

AMENDED IN SENATE JUNE 30, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2266**

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**Introduced by Assembly Member Bradford**

February 18, 2010

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An act to amend, *repeal, and add* Section 35254 of the Education Code, relating to school district records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2266, as amended, Bradford. School district records.

Existing law requires the Secretary of State, in consultation with the Department of General Services, to approve and adopt appropriate standards for the purpose of storing and recording documents in electronic media and requires the standards to include a requirement that a trusted system, as defined, be used.

Existing law authorizes the governing board of a school district to make photographic, microfilm, or electronic copies of records of the district and to destroy the original after the copy is made if provision is made for permanently maintaining the copy in the files of the district, except that an original record that is basic to a required audit is prohibited from being destroyed before the second July 1st after the completion of the audit.

This bill would *require the Controller to work in coordination with the Secretary of State to develop record and retention standards, policies, or regulations consistent with the applicable use of a trusted system, as defined, that will permit the governing board of a school district, effective January 1, 2013, to reproduce a record, that is basic*

to a required audit, that is a nonerasable optical image reproduction or any other reproduction of an original record or document if additions, deletions, or changes to the original record or document are not permitted by the technology. The bill, commencing January 1, 2013, would authorize the destruction of an original of a school district record of which a copy has been made if the governing board of a school district annually certifies that provisions are made to maintain the copies in a trusted system, as defined, and the copies of records that are basic to a required audit are made in compliance with—specified standards, regulations, or requirements approved and adopted by the Controller. The bill would state that these provisions do not relieve the governing board of a school district from a requirement in law to produce an original record that is basic to a required audit, unless that record can be reproduced from the copy that was made from the original record.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 35254 of the Education Code is amended  
2 to read:

3     35254. (a) The governing board of any school district may  
4 make photographic, microfilm, or electronic copies of any records  
5 of the district. The original of any records of which a photographic,  
6 microfilm, or electronic copy has been made may be destroyed  
7 when provision is made for permanently maintaining the  
8 photographic, microfilm or electronic copies in the files of the  
9 district, except that no original record that is basic to any required  
10 audit shall be destroyed prior to the second July 1st succeeding  
11 the completion of the audit.

12     (b) The Controller shall work in coordination with the Secretary  
13 of State to develop record and retention standards, policies, or  
14 regulations consistent with the applicable use of a trusted system,  
15 as defined in Section 12168.7 of the Government Code, that will  
16 permit the governing board of a school district, effective January  
17 1, 2013, to reproduce a record, that is basic to a required audit,  
18 that is a nonerasable optical image reproduction or any other  
19 reproduction of an original record or document if additions,  
20 deletions, or changes to the original record or document are not  
21 permitted by the technology.

1 (c) *This section shall remain in effect only until January 1, 2013,*  
2 *and as of that date is repealed, unless a later enacted statute, that*  
3 *is enacted before January 1, 2013, deletes or extends that date.*

4 SECTION 1. ~~Section 35254 of the Education Code is amended~~  
5 ~~to read:~~

6 ~~35254.—~~

7 SEC. 2. *Section 35254 is added to the Education Code, to read:*

8 35254. (a) The governing board of any school district may  
9 make photographic, microfilm, or electronic copies of any records  
10 of the district. The original of any records of which a photographic,  
11 microfilm, or electronic copy has been made may be destroyed if  
12 the governing board of the school district certifies in each fiscal  
13 year, by a motion of the board duly passed and adopted, that  
14 provisions are made to ensure that the photographic, microfilm,  
15 or electronic copies of any records of the school district meet both  
16 of the following requirements:

17 (1) They are maintained in a trusted system, as defined in  
18 subdivision (c) of Section 12168.7 of the Government Code.

19 ~~(2) They are made in compliance with standards or regulations~~  
20 ~~approved and adopted by the Secretary of State pursuant to~~  
21 ~~subdivision (b) of Section 12168.7 of the Government Code or,~~  
22 ~~until standards and regulations are approved and adopted, in~~  
23 ~~compliance with the requirements of subdivision (d) of Section~~  
24 ~~12168.7 of the Government Code.~~

25 (2) *For purposes of records that are basic to a required audit,*  
26 *they are made in compliance with standards, policies, or*  
27 *regulations approved and adopted by the Controller.*

28 (b) This section does not relieve the governing board of a school  
29 district from any requirement in law to produce an original record  
30 that is basic to a required audit, unless that record can be  
31 reproduced from the photographic, microfilm, or electronic copy  
32 that was made from the original record.

33 (c) *This section shall become operative on January 1, 2013.*