

ARTICLE VII

RECORDS

7700. REQUEST TO INSPECT PUBLIC RECORDS.

7700.10 A request to inspect public records may be written or oral and may be delivered by mail or in person to the administrator in charge of the office where the record is maintained;

7700.11 A request to inspect public records shall identify with reasonable particularity the records in question. If it is unclear what record is requested or if additional specification is needed, the administrator in charge may require a written description of the record;

7700.12 A request to inspect public records shall be made sufficiently in advance of the date of inspection so as to permit the District or college administrators to assemble the records and identify any records that may be exempt from disclosure.

Adopted 01-20-82
Amended 04-03-02

7701. TIME AND PLACE FOR INSPECTION.

The college or District administration will determine a reasonable time and place for the inspection of public records and shall advise the person who wished to inspect the public records of such time and place.

Adopted 01-20-82
Amended 04-03-02

7702. REQUESTS TO COPY PUBLIC RECORDS. A request to copy a public record shall be made in the same way as identified above for inspection of public records. The college or District administration's reply thereto shall be made within ten working days after the receipt of such a request and shall state whether the request seeks copies of disclosable public records in the possession of the college or District. The ten-day time limit may be extended for no more than fourteen working days because of unusual circumstances. A list of conditions which constitute "unusual circumstances" is contained in section 6253(c) of the Government Code. After the reply is sent, the college or District has a reasonable period of time to produce the disclosable public records to the requesting party.

The Chancellor or designee shall notify the requestor in writing of the reasons for the extension and the date on which a determination is expected to be dispatched.

Restored 09-24-80
Amended 01-20-82
Amended 08-18-82
Amended 04-03-02

7702.10 Duplication Costs to Copy Written Materials. Once the college or District administration has located the disclosable public records which will be produced pursuant to a public records request, the administration shall notify the requesting party that the documents are ready and will be provided upon payment of the costs associated with duplicating the records, which is 25 cents for the first page and 10 cents for each additional page of any public record or

Restored 09-24-80
Amended 01-20-82
Amended 07-14-82
Amended 04-03-02
Revised 07-28-10

\$1.00 per CD where staff determines that multiple documents may be provided in that form for efficiency. The District shall not be required to expend staff time for conversion of documents to electronic format. This fee is deemed sufficient to reimburse the District for the direct costs of duplication. The actual charge of postage shall also be added for any required mailing.

Restored 09-24-80
Amended 01-20-82
Amended 07-14-82
Amended 04-03-02
Revised 07-28-10

7702.11 Requests to Copy Tape Recorded Materials.
A request to copy tape recordings shall be accompanied by an advance fee equal to the estimated staff time necessary to copy the tape. If a tape is not furnished, the actual cost of the tape shall also be assessed. If an advance fee is not included with the request, the District or college administration shall notify the requesting party of the estimated fees associated with producing the tape prior to providing the tape to the requesting party. Any unused portions of the fee shall be returned to party making the request.

Adopted 01-20-82
Amended 04-03-02

7702.12 Reports. For copies of reports or other published materials available for distribution from stock, the charge, which represents the actual cost of reproducing these records, shall be:

\$1.50 for each copy of a report not exceeding twelve (12) pages.

\$2.50 for each copy of a report containing thirteen (13) to fifty (50) pages.

\$5.00 for each copy of a report containing fifty (50) pages to one hundred (100) pages.

\$10.00 for each copy of a report containing more than one hundred (100) pages.

Restored 09-24-80
Amended 01-20-82
Amended 04-03-02

7702.13 More than Twenty Copies. If more than twenty (20) copies of any one report are ordered at one time, a price may be determined independent of the rates listed above but the total charge shall not exceed the actual cost incurred by the District for reproduction services.

Restored 09-24-80
Amended 01-20-82
Amended 04-03-02

7702.14 Plans and Specifications. Copies of plans and specifications involving college facilities may also be provided under the above authority as follows:

Restored 09-24-80
Amended 01-20-82
Amended 04-03-02

- a. Copies of specifications may be furnished as indicated for published materials in Sections 7702.12 and 7702.13.
- b. Copies of plans may be furnished at the actual reproduction cost for such plans.

7702.15 Any fees collected for duplicating records under this Article shall be received, accounted for and deposited in accordance with established District procedures.

Adopted 01-20-82
Amended 04-03-02

7702.16 The college or District administration shall not be required to generate information that does not exist in an existing public record nor create a record that does not exist.

Adopted 01-20-82
Amended 04-03-02

7702.17 The charges referred to above do not apply to published reports prepared expressly for the purpose of informing the residents of the District about its operation and activities. Such reports shall be distributed at no cost on request as long as a supply exists.

These charges also do not apply to those items, such as transcripts, for which a statutory fee has been designated.

Adopted 01-20-82
Amended 04-03-02

7702.18 Nothing in these provisions shall be considered to supersede or be in conflict with provisions of collective bargaining contracts that address employee organization access to public records.

Adopted 01-20-82
Amended 04-03-02

7703. ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORMAT.
If a District record, which constitutes a public record not exempt from disclosure under the Public Records Act, is available in electronic format, it shall be provided upon request in the electronic format in accordance with this Board Rule. District staff may inform requesting parties that records are available in electronic format and give them the option to receive information in electronic format. Under no circumstances shall the District make records exclusively available in electronic format.

Adopted 04-03-02

7703.10 The District shall only be required to make the public record available in the electronic format in which it holds the record.

Adopted 04-03-02

7703.11 The District shall only be required to make the public record available in the electronic form the District uses to create copies for its own use or for provisions to other agencies.

Adopted 04-03-02

7703.12 The District shall not be required to reconstruct a record in an electronic format if the District no longer has the record available in this format.

Adopted 04-03-02

7703.13 The District shall not be required to release an electronic record in the electronic form in which it is held if its release would jeopardize or compromise the security or integrity of the original record or any proprietary software in which it is maintained.

Adopted 04-03-02

7703.14 The District shall not be required to permit public access to District records when prohibited by law.

Adopted 04-03-02

7704. COSTS FOR PRODUCING A PUBLIC RECORD IN ELECTRONIC FORMAT. Upon receipt of the applicable fee, the District shall produce a copy of the public record in electronic format. As a general rule, the cost of duplication shall be limited to the direct cost of producing a copy of the public record in electronic format. The requesting party shall be responsible for the entire costs of producing a copy of a record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

- a. In order to comply with the Public Records Act, the District would be required to produce a copy of an electronic record that is produced only at an otherwise regularly scheduled interval.
- b. The request requires data compilation, extraction or programming to produce the record.

Under these circumstances, the District shall inform the requesting party in writing that special charges will be incurred in order to produce the public record, provide an estimate of the costs and require advanced payment of these costs prior to producing the record. The District will be responsible for returning any unused portions of the advanced fee.

Adopted 04-03-02

7705. RECORDS EXEMPT FROM PUBLIC DISCLOSURE. Records that are exempt from public disclosure may not be inspected and/or copied. Examples of records that are exempt from public disclosure are preliminary drafts, records pertaining to litigation and legal advice, personnel or medical files (the disclosure of which would amount to an unwarranted invasion of privacy), test questions and information provided by the District on a confidential basis. Some of the records exempt from public inspection are set forth in sections 6253.5, 6254, and 6254.3 of the Government Code.

Adopted 01-20-82

Amended 04-03-02

7706. LOS ANGELES COMMUNITY COLLEGE DISTRICT RECORDS. Los Angeles Community College District Records shall be developed, maintained and disposed of according to the requirements of law and this Board policy.

Adopted 04-03-02

7707. DEFINITION OF RECORDS. The term "Records" shall mean all documents, maps, books, papers, computer output, and electronic documents of the Los Angeles Community College District required by law to be prepared or retained as necessary or convenient to the operation of the District.

The following are not Records and may be destroyed at any time:

- a. Copies, other than the original or one copy of the original.
- b. Correspondence between District employees that does not pertain to personnel matters, or constitute a student record.
- c. Advertisements and other sales material received.
- d. Textbooks used for instruction and other instructional materials, including library books, pamphlets and magazines.

Adopted 04-03-02

7708.

CLASSIFICATION OF RECORDS. Each year prior to June 30, the Chancellor or his/her designees at the District Office and each College President or his/her designee at the colleges shall review documents and papers originating during the prior fiscal year and classify them as either Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of a continuing nature that are active and useful for administrative, legal, fiscal or other purposes over a period of years shall not be classified until such usefulness has ceased. Records originating during a current fiscal year shall not be classified during that year. Once Records are appropriately classified, they must be either retained or destroyed in accordance with this policy.

7708.10 CLASS 1: PERMANENT RECORDS. The original of each of the following Records, 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 Title 5, California Code of Regulations, section 59022(e). Whenever an original Class 1 (Permanent) Record is photographed, micro-photographed or otherwise reproduced on film or electronically, the copy thus made is classified as a Class 1 (Permanent) Record.

- a. Annual Reports. These reports include: the official budget reports; financial reports of all funds, including cafeteria and student body funds; audit reports of all funds; average daily attendance reports, including Period 1 and Period 2 reports; other major annual reports, including those containing information relating to property, activities, financial condition or transactions, and those other reports declared by the Board to be permanent.

Adopted 04-03-02

b. Official Actions.

- 1) All minutes of Board or Board committee meetings, including the text of rules, regulations, policies or resolutions not included verbatim in the minutes but by reference only.
- 2) The call for and result of any elections called, conducted or canvassed by the Board for a Board member, a Board member's recall, the issuance of bonds incurring any long-term liability, change in maximum tax rates, for reorganization, or any other purpose.
- 3) Records transmitted by another agency pertaining to its action with respect to District reorganization.

c. Employee Records. All employee 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 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).

Adopted 04-03-02

Information of a derogatory nature as defined in Education Code 87031 shall be maintained in accordance with the applicable collective bargaining agreement.

- d. Student Records. All Records of enrollment and scholarship for each student including name of student, date and place of birth, name and address of parent or guardian having custody over a student if the student is a minor, entering and leaving date for each academic year, and academic record which includes classes taken and grades and/or credits received. In addition, all Records pertaining to any accident or injury involving a minor for which a claim for damages has been filed as required by law. This includes 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 run.

- e. Property Records. 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 or augmentation, name of previous owner, an adequate description, the amount paid, and comparable data if the unit is disposed of by sale, loss or otherwise.

Adopted 04-03-02

7708.11 CLASS 2: OPTIONAL RECORDS. Any Record that is not a Class 1 (Permanent) Record shall be classified as Class 2 (Optional) and shall be retained until reclassified as Class 3 (Disposable). If the Records of a prior year are not classified before July 1, all Records of the previous year shall be classified as Class 2 (Optional) until they are classified as required by Board Rule 7708. Such classification must occur within one year.

Adopted 04-03-02

7708.12 CLASS 3: DISPOSABLE RECORDS. All Records, other than continuing Records, not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These Records include but are not limited to: 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 and canceled check stubs, student body and cafeteria fund Records, etc.); detail Records used in the preparation of any other report; and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Adopted 04-03-02

7709. DESTRUCTION OF RECORDS. Only Class 3 (Disposable) Records shall be destroyed. These Records may be destroyed during the third school year (e.g., a Record originating in the 1993-94 school year plus 3 years = 1996-97 destruction date), after the completion of the following, as applicable:

- a. The completion of any legally required audit. Class 3 (Disposable) Records basic to an audit 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. Class 3 (Disposable) Records basic to an unresolved audit citing shall not be destroyed until five years after the audit citing is first presented to the Board as provided under 5, California Code of Regulations, section 59118.

Adopted 04-03-02

- b. The retention period required by any agency other than the State of California.
- c. The retention period under a Federal program, including various student aid programs.

Adopted 04-03-02

7709.10 PROCEDURES FOR DESTRUCTION.

- a. The Chancellor or his/her designee and each College President or his/her designee shall:
 - 1) Personally supervise the classification of Records.
 - 2) Designate each file or other container as to the classification and the school year in which the Records originated. If the Records are classified as Class 3 (Disposable), the Chancellor or his/her designee and each College President or his/her designee shall also designate the school year in which such Records are to be destroyed.
 - 3) Submit to the Board a report of Records recommended for destruction with a certification that no Records are included in the list which conflict with these Board Rules.
- b. The Governing Board shall:
 - 1) Approve or disapprove the recommendations of the Chancellor or his/her designee and/or each College President or his/her designee.
 - 2) Order a reclassification when necessary or desirable.
 - 3) Order by action recorded in the minutes (with lists attached) the destruction of Records in accordance with these Board Rules.

Adopted 04-03-02

7709.11 MANNER OF DESTRUCTION. Once the Board determines that specific Records shall be destroyed, such Records shall be permanently destroyed by such fool-proof methods such as shredding, burning, or pulping under the supervision of the Chancellor or his/her designees.

Adopted 04-03-02