



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Records Retention and Destruction
(Other than Pupil Records)

ROUTING
All Employees
All Locations

NUMBER: BUL-6825.0

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DATE: February 13, 2017

POLICY: All Records, other than Pupil Records that are created, maintained, and otherwise physically or electronically disseminated through the District, are District Records and, therefore, are subject to this policy.

Although all District employees, officers, and consultants are subject to this policy, District offices may develop their own record retention and destruction policy that conforms to the District-wide policy set forth herein.

MAJOR CHANGES: This updates existing policy to reflect a change in email retention timelines, explicitly allows for the destruction of non-business records, and clarifies the definition of Electronic Records.

This Bulletin replaces BUL-5503.1 Records Retention and Destruction (Other than Pupil Records), on the same subject issued by the Office of the Superintendent, dated July 1, 2012.

The following are major changes included in this Bulletin. Further, Appendix B has been added to this document to provide a summary table contrasting the language changes in this Bulletin compared to the July 2012 Bulletin.

- Clarifies the special handling around Electronic Records (Page 7).
- Extends the minimum retention of emails from one (1) year to two (2) years and allowing for longer retentions where needed (Page 8).
- Names LAUSD's Records Manager as the District's Custodian of Records except for Pupil Records (Page 13).
- Clarifies the definition of "Non-Records" to explicitly allow their



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disposal unless subject to a legal hold (Page 13).

- Adds the definition of a Records Retention Schedule as a tool for managing retention (Page 13).
- Replaces Appendix A - A table summarizing the categorization of Records detailed in Section II – Rules for Records Retention and Destruction.

GUIDELINES: I. OBJECTIVES

Abide by the law. The District must preserve Records for as long as the pertinent laws require.

Conduct District business in a cost-effective manner. Because the District relies on public funds, it is imperative for the District to minimize its costs and, therefore, dispose of information and Records in a timely manner.

Preserve confidentiality and privilege. It is the responsibility of all District personnel to preserve the confidentiality of certain information and to protect privileged information, such as Pupil Records and health information, from improper disclosure.

Provide access to necessary information. The District's ability to function efficiently depends on its personnel and authorized individuals being able to access information in as timely a manner as possible. For example, the District must also provide members of the public with access to certain Records after a proper request is made.

II. RULES FOR RECORD RETENTION AND DESTRUCTION

A. **Designate the District's Custodian of Records**

The Board of Education shall delegate the selection of the District's Official Custodian of Records to the Superintendent or his or her designee.

B. **Categorize Records as Permanent or Non-Permanent**

(See Summary Table – Appendix A)

Before January 1st of each year, the District's Official Custodian of Records shall cause each Division's Custodian of Records to review and classify all Records originating during the prior school fiscal



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year. The head of each division is responsible for ensuring compliance with this policy. The Records shall be classified as either Permanent or Non-Permanent Records. Remember, Continuing Records, i.e. records that are active and useful over a period of years, are not classified until the Records' usefulness has ceased.

1. ***Permanent Records*** are classified as Class 1 and are to be maintained indefinitely. Per Title 5, California Code of Regulations section 16023.

Examples: Annual Reports, Records of Official Actions, Permanent Personnel Records (other than Pupil Records), and Property Records.

2. ***Non-Permanent Records*** include:

- a) Class 2 – Optional Records. Optional Records are records that are worthy of temporary preservation. They can be records that do not have a specific legal requirement, but serve a business need; or records held until they can be classified as a Permanent Record (Class 1), Disposable Record (Class 3), or a Non-Record. Per Title 5, California Code of Regulations section 16024.

All Records from the prior school year may be classified as Class 2 – Optional, pending further review and classification within one year.

Examples: Certificated Eligible List Cards, Certificated Re-election List Cards, Classified Eligible List, Certificated Promotional Eligible List, Classified, Certificated and Promotional Examination Cards, Certificated Smooth Reports and Classified Smooth Reports.

- b) Class 3 – Disposable Records. Disposable Records are records that need to be retained for legal or audit purposes but do not require permanent retention. Per Title 5, California Code of Regulations section 16025.

Examples: copies of any record, detail records basic to audit, periodic reports, certificated examination records, classified



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examination records, certificated promotional-examination records, original documents that have been scanned.

NOTE: Retention requirements generally apply to the original copy of each Record. However, if the original is required to be filed outside the District, or the original is scanned or microfilmed, an exact copy may be preserved to meet retention requirements.

C. **Determine retention period**

Before January 1st of each year, the District's Official Custodian of Records shall cause each Division's Custodian of Records to divide Permanent Records from Non-Permanent Records and establish a date certain for the destruction of the Non-Permanent Records. The head of each Division is responsible for ensuring compliance with this policy. Records shall be retained consistent with the following:

Permanent Records (Class 1) – Must be retained indefinitely.

Non-Permanent Records – With the exception of Continuing Records, Non-Permanent Records may be destroyed 7 years after origination unless specified otherwise in accordance with the rules set forth below, or with the Records Retention Schedules adopted by the District.

Optional Records (Class 2) – Optional Records are any Record worthy of preservation, but that ultimately has to be classified as a Permanent Record, a Disposable Record, or a Non-Record. If the Division's Custodian of Records fails to classify Records by January 1st, all Records of the prior school year may be classified as Optional Records, pending further review and classification within one year.

Disposable Records (Class 3) – Disposable Records must be retained a minimum of 3 years after the school year in which they were created or classified, or longer if other retention requirements apply. They can be destroyed when their retention requirements have been met unless they are subject to a legal hold

If Basic to Any Audit: Disposable Records (Class 3) that are basic to any audit must be retained until after the third July 1st succeeding the completion of the audit required by Education Code section



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41020 or of any other legally required audit or after the ending date of any longer retention period required by any agency other than a State of California agency.

Example: Date of Audit – April 2010
 Disposal Date – After July 1, 2012

If Not Basic to Any Audit: Disposable Records (Class 3) that are not basic to any audit may be destroyed during the third school year after the school year in which they originated, unless a longer retention period is required by statute, regulation, or contract.

Example: Date Record Created – September 2010
 Disposal Date – During 2013-14 SY

Continuing Records - Must be kept indefinitely until usefulness has ceased, at which time the Record can be classified as Class 1, Class 2, or Class 3 and retained for the period required for the classification. If there is a doubt about when Continuing Records should be destroyed, they can be assigned a default document destruction date that is 7 years after the document's usefulness has ceased.

D. **Properly dispose of or destroy Records, as appropriate**

All Disposable Records (Class 3) which have been held for the required retention periods shall be destroyed. Records should be destroyed by shredding or other means to assure complete destruction and to prevent any reconstruction of the Records to any degree.

When the District's Official Custodian of Records determines, in accordance with both the District's Record retention schedule and applicable legal and business standards, that certain Records should be destroyed, the following steps should be followed:

For Hard Copy Documents:

1. The Records Manager will distribute to employees a notice listing any Records in offsite storage that can be destroyed.
2. Employees will conduct a reasonable search for any hard copy documents in their possession that have met their retention



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requirements and can be destroyed.

3. If any relevant Records are found, the employee shall place all such documents in a standard-size storage box and print on the outside of the box in large, legible writing “Disposable Records (Class 3)” along with the date of disposal, e.g., “Destroy after July 1, 2013.” Alternately, the employee can place the records in a container designated for shredding and disposal.
4. The Division’s Custodian of Records (or their qualified designee) will coordinate with the Records Manager for pickup and disposal of the Disposable Records (Class 3) records.

For Electronic Documents:

1. The Records Manager will distribute to employees a notice listing the Electronic Records in the District’s electronic repositories that are eligible to be destroyed.
2. Employees will conduct a reasonable search of all electronic sources of information (computer hard drive, flash drive, thumb drive, zip drive, CDROM, floppy disk, etc.) within his/her possession that may contain an Electronic Record to be destroyed.
3. If any relevant Records are found, the employee shall delete those Electronic Records permanently from the electronic source.

III. SPECIAL CIRCUMSTANCES

A. Pupil Records

For the management of Pupil Records, please consult BUL-2469 Pupil Records: Access, Confidentiality and Notice of Educational Rights

B. Conversion and Copies

If the original of a Record is scanned, photographed, microphotographed, or otherwise reproduced on film for long-term preservation, the copy thus made is a Record that must be retained



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to meet the original retention requirements and the original becomes a Record that may be classified as Class 3 – Disposable, provided that:

1. The reproduction was accurate in detail and on film of a kind approved for long-term, photographic records by the U.S. Bureau of Standards;
2. The Custodian of Records, has attached to or incorporated in the microfilm copy his/her signed and dated certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be; and
3. The microfilm copy is placed in a conveniently accessible file, and provision has been made for its preservation, examination, and use.

C. Document Scanning.

1. Documents scanned to be preserved as Electronic Records, should be scanned into archival formats intended for long-term access and stored in a Trusted System, such as File Net.
2. Once a document is scanned into a Trusted System, the original becomes a Class 3 - Disposable Record, which must be retained according to the timelines set forth in Section II. C., above. The original document cannot be immediately destroyed after being scanned into a Trusted System.

D. Electronic Records

1. The Records Manager shall be responsible for coordinating retention and destruction of all Electronic Records. The Information Technology Division shall be responsible for assisting Records Custodians and the Records Manager to implement electronic recordkeeping requirements including the retention, preservation, and deletion of documents with no or expired retention requirements that are not on legal hold.
2. Electronic Records, whether converted through scanning or created in native applications such as Word or Excel, should only be stored in systems approved by the District. When an



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electronic document is determined to be a Record that must be retained by the District, it should be moved to a Trusted System, where it can be preserved to meet its retention requirements.

NOTE: While saving a document as a PDF can preserve its integrity by preventing editing, the PDF format alone is not a Trusted System. PDF documents should still be placed in a Trusted System if they are Records.

3. Emails (and any associated attachment) that are sent or received by District employees are District Records if they contain information that relates to the conduct of the District's business or its students, teachers, other employees, or contractors.

The District's email system is provided at the District's expense to assist employees with carrying out District business by allowing a means for internal communication and external communication with selected individuals and organizations. The email system is to be used for District related purposes. The District's email system is not an appropriate Records Management System. While provisions have been made to preserve email messages and their related attachments for short term use, email Records with longer retention requirements should be moved to a District approved repository, such as File Net, designated SharePoint sites, Google Drive, or One Drive.

Personal use of the email system must be in compliance with District policy, including, but not limited to, the *Responsible Use Policy (RUP) for District Computer and Network Systems* (Bulletin BUL-999.11) and the *LAUSD Employee Code of Ethics*.

Each email user must take responsibility for sorting out personal messages from work-related messages and retaining District Records as directed in the official Records Retention and Disposition schedules.

Email Retention Guidelines

- The District email system retains emails for at least two years. After two years, the email will be automatically deleted from the District's email system unless tagged with a



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longer retention requirement, or placed on a legal hold. (for information on tagging emails and email retention procedures see the Records Management Website at: <http://achieve.lausd.net/Records>)

- Emails that are Records should be moved to a District approved repository for a period of time consistent with the required retention for such Records. Emails should not be stored on an employee's computer hard drive.
- Litigation Holds (explained in Section III.E., below) may be placed on email accounts at the direction of the Office of General Counsel or Office of the Inspector General without notice to the account holder. Litigation hold policies will take precedence over retention periods. Emails that are deleted or purged from users' accounts during the hold period still will be preserved by the LAUSD email system.
- Duplicates or Personal/Junk Email should be deleted from the system immediately. These emails do not meet the definition of a Record; therefore, they are not to be stored on District servers.

Emails may contain other Records as attachments, which have different retention requirements than the emails. In this case, the longer retention period shall apply.

4. Instant Messaging

The District does not currently support or authorize the use of Instant Messaging (IM) for District business.

E. Legal Holds

When litigation against the District or its employees is filed or threatened, the law imposes a duty upon the District to preserve documents and records that pertain to the issues. As soon as the Office of the General Counsel ("OGC") becomes aware of pending or threatened litigation, a Legal Hold directive will be issued to the legal custodians. Similar holds will be issued in the event of actual or likely government audits or investigations.

A Legal Hold directive overrides any Records retention schedule that may otherwise have called for the transfer, disposal, or



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destruction of the relevant Records, until the hold has been removed by the OGC. Email and computer accounts of separated employees that have been placed on a Legal Hold will be maintained by the OGC until the hold is released. No employee who has been notified by the OGC of a Legal Hold may alter or delete an electronic or paper document that falls within the scope of that hold. Violation of the hold may subject the individual to disciplinary action, up to and including dismissal.

F. Historical Records

The history of the District has been captured in various forms, including documents, written and oral histories, photographs, and video tapes. It is important to continually collect and track the historical development of the District from both an informational and historical perspective. Any Record classified as Historical shall be maintained indefinitely and in accordance with proper archival preservation and storage methods. Examples of Historical Records preserved by the District include:

- Administrative Guides
- Annual Reports
- School and Employee Directories
- Fingertip Facts
- Employee Newsletters and Handbooks
- Objectives of Education, District Goals and Reaffirmation of Loyalty
- Racial and Ethnic Surveys
- Yearbooks and Individual School Publications
- Any unique or old District administrative and instructional publications
- Any identified/identifiable photos of District people, places and events
- Any unique or old documents, pamphlets, books, etc. about the History of LAUSD

IV. PERSONAL FILES AND EMPLOYEE DEPARTURES

A. Personal Files

During the normal course of business, District employees may create and maintain files for personal use, including personal correspondence. These Records should be organized and maintained



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at the discretion of the user and should be periodically reviewed for proper disposition.

The District is not responsible for the management, protection, and/or storage of these files. The employee has the sole responsibility to complete disposition of these Records in an appropriate and timely manner to reduce unnecessary risk to the District, reduce physical and virtual storage space, and enhance personal organization. Furthermore, employees have no reasonable expectation of privacy when using District equipment and software for their personal information.

B. Employee Departures

The following procedure should be followed for an employee who has announced a decision to leave the District's employ:

The employee is responsible for transferring his or her hardcopy and electronic files (including those in Word, Excel, PowerPoint, email, and any other electronic format), assuring that any Records that must be maintained in accordance with this Policy and any applicable Legal Holds are appropriately maintained. The employee should also remove or delete any personal files, as these files will no longer be available to the employee after departure. The employee should ask his or her supervisor or the IT department for assistance with this project, if necessary.

Before the computer used by the employee is assigned to anyone else and/or wiped clean, the employee's supervisor must take all steps necessary to ensure that all Records on that computer are retained in accordance with this policy and any applicable Legal Holds.



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DEFINITIONS: *Class* – A category of Records that were created or obtained during the normal course of business and that are to be retained for a certain period of time. Records are classified as Class 1, 2, or 3.

Custodian of Records – The person who remains legally responsible for the Record and can authenticate it if necessary.

Types of Custodians:

- LAUSD Custodian of Records – The Records Manager is the Custodian of Records for the entire District, excluding pupil records, and is answerable to questions concerning the District’s general recordkeeping processes. The Records Manager is also responsible for coordinating the District’s Record retention and destruction activities, including off-site document storage and disposal activities.
- Division Custodian of Records – The head of each Division is responsible for the selection of a Custodian of Records for his or her Division. This person should be familiar with the Records produced by the division in the normal course of District business, how they are maintained, and at what frequency they are generated.
- Originator - The originator of a paper or an Electronic Record if that person is a District employee; otherwise it is the District employee to whom the Record is sent. If the Record is transferred, by agreement or policy, to another person for archival purposes, then that person becomes the legal custodian.

Record – All recordings, maps, books, papers, and documents of a school district—whether that record is required by law or is prepared or retained as necessary or convenient to the discharge of official duty. Records may be in any form, including: hard-copy (typed or hand-written); film impression, such as microfilm or microfiche; tape recording, audio recording, photograph, or video; and electronic (including emails, Word documents, spreadsheets, PowerPoint presentations, computer files, and other data maintained or stored on any computer drive or backup device).



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Types of Records:

- Continuing Record – Records of a continuing nature, i.e., active and useful for administrative, legal, fiscal, or other purpose(s) over a period of years. These Records shall not be classified as Permanent or Non-Permanent until the Records’ usefulness has ceased.
- Electronic Record – Records created within structured or transactional systems such as SAP, with software applications such as Outlook, Word, or Excel, or created by digitally scanning physical records. Electronic Records should be preserved in systems that prevent additions, deletions, or changes to the original. NOTE: A paper printout of an Electronic Record is a convenience copy, not the original.
- Non-Records – Non-Records have no business value and are not subject to the District retention requirements. The following are Non-Records and can be destroyed at any time unless they are subject to a legal hold:
 - Convenience copies of official Records, including printouts of Electronic Records.
 - Personal notes and personal correspondence, including personal email correspondence, even if on District premises or on a District-assigned computer;
 - Personal financial or tax information or any other information of a purely personal nature, even if on District premises or on a District-assigned computer;
 - Advertisements, spam or junk email received by District employees;
 - Preliminary drafts and informal notes that have no further value to the District;
 - Library books, magazines, and pamphlets not prepared by or for the District;
 - Textbooks, maps used for instruction, and other instructional material; and
 - Any other document (paper or electronic, including emails) that has nothing whatsoever to do with the District’s business or with its students, teachers, other employees, or contractors.



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Records Retention Schedule – A list of Record types created, received, or maintained by the District and the length of time they must be retained to meet legal, operational, and historic obligations. Typically Records that have met their retention requirements according the Records Retention Schedule are no longer needed and can be destroyed.

Trusted System – A system used to store electronic information in an accurate, reliable, and usable manner, ensuring integrity over time. Typically a trusted system stores static copies of Records that cannot be changed or deleted outside a specific set of controls. This maintains the Record's authenticity, that it has not been altered or tampered with (See California Government Code Section 12168.7).

AUTHORITY: This is a policy of the Board of the Los Angeles Unified School District.

RELATED RESOURCES: California Civil Code section 1633.1, et seq.;
California Education Code sections 35250, et seq.;
California Evidence Code sections 1550, et seq.;
California Government Code sections 12168.7 and 14755, et seq.; and
California Code of Regulations, Title 5, sections 16020, et seq.

Pupil Records: Access, Confidentiality and Notice of Educational Rights, BUL-2469, April 24, 2006.

Responsible Use Policy (RUP) for District Computer and Network Systems, BUL-999.11, August 20, 2015

LAUSD Employee Code of Ethics.

CASBO Records Retention Manual, K-12 and Community Colleges, 6th Ed. (2016).

Records Management Website, <http://achieve.lausd.net/Records>

ASSISTANCE: For assistance or further information, please contact the Records Manager in the Office of Educational Services, at (213) 241-8310 or the Office of the General Counsel, at (213) 241-7600.



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APPENDIX A

Records Classification – Other than Pupil Records

	No Classification		Classified		
	Non-Records	Continuing Records	Permanent (Class 1)	Non-Permanent	
			Permanent Records (Class 1)	Optional Records (Class 2)	Disposable Records (Class 3)
Retention	"May be destroyed any time" unless subject to a legal hold	"shall not be classified until usefulness has ceased"	Retained "indefinitely"	"Worthy of temporary preservation"	"May be destroyed after their usefulness has ceased"
Examples	<ul style="list-style-type: none"> • Convenience Copies • Drafts • Personal Records • Reference Materials • Chron Files 	<ul style="list-style-type: none"> • Records of continuing nature, active and useful for administrative, legal, fiscal, or other purposes over a period of years • Work in progress 	<ul style="list-style-type: none"> • Annual Reports • Official Actions • Financial Reports • Audit of all funds • Average Daily Attendance • Board Meeting Minutes • Election Records • Certain Personnel Records • Property Records 	<ul style="list-style-type: none"> • Records with no legal retention requirements but serve a business need • Records that have not yet been classified • Records retained for reference 	<ul style="list-style-type: none"> • Records with a defined retention period • Detailed Records supporting Class 1 Records • Class 1 Records that have been transferred to another medium for long term preservation
Disposition	<p>Hard copy Disposed of when no longer useful</p> <p>Electronic Deleted when no longer useful</p>	<p>Hard copy Retain until classified then follow retention for appropriate classification</p> <p>Electronic Retain until classified then follow retention for appropriate classification</p>	<p>Hard copy Copied to Microfilm or Trusted System for long-term preservation</p> <p>Electronic preserved in "Trusted System"(File Net)</p>	<p>Hard copy Retained "as is" or copied into collaboration systems</p> <p>Electronic Maintained in personal hard drive, Email, Network drive, or collaboration systems (SharePoint)</p>	<p>Hard copy Retained "as is"</p> <p>Electronic Maintained in repositories approved by the District</p>
Comments	Non-Records have no retention requirements and can be destroyed at the convenience of the user unless they are subject to a legal hold	Continuing Records can only be destroyed after they are classified and retained for the appropriate period	Class 1 Records can only be destroyed if they are copied into a new media (photographic or electronic) with the intent of long-term preservation of the copy	Class 2 Records can only be destroyed after they are reclassified as Class 3 Records	Class 3 Records must be retained a minimum of 3 years after the school year in which they were created, or longer if other retention requirements apply. They can be destroyed after their retention requirements have been met if they are not subject to a legal hold.



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APPENDIX B

POLICY CHANGES TABLE

Changes Made	Current Policy Text BUL-6825.0	Previous Policy Text BUL-5503.1
Extended the minimum retention of emails from one (1) year to two (2) years and allowing for longer retentions where needed (Pages 8)	The District email system retains emails for at least two years. After two years, the email will be automatically deleted from the District’s email system unless tagged with a longer retention requirement, or placed on a legal hold.	The District email system retains emails for one year only. After one year, the email will be automatically deleted from the District’s email system. The automatic deletion feature of the District’s email system will be fully implemented in July 2013, meaning all emails created on or before June 30, 2012 will be deleted from the system on July 1, 2013. (Note: emails stored in a department’s server or on an employee’s computer hard drive are not subject to automatic deletion protocols.)
Named LAUSD’s Records Manager as the District’s Custodian of Records except for Pupil Records (Page 12)	LAUSD Custodian of Records – The Records Manager is the Custodian of Records for the entire District, excluding Pupil Records, and is answerable to questions concerning the District’s general recordkeeping processes. The Records Manager is also responsible for coordinating the District’s Record retention and destruction activities, including off-site document storage and disposal activities.	<ul style="list-style-type: none"> • District’s Official Custodian of Records - The Custodian of Records for the entire District. This person must, by law, be a certificated employee. The highest ranking certificated employee in the District shall be designated as the District’s legal Custodian of Records. • Records Manager - The administrator responsible for coordinating Record retention and destruction activities Districtwide, including the coordination of Electronic Records retention, and off-site document storage and disposal activities.



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Changes Made	Current Policy Text BUL-6825.0	Previous Policy Text BUL-5503.1
Clarified the definition of “Non-Records” to explicitly allow their disposal unless subject to a legal hold (Page 13)	Non-Records – Non-Records have no business value and are not subject to the District retention requirements. The following are Non-Records and can be destroyed at any time unless they are subject to a legal hold:	The following are NOT Records and therefore are not covered by this policy:
Clarified the definition of “Non-Records” (Page 13)	<ul style="list-style-type: none"> ○ Convenience copies of official Records, including printouts of Electronic Records. 	<i>Not included in the previous Bulletin</i>
Added the definition of a Records Retention Schedule as a tool for managing retention (Page 13)	<i>Records Retention Schedule</i> – A list of Record types created, received, or maintained by the District and the length of time they must be retained to meet legal, operational, and historic obligations. Typically Records that have met their retention requirements according the Records Retention Schedule are no longer needed and can be destroyed.	<i>Not included in the previous Bulletin</i>



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APPENDIX B

Changes Made	Current Policy Text BUL-6825.0	Previous Policy Text BUL-5503.1
Clarified the special handling around Electronic Records (Page 7)	<p>Electronic Records whether converted through scanning, or created in native applications such as Word or Excel should only be stored in systems approved by the District. When an electronic document is determined to be a Record that must be retained by the District, it should be moved to a Trusted System where it can be preserved to meet its retention requirements.</p> <p>NOTE: While saving a document as a PDF can preserve its integrity by preventing editing, the PDF format alone is not a Trusted System. PDF documents should still be placed in a Trusted System if they are Records.</p>	Documents scanned into .pdf format do NOT meet the regulatory requirements for copies. Instead, the copy must be created using a “Trusted System,” such as File Net.
Replaced Appendix A	Table summarizing the text of California Code of Regulations, Title 5, sections 16020, et seq.	Actual text of California Code of Regulations, Title 5, sections 16020, et seq.