which is housed in the Office of Accounting Services.

Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations. Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5). 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. Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, burning, and pulping.

### Period of Retention of Records

#### Class 1 - Permanent Records

The original of each of the types of records listed below or one exact copy, when the original is required by law to be filed with another agency, is a Class 1 - Permanent record and will be retained indefinitely, unless scanned and stored electronically.

- Annual Reports
  - Official budget;
  - Financial report of all funds, including cafeteria and student body funds;
  - Audit of all funds;
  - Full-time equivalent student, including Period 1 and Period 2 reports; and
  - Other major annual reports, including:
    - Those containing information relating to property, activities, financial condition, or transactions; and
    - Those declared by Governing Board minutes to be permanent.



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- Official Actions
  - Minutes of the Governing Board or committee 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, reorganizations, or any other purpose; and
  - Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.
  
- Personnel Records of Employees
  - Detail records relating to employment, including but not limited to assignment, employee evaluations, amount, and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation;
  - Salaries or wages paid, deduction 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 each employee of the school district containing the same data may be classified as Class 1 – Permanent. The detail records may then be classified as Class 3 - Disposable.
  
- Student Records
  - The records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but are not limited to:
    - name of student;
    - date of birth;
    - place of birth;
    - name and address of a parent having custody or a guardian, if the student is a minor;
    - entering and leaving date for each academic year and for any summer session or other extra session;
    - subjects taken during each year, half year, summer session, or quarter; and
    - if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.
  - 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



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cease to be Class 1 - Permanent records, one year after the claim has been settled or after the applicable statute of limitations has run.

- **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 ledger includes:

- All fixed assets;
- An equipment inventory; and
- 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.

### **Class 2 - Optional Records**

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

### **Class 3 - Disposable Records**

All records, other than continuing records not classified as Class 1 -Permanent or Class 2 - Optional, will 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) period reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

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., 2007-08 plus three equals 2010-11). A Class 3 - Disposable record may 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 California Code of Regulations, Title 5 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 (e.g., federal programs, including various student aid programs, may require longer retention periods and such program requirements will take



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precedence over the requirements contained herein.) A continuing record may not be destroyed until the third year after it has been classified as Class 3 - Disposable.

### **Statute of Limitations**

In addition to periods of retention required by the Board of Governors, a district may desire for its own benefit to maintain some records at least beyond the statutory period for bringing suits upon these records. If the District has any particular inquiry in placing any records in the proper classifications, the doubt should be resolved in favor of the longer retention period.

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

Methods of record destruction will be determined by the Superintendent/President or his/her designee. Records ordered for destruction will be permanently destroyed by such foolproof methods as shredding, burning or pulping; deleting electronic copies; and such destruction will be supervised by the appropriate department manager.

The appropriate department manager will do the following on an annual basis:

- Supervise the classification of records for his/her area(s) of responsibility;
- Mark each file or other container of records that are to be stored in a physical location, using the District-approved records storage form(s). Completed forms will include the classification of the records and the academic year in which the records originated. If the records are classified as Class 3 - Disposable, the appropriate department manager will also mark the school year in which such records are to be destroyed;
- Supervise the destruction of records for his/her area(s) of responsibility.
- Provide a listing of any records that were destroyed to the Internal Auditor.

The Internal Auditor will submit an annual Information Item to the Governing Board listing records that were destroyed in accordance with the regulations set forth in Title 5 of the California Code of Regulations.

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

Approved: 02/17/15  
(Replaces former Administrative Procedures 3.3.6 and 5.1.5)