

## **BUSINESS AND NONINSTRUCTIONAL OPERATIONS**

### **County Office Records**

The Inyo County Board of Education recognizes the importance of securing and retaining county office documents. The Superintendent or designee shall ensure that county office records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation. (*cf. 1340 - Access to District Records*)(*cf. 3440 - Inventories*)

The Superintendent or designee shall consult with county office legal counsel, site administrators, county office information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of county office documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency. (*cf. 0440 - District Technology Plan*)(*cf. 3516 - Emergencies and Disaster Preparedness Plan*)(*cf. 4040 - Employee Use of Technology*)(*cf. 9011 - Board Member Electronic Communications*)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft. (*cf. 4112.6/4212.6/4312.6 - Personnel Files*) (*cf. 5125 - Student Records*)(*cf. 5125.1 - Release of Directory Information*)

The Superintendent or designee shall ensure that employees receive information about the county office's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

### **Safe at Home Program**

County office public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish residency requirements for enrollment and for school emergency purposes.

#### *Legal Reference:*

##### EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

##### CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

##### GOVERNMENT CODE

6205-6211 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

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*12946 Retention of employment applications and records for two years*

*PENAL CODE*

*11170 Retention of child abuse reports*

*CODE OF REGULATIONS, TITLE 5*

*432 Varieties of student records*

*16020-16022 Records, general provisions*

*16023-16027 Retention of records*

*Management Resources:*

*SECRETARY OF STATE PUBLICATIONS*

*Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999*

*WEB SITES*

*California Secretary of State: <http://www.ss.ca.gov/safeathome>*

**BOARD POLICY:**

**First Reading: March 16, 2004**

**Adopted: March 16, 2004**

**Revised: March 16, 2010**

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#### **Classification of Records**

*Records* means all records, maps, books, papers, and documents of a county office 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 county office 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 county office programs. (5 CCR 16022) (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
2. Official Actions
  - a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only

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- 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 county office reorganization (*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 Class 1 (Permanent) and the detailed records may then be classified as Class 3 (Disposable).
- Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process. (*cf. 4112.6/4212.6/4312.6 - Personnel Files*)(*cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records*)
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. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has expired.
5. **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 Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) 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.

**Class 2 - Optional Records**

Any record considered temporarily worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). 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 Class 2 (Optional) pending further review and classification within one year. (5 CCR 16024)

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**Class 3 - Disposable Records**

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). 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); 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 Class 3 (Disposable). (5 CCR 16026, 16027)

**ADMINISTRATIVE REGULATION:**

**First Reading:** March 16, 2004  
**Adopted:** March 16, 2004  
**Revised:** March 16, 2010