

# CSBA Sample

## Administrative Regulation

**Business and Noninstructional Operations**

AR 3580(a)

### DISTRICT RECORDS

Note: The following **optional** administrative regulation reflects classification and retention requirements for district records. For more information about personnel records, including the contents and retention of such records pursuant to 5 CCR 16023, see AR 4112.6/4212.6/4312.6 - Personnel Files. For additional requirements pertaining to student records, including the contents and retention of such records pursuant to Education Code 49069, 5 CCR 430-433, and the Family Educational Rights and Privacy Act (20 USC 1232g and 34 CFR 99.1-99.8), see BP/AR 5125 - Student Records. For requirements pertaining to public access to certain records in accordance with the California Public Records Act (**CPRA**) (Government Code ~~6252~~**6250-6270**), see BP/AR 1340 - Access to District Records **and BB 9012 - Board Member Electronic Communications.**

### Classification of Records

Note: Pursuant to 5 CCR 16020, only those documents that are prepared or retained as part of the discharge of official duty are considered as "records" that must be classified and retained. In addition, under the **Public Records Act CPRA** (Government Code ~~6252~~**6250-6270**), a "public record" is defined as any writing relating to the conduct of district business that is prepared, owned, used, or retained by the district; see BP/AR 1340 - Access to District Records. Documents and other writings that are not prepared or used by the district in the conduct of district business are generally not considered to be "records" and thus are not subject to the requirements of this regulation.

*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)

(*cf.* 1340 - Access to District Records)

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. (5 CCR 16022)

*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. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

(*cf.* 3440 - Inventories)

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

AR 3580(b)

**DISTRICT RECORDS** (continued)

*(cf. 5125 - Student Records)*

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: (5 CCR 16023)

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

*(cf. 3100 - Budget)*

*(cf. 3452 - Student Activity Funds)*

*(cf. 3460 - Financial Reports and Accountability)*

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

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

AR 3580(c)

#### **DISTRICT RECORDS** (continued)

- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

*(cf. 7214 - General Obligation Bonds)*

*(cf. 9324 - Minutes and Recordings)*

#### **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 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.

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

#### **4. 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.

*(cf. 5111.1 - District Residency)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5143 - Insurance)*

#### **5. Property Records**

| [\(Attachment F\) – use CSBA Sample as is](#)

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

AR 3580(d)

## **DISTRICT RECORDS** (continued)

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.

*(cf. 3280 - Sale or Lease of District-Owned Real Property)*

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

Any records considered temporarily worth keeping, but which ~~is~~ **are** not a Class 1 records, may be classified as a Class 2 (Optional) records and shall be retained until ~~it is~~ reclassified as a Class 3 (Disposable) records. 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 as Class 2 (Optional) records 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) records shall be classified as Class 3 (Disposable) records. 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) records; 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 a Class 3 (Disposable) record. (5 CCR 16026, 16027)

*(cf. 5113.2 - Work Permits)*

[\(Attachment F\) – use CSBA Sample as is](#)

## Electronically Stored Information

Note: ~~With the extensive use of electronic messaging, communications, and devices, such as email, text message, and voicemail, i~~In the conduct of official district business, many records and informational materials are generated and maintained in electronic format, making it necessary for districts to design a system for easily saving and retrieving such information when needed. The following **optional** section contains suggestions for the handling of such electronically stored information and may be revised to reflect district practice.

AR 3580(e)

## DISTRICT RECORDS (continued)

~~In City of San Jose v. Superior Court, the California Supreme Court held that a public official's or employee's electronic communications regarding public business, even if transmitted on the official's or employee's personal account or device, are public records and are not categorically excluded from disclosure upon request under the CPRA. The court noted that the CPRA requires public agencies to use "reasonable effort" to locate existing records in response to a public records request, but that such searches need not be extraordinary or intrusive. The following paragraph reflects the court's suggestion for ensuring that district-related communications transmitted through a public employee's or official's personal device or account can be retrieved without violating the employee's or official's privacy rights. For further information, see CSBA's Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications.~~

~~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. All electronically stored information related to the conduct of district business, including information created, saved, sent, or received on a district employee's or Board member's personal account or device, shall be saved as an electronic file to a district-provided account or device and retained in accordance with the section "Classification of Records" above. Such information includes, but is not limited to, email, text messages, instant messages, computer files, and other electronic communications related to district business. In addition, when appropriate, the information may be printed and physically filed in a way that allows it to be easily retrieved when needed.~~

**Comment [J1]:** Reflects new court decision (City of San Jose v Superior Court) which held that such records may be accessible to the public in accordance with the California Public Records Act

~~(cf. 9012 - Board Member Electronic Communications)~~

~~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.~~

~~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.~~

Note: The following **optional** paragraph may be revised to reflect district practice. Districts have the authority to monitor the use of district-owned property and equipment, including those provided to employees to enable

[\(Attachment F\) – use CSBA Sample as is](#)

them to perform their duties efficiently, such as computers, cell phones, and other electronic communication devices. In such situations, an employee's expectation of privacy as it relates to the equipment is limited and the district may monitor it for appropriate use.

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.

*(cf. 4040 - Employee Use of Technology)*

AR 3580(f)

#### **DISTRICT RECORDS (continued)**

Any **employee person** 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 **the** effectively ~~using~~ **use of** the device.

~~(cf. 4131 – Staff Development)~~  
~~(cf. 4231 – Staff Development)~~  
~~(cf. 4331 – Staff Development)~~

| [\(Attachment F\) – use CSBA Sample as is](#)

(11/09 4/13) 5/17

**Policy Reference UPDATE Service**

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