

CHAPTER 8: Business Operations
ADMINISTRATIVE PROCEDURE NO. 8.27.1 (AP 3310)

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: AP 8.27.1 Records Management
Revision Date: 6/12
References: Title 5 Sections 16022, 16026, 16035, 54606, 54608, 59020-59029; California Education Code Sections 76220-76225, 76230-76234; California Evidence Code 1531; California State Administrative Manual Section 1602; Federal Rules of Civil Procedure, Rules 16, 26, 33,34, 37 and 45

The District is legally required to establish administrative procedures to assure the retention and destruction of all District records. Records shall be classified as required by Title 5 and other applicable statutes, federal and state regulations. The intent of record retention guidelines is to ensure the efficient, reliable, and economical management of information.

1. Definition of Records

“Records” means all records, maps, books, papers, data processing output, and documents of a Community College District that are required by law to be retained, including but not limited to records created originally by computer and “Electronically Stored Information” (“ESI”). “Records” include “student records” as defined in Section 76210 of the Education Code and Title 5 Section 54606, subsection (c). Records originating during a current academic year shall not be classified during that year.

2. Classification of Records and Retention

- A. The Chancellor or designee shall review documents, papers and electronically stored information (ESI) received or produced during the prior academic year annually to classify and categorize the records as Class 1-Permanent, Class 2-Optional, or Class 3-Disposable. (Per California Code of Regulations – Title 5, Sections 16020-16030).
- B. 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. As an example, a student’s cumulative record is a continuing record until the student ceased to be enrolled in the district. It is then classified as a Class 1- Permanent Record.
- C. General Services shall supervise the records management at the District Office and shall send a list of records recommended for reclassification or destruction to the Board of Trustees annually. General Services will work with the departments at the District Office to manage the storage, receipt, and destruction of records as required by Title 5 and other applicable statutes, federal and state regulations.

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- D. The Chief Business Officer (CBO) at each campus shall supervise the records management at the College level and shall send a list of records recommended for reclassification or destruction to the Board of Trustees annually. The CBO will work with the divisions on campus to manage the storage, receipt, and destruction of records in conjunction as required by Title 5 and other applicable statutes, federal and state regulations.
- i. **Class 1 – Permanent Records** – The original, or one exact copy thereof when the original is required by law to be filed with another agency, shall be retained indefinitely unless copied or reproduced in accordance with Section 59022 (e) of Title 5.

Examples include:

- Annual reports.
 - Official budget and financial reports of all funds, including food services, bookstore and student body funds.
 - Audit of all funds.
 - Board agendas, minutes, transactions, policies and procedures, elections and recalls.
 - Labor agreements.
 - Legal settlement agreements.
 - Other major reports, including those related to real estate, property, activities, financial condition, reorganization, and certain business transactions.
 - Capital outlay project records, including bid documents, change orders, lease agreements and notices of completion.
 - Property records, including records related to land, buildings and summary reports of equipment and fixed assets.
 - Personnel and employment records, including hiring, evaluation, discipline, termination, salary and benefits, attendance and sick leave.
 - Payroll and compensation records.
 - Student records, including application, enrollment and academic records. Related financial aid documents will also be retained pursuant to applicable federal and state regulations.
 - Records pertaining to any accident or injury to staff or students for which a claim for damages has been filed.
- ii. **Class 2 – Optional Records**– Optional records not required by law to be maintained permanently, but deemed worthy of further preservation. These records shall be retained as Class 2 records *until reclassified as Class 3* – Disposable.

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Examples include:

- Miscellaneous curriculum and instructional records (Recommended retention is 5 years)
- Bids, contracts, and vendor files. (Recommended retention is 5 years)
- Certain records regarding categorical funds. (Recommended retention is 5 years)

- iii. **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. All disposable records shall be maintained for no less than three (3) years after the year in which they were originally created (e.g. 2005-06 plus 3 = 2008-09).

Examples include:

- Miscellaneous financial records, including bank reconciliations and warrant reports, cash collection reports, invoices, journal vouchers, petty cash reports, purchase orders, receipts, student body and auxiliary fund transactions, cancelled checks and travel records.
- Detail records used in the preparation of any other report.
- Work order and repair tickets.
- Vehicle maintenance and checkout records.
- Employment applications and recruitment files.
- Census reports.
- Crime Reports.

Class 3- Disposable records basic to an audit shall not be destroyed until after the third July 1 succeeding the completion of the audit or after the ending date of any retention period required by any agency other than the State of California, whichever date is later. Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over these state requirements. All records not classified prior to July 1, 1976, are subject to the same review and classification as above. 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 article 3.

3. Destruction of Records

All Class 2 and Class 3 records that have been held for the required retention periods and any Class 1 records that have been duly microfilmed and held for the required retention period may be destroyed as allowed under Title 5 and applicable sections of the California Code of Regulations and all other applicable laws, codes, and statutes. An annual report shall be made to the Board of Trustees recommending the classification and destruction of records and ESI.

Destruction is by any method that assures the record is permanently destroyed, E.G. shredding, burning, pulping or electronic deletion of ESI.

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4. Microfilm/Microfiche Storage/Data Imaging Storage

Education Code Section 35254 allows the District to destroy the original of any record when provision has been made for permanently maintaining the photographic, microfilm, or electronic copies of any records of the District. The original of any records of which a photographic, microfilm, or electronic copy has been made may be destroyed when provision is made for permanently maintaining the photographic, microfilm or electronic copies in files in the District, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit.

All departments of the District shall make every attempt to minimize the storage of paper records and maximize the use of imaging technology (or whatever is the most efficient and effective technology allowed by the California Community Colleges Chancellor's Office) in order to minimize storage space and maximize efficient access to the original data.

Note: Whenever an original Class-1 Permanent record is photographed, microphotographed, 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 be destroyed if the following conditions are met:

- The reproduction was accurate in detail and on film of a type approved by the US Bureau of Standards
- The Chancellor-Superintendent or designee has attached a signed and dated certification of compliance with the provisions of Section 1531 of the Evidence Code
- The microfilm copy was placed in an accessible location

For additional details of Class 1, 2 and 3 classifications of records, please go to:

<https://smccd-public.sharepoint.com/Pages/purchasinggeneralservices.aspx?RootFolder=%2FPurchasingGeneralServices%2FRecords%20Retention&FolderCTID=0x012000B91B19BFCBDC994FBF031E975651C565&View=%7B745F6757%2D34FC%2D4D55%2D8755%2D2D950E6DB900%7D>