



## **Retention of School Records**

The Governing Board recognizes the importance of securing and retaining The Cottonwood School ("TCS") documents. The Executive Director or designee shall ensure that TCS records are developed, maintained, and disposed of in accordance with law and Board policy.

The Executive Director or designee shall consult with TCS legal counsel, site administrators, TCS information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of TCS documents, including electronically stored information including email. This document management system shall be designed to comply with state and federal law regarding security of records, record retention and destruction, response to "litigation hold" and other discovery requests, and the recovery of records in the event of a disaster or emergency.

The Executive Director or designee shall ensure the confidentiality of records as required by law and shall establish procedures to safeguard data against damage, loss, or theft.

In the event of any known or reasonably suspected breach of the security of TCS records containing confidential personal information including, but not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account, the Executive Director or designee shall immediately notify local law enforcement agencies and any affected persons. In the event the suspected breach involves more than five hundred (500) individuals, TCS shall provide a copy of the notification to the California Attorney General. Notification of affected individuals may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation. The Executive Director or designee shall ensure that employees receive information about the TCS's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold or other discovery request established on the advice of legal counsel.

### **Safe at Home Program**

TCS public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the "Safe at Home" program. (Government Code 6205 *et seq.*)

When a substitute address card is provided pursuant to the Safe at Home program, the confidential, actual address may be used only to establish residency requirements for enrollment and for school emergency purposes.

## Classification of Records

Records means all records, maps, books, papers, and documents of TCS required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

Before January 1 of each year, the Executive Director or designee shall review the prior year's documents and 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)

Any 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 TCS ownership. (5 CCR 16022)

A student's cumulative record is a continuing record until the student ceases to be enrolled in TCS. (5 CCR 16022)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy is classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable)

## 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 microfilmed 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 Governing Board minutes to be permanent

## 2. Official Actions

a. Minutes of the Board or 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 Board

c. Records transmitted by another agency pertaining to its action with respect to TCS reorganization

## 3. Personnel Records

All detail 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; 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 containing the same data may be classified as a Class 1 (Permanent) record, and the detail 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 lapsed, 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

## 5. Property Records

All detail records relating to land, buildings, and equipment. In lieu of detail records, a complete property ledger may be classified as a Class 1 (Permanent) record. The detail 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 or augmentation, name of the person from whom

acquired, an adequate description, the amount paid, and comparable data if the unit is disposed of.

## 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 Board and Executive Director 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, records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detail 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 July 1 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)

## Stored Information

All electronically stored information related to the conduct of TCS business, including information created, saved, sent, or received on a TCS employee's or Board member's personal account or device, shall be saved as an electronic file to a TCS-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, social media postings and messages, computer files, and other electronic communications related to TCS 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.

Employees shall be required to regularly purge their email accounts and TCS-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to TCS business.

The Executive Director or designee may check for appropriate use of any TCS-owned or managed equipment or services at any time.

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