

RECORDS RETENTION AND DISPOSITION

The Monterey County Office of Education (MCOE) records shall be developed, maintained, and disposed of in accordance with law and California Department of Education regulations.

MCOE staff are responsible to ensure the confidentiality of records, as required by law, and shall follow this Administrative Regulation to safeguard data against damage or loss.

Classification of Records

Records means all records, maps, books, papers, and documents of the County Office of Education 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 Public Records)

Before January 1, the Monterey County Superintendent of Schools (County 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An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from MCOE ownership. [5 CCR 16022]
(cf. 3440 - Inventories)

A student's cumulative record is a continuing record until the student ceases to be enrolled in a County Office of Education program. [5 CCR 16022]
(cf. 5125 - Student Records Inspection and Security)

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 (EC) 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 photographed, microphotographed, or otherwise reproduced on film, 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
- e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition, or transactions
 - (2) Those declared by Monterey County Board Of Education (County Board) minutes to be permanent
 - (3) Those declared by the County Superintendent 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 County Board or County 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 County Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization

(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 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 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.

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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.

(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 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.

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

Class 2 - Optional Records

Any records considered temporarily worth keeping, but which are not Class 1 records, may be classified as Class 2 (Optional) records and shall be retained until reclassified as Class 3 (Disposable) records. If, by agreement of the County Board and County 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 as Class 2 (Optional) records 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) records shall be classified as Class 3 (Disposable) 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. [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 a Class 3 (Disposable) record. [5 CCR 16026, 16027]

(cf. 5113.2 - Work Permits)

Electronically Stored Information

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

(cf. 9012 - County Board Member Electronic Communications)

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

(cf. 4040 - Employee Use of Technology)

Any person to whom a County Office-owned computer, cell phone, or other electronic communication device is provided shall be notified about the County Office's Acceptable Use Policy (AR 4040), electronic document retention and archiving (AR 3580.1) and, as

necessary, will be provided training on the effective use of the device.

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