



Book	Administrative Procedures
Section	Chapter 3 General Institution
Title	Records Retention and Destruction
Code	AP 3310
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Legal	Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45 Title 5, Sections 59020 et seq
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## **PALO VERDE COMMUNITY COLLEGE DISTRICT ADMINISTRATIVE PROCEDURE 3310**

### **Records Retention and Destruction**

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

The following procedures for the retention and destruction of records apply only in situations when the retention or destruction is not otherwise authorized or provided for by law.

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

#### **I. Classification of Records**

##### **A. Definition of Records**

1. As used in this policy, "records" shall mean all records, maps, books, papers, data processing output, and electronic documents of the Palo Verde Community College District required by law to be prepared or 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 Superintendent/President 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 or readily usable. An annual report shall be made to the Board of Trustees regarding the classification and destruction of records and ESI.

2. The following documents are not "records" and may be destroyed at any time:

- a. Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)
- b. Correspondence between district employees that does not pertain to personnel matters or constitute a student record.
- c. Advertisements and other sales material received.

- d. Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines.

## B. Classification

### 1. Prior Year Records

The Superintendent/President or his designee(s) shall annually review documents and papers received or produced during the prior school year and classify them as Class 1: Permanent, Class 2: Optional, or Class 3: Disposable.

### 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 as Class 3: Disposable, they may be destroyed without further delay, but in accordance with Section III., "Destruction of Records."

### 3. Current Year Records

Records originating during a current school 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 or Digital Archival Copy

Whenever an original Class 1: Permanent Record is photographed, micro photographed or otherwise reproduced on film or electronically, the copy thus made is hereby classified as Class 1: Permanent. The original record, unless classified as Class 2: Optional, may be classified as Class 3: Disposable, and may then be destroyed in accordance with these procedures if the following conditions have been met:

- a. The reproduction was accurate in detail.

- b. The Superintendent/President or designee(s) has attached to or incorporated in the microfilm copy or system a signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code, 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 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.

## II. **Period of Retention**

### A. Class 1: Permanent Records

The original of each of the records listed in this section, or one exact copy thereof 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 or digitally archived in accordance with Section I.B.5. of these procedures.

#### 1. Annual Reports

- a. Official Budget

- b. Financial report of all funds, including student body funds

- c. Audit of all funds

- d. Full-time equivalent student, including Period 1 and Period 2 reports

e. Other major annual reports, including the following:

(1) Those containing information relating to property, activities, financial condition, or transactions.

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

## 2. Official Actions

a. Minutes of the Board of Trustees, or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in the minutes but included therein by reference only.

b. 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 Board of Trustees for a Board member, the Board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose.

c. Records transmitted by another agency that pertain to that agency's action with respect to District reorganization.

## 3. Personnel Records of Employees

All detail records relating to employment, assignment, employee evaluations, 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, deductions 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 every employee of the District containing the same data may be classified as Class 1: Permanent, and the detail records may then be classified as Class 3: Disposable.

## 4. Student Records

a. The records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include, but need not be limited to, the following:

(1) Name of Student

(2) Date of Birth

(3) Place of Birth

(4) Name and address of a parent having custody or a guardian if the student is a minor

(5) Entering and leaving date for each school year and for any summer session or other extra session.

(6) Subjects taken during each year, half year, summer session, or quarter.

(7) If grades or credits are given, the grades and number of credits toward graduation allowed for work taken.

b. 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.

## 5. 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 property ledger includes the following:

a. All fixed assets

b. An equipment inventory

c. For each unit of property, the date of acquisition or augmentation, the person from who acquired, and adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

#### B. Class 2:Optional Records

Any record worthy of further preservation but not classified as Class 1: Permanent may be classified as Class 2: Optional and shall then be retained until reclassified as Class 3: Disposable. If the Superintendent/President or designee(s) determines that classification should not be made by the time specified in Section I.A., all records of the prior year may be classified as Class 2: Optional, pending further review and classification within one year.

#### C. 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, including, but not limited to, detail records relating to the following:

1. 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, cancelled checks and stubs, student body and cafeteria fund records, etc.) and detail records used in the preparation of any other report.
2. Periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

#### D. Retention Period

1. Record retention and maintenances will be the responsibility of the appropriate custodian of the records designated in coordination with the Superintendent/President.

2.. A Class 3:Disposable record, unless otherwise specified in this section, should be destroyed during the third college year after the college year in which it originated (e.g. 1993-94 plus 3 = 1996-97). Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.

3.. With respect to records basic to an audit, a Class 3: Disposable record shall 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 Section 59118 of Title 5, or after the ending date of any retention period required by any agency other than the State of California, whichever date is later.

4. With respect to continuing records, a continuing record shall not be destroyed until the third year after it has been classified as Class 3: Disposable.

5. In addition to the period of retention required by the Board of Governors, the District may maintain records beyond the statutory period for purposes of bringing suits upon these records. If there is any issue about the placement of a particular record or records into the proper classification, it should be resolved in favor of the longer retention period.

### III. **Destruction of Records**

#### A. Action to be Taken by Superintendent/President or Designee(s).

1. The Superintendent/President or designee(s) shall do the following:

a. Personally supervise the classification of records.

b. Mark each file or other container as to classification and the school year in which the records originated. If the records are classified as Class 3: Disposable, the Superintendent/President or designee(s) shall also mark the school year in which such records are to be destroyed.

c. Supervise the destruction of records

2. The Superintendent/President shall submit to the Board of Trustees a list of records recommended for destruction and shall certify that no records are included in the list in conflict with these regulations.

#### B. Action to be Taken by the Board of Trustees

1. Approve or disapprove the recommendation of the Superintendent/President.

2. Order are classification when necessary or desirable.

3. Order by action recorded in the minutes (with lists attached) the destruction of records in accordance with these regulations.

C. Manner of Destruction

Upon the order of the Board of Trustees that specified records shall be destroyed, such records shall be permanently destroyed by such foolproof methods as shredding, burning, or pulping; and such destruction shall be supervised by the Superintendent/President or designee(s).

(Formerly PVC Administrative Regulation 2100)

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