

TITLE 5 REGULATIONS ON  
RETENTION AND DESTRUCTION OF RECORDS

(Section 59020 of Article 1 of Subchapter 2.5 of Chapter 10 of Division 6 of Title 5 of the *California Code of Regulations*)

**§59020. Definition of Records**

- (a) For purposes of this chapter, “records” means all records, maps, books, papers, data processing output, and electronic documents that a Community College district is required by law to prepare or retain by law or official duty. “Records” includes “student records” as defined in section 76210 of the Education Code and subsection (c) of [section 54606](#) of this title.
- (b) The following documents are not “records” and may be destroyed at any time:
  - (1) Additional copies of documents beyond the original or one copy. (A person receiving a duplicated copy need not retain it.)
  - (2) Correspondence between district employees that does not pertain to personnel matters or constitute a student record.
  - (3) Advertisements and other sales material received.
  - (4) Textbooks used for instruction, and other instructional materials, including library books, pamphlets and magazines.

**§59021. Scope of Chapter**

The provisions of this chapter apply only in the event that the destruction or retention of records by the district is not otherwise authorized or provided for by law.

**§59022. Classification of Records**

- (a) The governing board of each Community College district shall establish an annual procedure by which the chief executive officer, or other designee shall review documents and papers received or produced during the prior academic year and classify them as Class 1-Permanent, Class 2-Optional, or Class 3-Disposable.
- (b) All records not classified prior to July 1, 1976, are subject to the same review and classification as in (a). 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.
- (c) Records originating during a current academic year shall not be classified during that year.
- (d) 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.

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- (e) Whenever an original Class 1-Permanent record is photographed, microphotographed, or otherwise reproduced on film or electronically, 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 chapter if the following conditions have been met:
- (1) The reproduction was accurate in detail.
  - (2) The chief executive officer, or other designee, has attached to or incorporated in the copy or system a signed and dated certification of compliance with the provisions of section 1531 of the Evidence Code, stating in substance that the copy is a correct copy of the original, or a specified part thereof, as the case may be.
  - (3) The copy was placed in an accessible location and provision was made for preserving permanently, examining and using same.
  - (4) In addition, if the record is photographed or microfilmed, the reproduction must be on film of a type approved for permanent, photographic records by the United States Bureau of Standards.

### **§59023. Class 1-Permanent Records**

The original of each of the records listed in this Section, or one exact copy thereof 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 copied or reproduced in accordance with Subsection (e) of [Section 59022](#).

- (a) The following annual reports:
- (1) official budget;
  - (2) financial report of all funds, including cafeteria and student body funds;
  - (3) audit of all funds;
  - (4) full-time equivalent student, including Period 1 and Period 2 reports; and
  - (5) other major annual reports, including:
    - (A) those containing information relating to property, activities, financial condition, or transactions; and
    - (B) those declared by board minutes to be permanent.
- (b) The following official actions:
- (1) minutes of the board or committees thereof, including the text of a rule, regulation, policy, or resolution not set forth verbatim in minutes but included therein by reference only;
  - (2) elections, including the call, if any, for and the result (but not including detail documents, such as ballots) of an election called, conducted or canvassed by the governing board for a board member, the board member's recall, issuance of bonds, incurring any long-term liability, change in maximum tax rates, reorganization, or any other purpose; and
  - (3) records transmitted by another agency that pertain to that agency's action with respect to district reorganization.

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- (c) The following personnel records of employees. All detail records relating to employment, assignment, employee evaluations, 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, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detail records, a complete proven summary payroll record for every employee of the school district containing the same data may be classified as Class 1-Permanent, and the detail records may then be classified as Class 3-Disposable.
- (d) The following student records:
  - (1) the records of enrollment and scholarship for each student. Such records of enrollment and scholarship may include but need not be limited to:
    - (A) name of student;
    - (B) date of birth;
    - (C) place of birth;
    - (D) name and address of a parent having custody or a guardian, if the student is a minor;
    - (E) entering and leaving date for each academic year and for any summer session or other extra session;
    - (F) subjects taken during each year, half year, summer session or quarter; and
    - (G) if grades or credits are given, the grades and number of credits toward graduation allowed for work taken.
  - (2) 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.
- (e) Property Records. All detail records relating to land, buildings, and equipment. In lieu of such detail records, a complete property ledger may be classified as Class 1-Permanent, and the detail records may then be classified as Class 3-Disposable, if the property ledger includes:
  - (1) all fixed assets;
  - (2) an equipment inventory; and
  - (3) for each unit of property, the date of acquisition or augmentation, the person from whom acquired, an adequate description or identification, and the amount paid, and comparable data if the unit is disposed of by sale, loss, or otherwise.

### **§59024. Class 2-Optional Records**

Any record worthy of further preservation but not classified as Class 1-Permanent may be classified as Class 2-Optional and shall then be retained until reclassified as Class 3-Disposable. If the chief executive officer, or other designee, determines that classification should not be made by the time specified in [section 59022](#), all records of the prior year may be classified as Class 2-Optional, pending further review and classification **within one year**.

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### **§59025. 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:

- (a) 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, canceled checks and stubs, student body and cafeteria fund records, etc.), and detail records used in the preparation of any other report; and
- (b) periodic reports, such as daily, weekly, and monthly reports, bulletins, and instructions.

### **§59026. Retention Period**

- (a) Generally, a Class 3-Disposable record, unless otherwise specified in this Subchapter, should be destroyed during the third college year after the college year in which it originated (e.g., 1993-94 plus 3 = 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 [Section 59118](#), or after the ending date of any retention period required by any agency other than the State of California, whichever 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.