
FRESNO COUNTY SUPERINTENDENT OF SCHOOLS**Business and Noninstructional Operations
RECORDS OF COUNTY SUPERINTENDENT AND COUNTY BOARD**

As set forth in the California Code of Regulations ("CCR"), specific regulations that apply to school district governing boards concerning records shall apply to the records of the County Superintendent. (5 CCR 17403.)

Classification of Records

Records means all records, maps, books, papers, and documents of the County Superintendent that he/she is required by law to prepare or retain or which he/she prepares or retains as necessary or convenient to the discharge of his/her official duty, except that the record, map, book, paper, or document shall have been prepared, preserved, or maintained by the County Superintendent with respect to a matter of state concern, i.e., a matter dealing directly with the administration and government of the public schools, including, but not being limited to (5 CCR 17401):

1. Records relating to the county school service fund.
2. Records relating to any activity financed by the county school service fund.
3. One exact copy of an original, made by carbon or other duplicating process other than a photostatic or microfilmed copy, when the original is required by law to be filed with another agency.
4. All other records prepared, preserved, or maintained pursuant to a state statute.

Microfilm has the same meaning as set forth in the code of regulations concerning school districts, except that the copy was prepared under the direction of the County Superintendent. (5 CCR 17401.)

Before January 1, the 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An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from County Superintendent ownership. (5 CCR 16022.)

A student's cumulative record is a continuing record until the student ceases to be enrolled in a County Superintendent or County Board school. (5 CCR 16022.)

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 1 succeeding the completion of the audit.

FRESNO COUNTY SUPERINTENDENT OF SCHOOLSClass 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 and/or scanned digitally recorded 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:
 - i. Those containing information relating to property, activities, financial condition, or transactions.
 - ii. Those declared by the County Superintendent or County Board minutes to be permanent.
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 that agency's 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 Class 1 (Permanent) and the detailed records may then be classified as Class 3 (Disposable) records.

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Information of a derogatory nature as defined in Education Code section 44031 shall be Class 1 (Permanent) 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. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) 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 Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) 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, the amount paid, and comparable data if the unit is disposed of.

6. Sexual Misconduct Investigations

Class 1 (Permanent) records include all records relating to the investigation by the County Superintendent of any alleged or suspected sexual misconduct where the alleged victim was under the age of majority at the time of the alleged or suspected misconduct.

Class 2 - Optional Records

Any record considered temporarily worth keeping, but which is not a Class 1 (Permanent) record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the 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 Class 2 (Optional) pending further review and classification within one year. (5 CCR 16024.)

Class 2 (Optional) records shall have a default retention period of 10 years, unless they are documents related to construction projects in which case the default retention period shall be 15 years.

Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). 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

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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); and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025.)

All Class 3 (Disposable) records shall not be destroyed earlier than 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 earlier than the fourth year after it has been classified as Class 3 (Disposable). (5 CCR 16026, 16027.)

Class 3 records shall have a default retention period of five years, unless they are reclassified as Class 1 or Class 2 records.

Electronically Stored Information

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

County Superintendent employees shall not use County Superintendent-provided email accounts and County Superintendent-issued computers, laptops, tablets, and other devices to transmit or store personal information or other information unrelated to County Board and County Superintendent business. The County Superintendent or designee may check for appropriate use of any County Superintendent-owned equipment at any time.

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

Adopted: 11/16/1995

Amended: 11/17/2011, 11/15/2018, 03/19/2021