

Records and Retentions

General Standards

The Superintendent shall seek to ensure that the records of the Solano County Office of Education (SCOE) are developed, maintained, and disposed of in accordance with all governing law and regulations and these policies. For purposes of this policy, "Records" means all records, maps, books, papers, and documents of SCOE required by law to be prepared or retained as necessary or convenient to the discharge of official duty.

The Superintendent or designee shall consult with appropriate resources to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of documents, including electronically created or stored information in computers and handheld devices whether in the form of documents, emails, or texts, to the extent such items constitute records. The document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to litigation or Public Records Act requests, and the recovery of records in the event of a disaster or emergency.

To help ensure the confidentiality of records, and to help safeguard data against damage, loss, inadvertent or wrongful disclosure, or theft, appropriate employees shall receive training on SCOE's document management system, including retention and confidentiality requirements, and the obligation of each employee to protect information from inadvertent or improper destruction or disclosure, and the obligation to immediately report any known or suspected breach of confidentiality or inadvertent or wrongful disclosure. Upon an actual or potential breach of confidentiality, the Superintendent or designee shall promptly undertake notifications as required by law or regulation.

Before January 1 of each calendar year, the Superintendent or designee shall review the prior year's records and shall classify them as a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. 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. A student's cumulative record is a continuing record until the student ceases to be enrolled in the county.

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.

Classification of Documents

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 the California Code of Regulations (5 CCR 16022):

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 the County Superintendent 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
 - 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

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 section 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.

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.

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 a Class 1 (Permanent) Record. The detailed records may then be classified as Class 3 (Disposable) Records 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, amount paid, and comparable data if the unit is disposed of.

Class 2 (Optional) Records are any records considered temporarily worth keeping, but which are not Class 1 (Permanent) Records, and shall be retained until reclassified as Class 3 (Disposable) Records. If the Superintendent or designee has not otherwise classified the prior year Records before January 1, all such Records from the prior year shall be classified as Class 2 (Optional) Records, unless otherwise classified within the ensuing year.

Class 3 (Disposable) Records are any records not classified as Class 1 (Permanent) or as Class 2 (Optional) 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.

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.

Electronically Stored Information

All electronically stored information related to the conduct of SCOE's business, including information created, saved, sent, or received on an employee's personal account or device, shall be saved as an electronic file to a 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 SCOE's 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.

Employees shall be required to regularly purge their email accounts and SCOE-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to SCOE's business. The Superintendent or designee may check for appropriate use of any SCOE-owned equipment at any time.

Any person to whom a SCOE-owned computer, cell phone, or other electronic communication device is provided shall be notified about the SCOE's electronic information management system and, as necessary, provided training on the effective use of the device.

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

GOVERNMENT CODE

- 6205-6211 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

CODE OF REGULATIONS, TITLE 5

- 432 Varieties of pupil records
- 16020-16022 Records-general provisions
- 16023-16027 Retention of records

Policy Cross-Reference:

1340 Access to Records

3440 Inventories

3516 Emergencies and Disaster Preparedness Plan

4040 Employee Use of Technology

4112.6 Personnel Files

5111.1 Residency

5125 Student Records

5125.1 Release of Directory Information