

# BP 5908 Destruction of Records

## Reference:

*Education Code Sections 76210 and 84040; Title 5, Sections 59020-59033 and 59118*

## 5908.1 Definitions:

- A. Student Records: For the purpose of this policy “student records” are defined in the same manner as Section 76210 of the California Education Code.
- B. Not a Student Record: For the purpose of this policy “student records” are defined in the same manner as Section 76210 of the California Education Code.

In addition, the following documents are not “student records” and may be destroyed at any time:

- 1. Mimeographed, otherwise duplicated, or carbon copies, except the original or one copy. (A person receiving a duplicated copy need not retain it.)
- 2. Any individual memorandum, other than one relating to personnel matters, or other than a student record, between one employee and another employee of the district.
- 3. Advertisements and other sales material received.
- 4. Textbook used for instruction, and other instructional materials, including library books, pamphlets and magazines.

## 5908.2 Record Classification:

- A. Records originating during a current academic year shall not be classified during that year. 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.

- B. Class 1 –

- 1. Permanent Records:

The original of each or the records listed below, or one exact copy thereof when the original is required by law to be filed with another agency, is a Class 1 – Permanent Record. Class 1 records shall be retained indefinitely unless the record is photographed, micro-photographed, electronically imaged, or otherwise reproduced on film, 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 this policy.

- 2. Permanent Records related to Student Services are:

Annual Reports such as:

- a) official budgets;
- b) financial report of all funds, including student body funds;
- c) audit of all funds;
- d) full-time equivalent student, including Period 1 and 2 reports.

The following student records:

- e) the records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:
  - 1) name of student;
  - 2) date of birth;
  - 3) place of birth;
  - 4) name and address or a parent having custody or a guardian, if the student is a minor;
  - 5) entering and leaving date for each academic year and for any summer session or other extra session;
  - 6) subjects taken during each year, half year, summer session, or quarter, and
  - 7) if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.
- f) 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.

C. Class 2 – Optional Records

Any record worthy of further preservation but not classified as Class 1 – Permanent Record may be classified as Class 2 – Optional and shall be retained until reclassified as Class 3 – Disposable. If the chief executive officer, or other designee, determines that classification should not be by the time specified in section 59022 (Title 5, California Code of Regulations) all records of the prior year may be classified as Class 2 – Optional, pending further review and classification within one year.

D. 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:

- 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; and
- 2. periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

**5908.3 Retention Period:**

- A. Generally, a Class 3 – Disposable record, unless otherwise specified in this policy, should be destroyed during the third college year after the college year in which it originated (e.g., 1993- 94 plus 3 – destroy in 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.

- B. 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 Title 5 Section 59118, or after the ending date of any retention period required by any agency other than the State of California, which ever date is later.
- C. 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.

**See Administrative Procedures [AP 5908]**

***Approved 12/7/11***