

## **Business and Noninstructional Operations**

### **Administrative Regulation 3580(a)**

#### **CLASSIFICATION OF RECORDS**

Records means all Office of Education records, maps, books, papers, and documents required by law to be prepared or retained as necessary or convenient to the discharge of official duty.

Except for preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained in the ordinary course of business, records will be classified as follows:

##### **1. Prior Year Records**

Before January 1, the County Superintendent of Schools or his/her designee shall review documents and papers originating during the prior fiscal year and classify them as Class 1—Permanent, Class 2—Optional, or Class 3—Disposable.

##### **2. 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 schools operated by the County Superintendent of Schools. An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from Office of Education ownership.

##### **3. Records Filed by Districts**

The County Superintendent shall classify as Class 3—Disposable or as Class 2—Optional any record other than an original record required to be filed with him/her by a school district. Copies of district invoices, warrants, ledger sheets, attendance reports, and correspondence are examples of records that may be so classified.

##### **4. Classification of Electronic or Media Copy**

Photographic, microfilm, or electronic copies of any records may be made. Whenever an original record is photographed, or otherwise reproduced on film or electronic media, the copy thus made is classified as Class 1—Permanent. The original record, unless classified as Class 2—Optional, may be classified as Class 3—Disposable. It may then be destroyed in accordance with the California Code of Regulations if the following conditions have been met:

- A. The reproduction was accurate in detail and approved for permanent, photographic record by the United States Bureau of Standards. The County Superintendent of Schools has attached to or incorporated in

## **Business and Noninstructional Operations**

### **Administrative Regulation 3580(b)**

the reproduced copy a signed and dated certification of compliance with the provisions of Evidence Code section 1531.

- B. The reproduced copy was placed in an accessible location, and provision was made for preserving permanently, examining and using the same.

#### **5. Consideration for Email Retention**

While email messages may, from time to time, contain information that would be considered official records of the office, e-mail is not considered a proper permanent storage file for records that are classified for retention under these regulations. If a message falls into a classification requiring retention, there must be assurance that the content may be retrieved in a readable format when required. All emails which because of their content are to be considered official records of the County Office are to be converted into one of the following for retention purposes:

- A. Print the message and retain in the appropriate paper filing system
- B. Generate image of message and store in the designated electronic imaging system as authorized by the Superintendent and/or designee.

Conversion of email for retention purposes should be implemented within 30 calendar days of appearing in recipient's in-box. Email messages left in the mail system beyond this time are subject to erasure and loss due to periodic refreshing of the mail storage system.

If a message does not fall under any retention requirements, it shall be considered by the user as ephemeral/transitory and destroyed as soon as any required response has been made (e.g. retain until read or until of minimal value for reference).

### **RETENTION PERIOD OF RECORDS**

Except for preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained in the ordinary course of business or when otherwise required by law, records will be retained as follows:

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

The original of each of the types of records in California Code of Regulations, Title 5, section 16023 or one exact copy, when the original is required by law to be filed with another agency, is a Class 1—Permanent record. It shall be retained indefinitely, unless microfilmed in accordance with 5 CCR 16022:

## **Business and Noninstructional Operations**

### **Administrative Regulation 3580(c)**

#### A. 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
  - 2) Those declared by County Board minutes to be permanent

#### B. 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.

#### C. Personnel Records

Class 1—Permanent records include all detailed records relating to employment; assignments; accounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave records; rates of compensation, salaries, or wages paid, and deduction or withholdings made and the person or agency or 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 a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

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

#### D. Student Records

The records of enrollment and scholarship for each student required by 5 CCR 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. These include any related policy of liability insurance 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 expired.

## **Business and Noninstructional Operations Administrative Regulation 3580**

**(h)**

### E. 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 a Class 1 (Permanent) record. The detailed records may then be classified as Class 3 (Disposable) records 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.

### **2. 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 shall then be retained until reclassified as Class 3-- Disposable.

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

All records not classified as Class 1--Permanent or Class 2--Optional, shall be classified as Class 3--Disposable. This includes, but is not limited to detail reports relating to records basic to audit, including those related to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; and periodic reports as defined in California Code of Regulations, Title 5.

All Class 3 --Disposable records shall not be destroyed until after the third July 1 succeeding the completion of the 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. A continuing record shall not be destroyed until after the fourth year after it has been classified as Class 3--Disposable.

Unless otherwise specified, all Class 3--Disposable records shall be destroyed during the third school year after the school year in which they originated (e.g., 2010-01 records shall be destroyed after July 1, 2015).

### **4. Electronically Stored Information**

All district-related electronically stored information generated or received by a district employee shall be saved to an electronic file on the district's computer and retained for at least 180 days, or shall be printed by the employee and physically filed in a way that it can be easily retrieved when needed.

However, any district-related electronically stored information that qualifies as a record, as defined above, shall be classified and retained as specified in the section "Classification of Records" above.

## **Business and Noninstructional Operations Administrative Regulation 3580**

### **(h)**

District-related electronically stored information includes, but is not limited to, any email, voicemail, text message, word processing document, spreadsheet, or text document related to district business or generated in the course of an employee's official duty.

Employees shall be required to regularly purge their email accounts and district-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to district business. The Superintendent or designee may check for appropriate use of any district-owned equipment at any time.

Any employee to whom a district-owned computer, cell phone, or other electronic communication device is provided shall be notified about the district's electronic information management system and, as necessary, provided training on effectively using the device.

### **5. Retention, Transfer, and Destruction of Pupil Records**

No additions except routine updating shall be made to records after high school graduation or permanent departure without the prior consent of the parent or adult pupil. Mandatory permanent pupil records shall be preserved to perpetuity by all California schools as Class 1--Permanent records.

Unless forwarded to a district, mandatory interim pupil records may be adjudged to be disposable when the student leaves the district or when usefulness ceases. Destruction shall be in accordance with provisions for Class 3--Disposable records during the third school year following such classification.

Permitted pupil records may be destroyed when their usefulness ceases. They may be destroyed after six months following the pupil's completion or withdrawal from the educational program.

When a pupil transfers to a school district or to a private school, a copy of the pupil's Mandatory Permanent Pupil Record shall be transferred upon request from the district or private school. The original or a copy must also be retained permanently by the Humboldt County Office of Education. If the transfer is to a California public school, the pupil's entire Mandatory Interim Pupil Record shall be forwarded. If the transfer is out-of-state or to a private school, the Mandatory Interim Pupil Record may be forwarded, as well as other permitted pupil records. All pupil records shall be updated prior to such transfer.

Section 432(a), California Code of Regulations, Title 5, defines the types of records that shall be transferred or which may be forwarded at the discretion of the custodian of records.

Pupil records shall not be withheld from the requesting district because of any charges owed by the pupil or the parents. This provision applies to pupils in grades K-12 in both public and private schools.

**6. Longer Retention Periods**

In addition to periods of retention required by the State Superintendent of Public Instruction, the Humboldt County Office of Education may desire for its own benefit to maintain some records at least beyond the statutory period for bringing suits upon these records. Any doubt should be resolved in favor of the longer retention period. In addition, longer retention periods apply to the following types of documents:

A. Purchase Orders, Written Contracts

Any purchase orders, contracts or other documents of this type should be retained for at least five years from the date the last performance becomes due.

B. Financial Records

Any records involving financial transactions for which a public officer would become liable for malfeasance or misfeasance of duty should be retained for a period of at least four years.

C. Personnel Records

Personnel or other employment records dealing with any employment practice and affecting any employment benefit of any applicant or employee (including all applications, personnel, membership or employment referral records or files) shall be preserved for a period of two years from the date of the making of the record or the date of the personnel action involved, whichever occurs later. In addition, any employment records (including, applications, forms, or test papers completed by the complainant and by all other candidates) related to a complaint filed with the Department of Fair Employment and Housing shall be preserved beyond the two year period until the complain if fully and finally disposed of and all appeals or related proceedings terminated.

**DESTRUCTION OF RECORDS**

The appropriate program administrator should develop his/her own procedures for destruction to facilitate the orderly removal and destruction of Class 3--Disposable records after the expiration of the established retention periods and of preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained in the ordinary course of business. Records of confidential information shall be shredded or otherwise destroyed to preserve privacy and ensure against unauthorized disclosure of information.

The superintendent shall implement his/her own procedures to facilitate the orderly management of records created on microcomputers, minicomputers, or mainframe computers, regardless of storage media, in networks or stand-alone systems. Upon conclusion of the established period of operational usefulness, inactive electronic records may be transferred to computer-output media for long-term storage, and the original media may be erased and reused.