

Business and Non-instructional Operations

District Records

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district 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)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 5125 - Student Records)

The Superintendent or designee shall consult with district legal counsel, site administrators, district 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 district 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. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district'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.

- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

District Records (Cont.)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

- (cf. 1112 - Media Relations)
- (cf. 1113 - District and School Web Sites)
- (cf. 4112.9/4212.9/4312.9 - Employee Notifications)
- (cf. 5145.6 - Parental Notifications)

Safe at Home Program

District 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 district residency requirements for enrollment and for school emergency purposes.

- (cf. 5111.1 - District Residency)
- (cf. 5141 - Health Care and Emergencies)

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
- 49069 Absolute right to access

CIVIL CODE

- 1798.29 Breach of security involving personal information
- CODE OF CIVIL PROCEDURE
- 1985.8 Electronic Discovery Act
 - 2031.010-2031.060 Civil Discovery Act, scope of discovery demand
 - 2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

- 6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
 - 6252-6265 Inspection of public records
 - 12946 Retention of employment applications and records for two years
- PENAL CODE
- 11170 Retention of child abuse reports

OROVILLE UNION HIGH SCHOOL DISTRICT

BP 3580 (c)

District Records (Cont.)

CODE OF REGULATIONS, TITLE 5

430 Individual student records; definition

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy Act

Management Resources:

WEB SITES

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

Adopted: 11/28/90

Amended: 4/18/12, 10/19/16

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District Records

Classification of Records

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)

(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

District Records (Cont.)

- 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
- 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 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.

District Records (Cont.)

(cf. 5111.1 - District Residency)
(cf. 5141 - Health Care and Emergencies)
(cf. 5143 - Insurance)

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.

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

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)

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)

(cf. 5113.2 - Work Permits)

Email Retention and Deletion

The Governing Board provides employees with e-mail to communicate and conduct business. In doing so, the Board expects employees to manage and protect records resulting from e-mail communications. Such e-mail may include, but is not limited to, correspondence and attachments, calendar schedules, and forms transmitted electronically.

District Records (Cont.)

A systemic retention and deletion program not only eliminates obsolete documents from the e-mail system but also saves resources by not indefinitely and unnecessarily storing information beyond appropriate timelines. E-mail retention guidelines are implemented to comply with the Federal Rules of Civil Procedure, E-Discovery and the Public Records Act.

E-mail retention guidelines apply to:

1. All e-mail systems provided by the district.
2. All users and account holders of the district e-mail.
3. All e-mail sent and received using the district e-mail system.

Starting November 1, 2013, email and attachments will be retained for a period of 18 months. E-mail and attachments older than 18 months will be automatically and permanently deleted.

To comply with the law in retaining of certain documents, employees may save copies of e-mail and attachments before the 18 month period expires by transferring them to other electronic formats or by converting them to paper format.

E-mail originators and recipients are responsible for identifying and saving documents that must be retained by law. Saving e-mail to PST format, saving e-mail to workstations, or archiving e-mail locally are not approved e-mail retention methods. All e-mail must remain on the e-mail server during the retention period.

E-mail should be a communication tool, not a storage mechanism. Back-up tapes are for disaster recovery purposes only. Back-up copies created by staff are not for e-mail retention. Back-up copies on tape should be retained no more than 18 months.

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to legal proceedings must be retained until the litigation is finally concluded. This may be referred to as a legal Hold.