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## Viewing: AP 3310 Records Retention and Destruction □

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## AP 3310 Records Retention and Destruction

(Replaces current SBCCD AP 3310)

### DEFINITION OF RECORDS □

Records are defined as all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and "electronically stored information" (ESI), as that term is defined by the Federal Rules of Civil Procedure.

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 by handwriting, print, tapes, film, microfilm, or other means.

The following documents, listed under Title 5 Section 59020, 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 record.
3. Advertisements and other sales material received.
4. Textbooks used for instruction, and other instructional materials, including library books, pamphlets, and

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magazines.

# RETENTION, TRANSFER, AND DESTRUCTION OF RECORDS

The Business Manager shall supervise the classification and destruction of records and ESI. 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 and readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

Email systems are not routinely backed up for future retrieval purposes, though back-ups may serve this purpose incidentally. Email users and those in possession of District records in the form of electronic mail are cautioned to be prudent in their reliance on electronic mail for purposes of maintaining a lasting record. If long-term accessibility is required, electronic mail is to be transferred to a more lasting format.

## Classification of Records

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

### 1. Prior Year Records

The Business Manager, in consultation with the Director, Internal Audits, shall review documents and papers received or produced during the prior college year and classify them as Class 1 - Permanent, Class 2 - Optional, or Class 3 – Disposable (as defined in Title 5) .

### 2. Records Not Classified Before July 1, 1976

All records not classified prior to July 1, 1976, are subject to the same review and classification as in "1." If such records are three or more years old and classified in Class 3 - Disposable, they may be destroyed without further delay, but in accordance with procedures for destruction.

### 3. Current Year Records

Records originating during a current college year shall not be classified during that year.

### 4. 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.

### 5. Microfilm Copy

Whenever an original Class 1 - Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, the copy 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 Administrative Code if the following conditions have been met:

- a. The reproduction was accurate in detail.
- b. The Business Manager has attached to or incorporated in the copy or system, a signed and dated certification of compliance with the provisions of the California Evidence Code (Section 1531), stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.
- c. The copy was placed in an accessible location, and provision was made for preserving permanently, examining and using the same.
- d. 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.

## Period of Retention of Records □

### 1. 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. It shall be retained indefinitely, unless reproduced in accordance with #5 (Microfilm Copy) above.

#### a. 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.

#### b. Official Actions:

1. Minutes of the 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;
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, reorganizations, or any other purpose; and
3. Records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

#### c. Personnel Records of Employees.

1. All detail records relating to employment, assignment, employee evaluations, amount, and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation
2. 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, and the detail records may then be classified as Class 3 - Disposable.

#### d. 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.
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 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.

## 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. If the Business Manager 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.

## 3. 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.

Generally, a Class 3 - Disposable record, unless otherwise specified, should be destroyed during the third academic year after the academic year in which it originated (e.g., 2002 - 03 plus three equals 2005 - 06). A Class 3 - Disposable record 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. This also applies after the ending date of any retention period required by any agency other than the State of California, whichever date is later. Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein. A continuing record shall not be destroyed until the third year after it has been classified as Class 3 - Disposable.

## 4. 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 □

Records ordered for destruction 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.

### References: □

California Education Code Sections 76220 – 76225, 76230 – 76234 ;  
 California Evidence Code 1531 ;  
 Title 5 Sections 16022, 16026, 16035, 54606, 54608, 59020 et seq.;  
 California State Administrative Manual, Section 1602;  
 Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

### Attachments

- [AP 3310 Records Retention and Destruction - Comments](#)
- [AP 3310 Records Retention and Destruction - Legal Citations](#)
- [AP3310 -OLD.pdf](#)

### Approval Signatures

Step Description	Approver	Date
Board of Trustees 2nd reading	Board Board: [SN]	07/2017
Board of Trustees 1st reading	Board Board: [SN]	07/2017
District Assembly 2nd reading	District Assembly District Assembly: [SN]	05/2017
District Assembly 1st reading	District Assembly District Assembly: [SN]	04/2017
Chancellor's Cabinet	Chancellor's Cabinet Chancellor's Cabinet: [SN]	03/2017