Sec. 1. DEFINITIONS

A. "Custodian" means the appointed or designated School official who is in charge of an office that creates or receives local government records.

B. "Essential record" means any School record necessary to the resumption or continuation of operations of the School in an emergency or disaster, to the recreation of the legal and financial status of the School, or to the protection and fulfillment of obligations to the people of the state.

C. "Local government record" or "Record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic, and regardless of whether public access to it is open or restricted under the laws of Texas, created or received by the School or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by School officers or employees;
2. Notes, journals, diaries, and similar documents created by School officers or employees for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, and library and museum materials acquired solely for purposes of reference or display; or
4. Copies of documents in any media furnished to members of the public to which they are entitled under the Texas Public Information Act or other state law.

D. "Permanent record" or "record of permanent value" means any record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission is given as permanent.

E. "Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by the School, their retention periods, and other records disposition information that the School records management program may require.

F. "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographic and electronic and other records storage systems.

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G. "Records Management Officer" means the person designated in Section 4 of this policy.

H. "Records Retention Schedule" means a document issued by the Texas State Library and Archives Commission ("TSLAC") under authority of Subchapter J, Chapter 441, Government Code, establishing mandatory retention periods for local government records retained by the School.

I. "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

Loc. Gov't Code 201.003.

Sec. 2. DUTIES OF MIDLAND ACADEMY CHARTER

MIDLAND ACADEMY CHARTER SHALL:

1. Submit to the director and librarian of TSLAC the name of the School's records management officer and the name of the new officer in the event of a change;
2. File a plan establishing a records management program and any amendments to the plan or ordinance with the director or librarian of TSLAC;
3. Notify TSLAC at least ten days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian of TSLAC a written certification as provided by Local Government Code 203.041 that the School has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian of TSLAC under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169.

Sec. 3. DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors (the "Board") of the School shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the Records Management Officer;
3. Facilitate the creation and maintenance of local government records containing adequate

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and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the School and designed to furnish the information necessary to protect the legal and financial rights of the School, the state, and persons affected by the School's activities;

4. Facilitate the identification and preservation of the School records that are of permanent value;
5. Facilitate the identification and protection of essential School records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Loc. Gov't Code 203.021.

Sec. 4. RECORDS DECLARED PUBLIC PROPERTY

All local government records created or received in the transaction of official business or the creation or maintenance of which were paid for by public funds are public property. No School official or employee has, by virtue of his or her position, any personal or property right to such records, even though the officer or employee developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. *Loc. Gov't Code 201.005*.

Sec. 5. CUSTODIANS OF RECORDS

Record custodians shall:

1. Cooperate with the Records Management Officer in carry9ng out the policies and procedures established by the School for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;
2. Adequately document the transaction of School business and the services, programs, and duties for which they and their staff are responsible; and
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the School's records management program and the requirements of Local Government Code Title 6, Subtitle C, and rules adopted under it.

Loc. Gov't Code 203.022.

Sec. 6. RECORDS MANAGEMENT OFFICER

a) ***Requirements for Designating Records Management Officer***

The Board shall designate an individual or an office or position as the School's Records Management Officer. The name, officer, or position of the Records Management Officer shall be entered into the minutes of the Board and filed by the Records Management Officer within the director and librarian of TSLAC within 30 days after the date of the designation. Any subsequent

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designations of a new individual, office, or position shall be entered into the Board's minutes and reported to TSLAC in the same manner as the original designation. If the Board's designates an office or position rather than an individual, a new holder of that office or position must file his or her name with TSLAC within 30 days after the date of assuming the office or position.

Loc. Gov't Code 203.025.

b) *Designation of Records Management Officer*

The Superintendent will serve as and perform the duties of the School's Records Management Officer, and shall administer the School's records management program pertaining to local government records in compliance with the Local Government Records Act.

Commented [A1]: For purposes of records management, the Local Government Code states that the board must designate "an individual or an office or position as the records management officer." The designated records management officer is then responsible for notifying TSLAC of the designation.

We recommend naming the Superintendent as the designated records management officer; we can then designate some custodians of records to assist in developing the record management program and making sure we're complying with the law.

The Records Management Officer shall file his or her name with the TSLAC within 30 days of assuming the position, and shall file with the TSLAC a written declaration that the School has adopted records control schedules that comply with the records retention schedules issued by the TSLAC as provided by law.

c) *Duties of Records Management Officer*

The Records Management Officer shall:

1. Assist in establishing and developing policies and procedures for the School's records management program;
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;
3. In cooperation with custodians of records:
    a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;
    b. Identify and take adequate steps to preserve records of permanent value;
    c. Identify and take adequate steps to protect essential records;
    d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the School's records management program and the requirements of local Government Code Title 6, Subtitle C and rules adopted under it;
4. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to School records; and
5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

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Loc. Gov't Code 203.023.

Sec. 7. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES

The Records Management Officer shall appoint a Records Management Committee consisting of:

Chief of Staff
Chief Financial Officer
Chief Talent Officer and/or Director of Talent
Special Education Manager
Strategic Planner

The Records Management Officer and the Records Management Committee shall develop a records management program to be submitted to the Board. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the School, and to properly preserve those records of the School that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this policy effectively.

Once approved by the Board, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the School, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

Sec. 8. RECORDS MANAGEMENT PROGRAM

The Board by order shall establish a records management to be administered by the Records Management Officer. The order must provide methods and procedures to enable the Board, Records Management Officer, and record custodians to fulfill the statutory duties and responsibilities concerning management and preservation of records. The order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C and any rules adopted under it. A copy of the order must be filed by the Records Management Officer with TSLAC within 30 days after the date of its adoption. *Loc. Gov't Code 203.0236(a)-(c)*.

The records management program shall also address the length of time records will be posted on the School's website when the law does not specify a posting period.

Sec. 9. RECORDS CONTROL SCHEDULES

The Records Management Officer shall:

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1. Prepare a records control schedule listing the following records and establishing a retention period for each:
    a. All records created or received by the School;
    b. Any record no longer created or received by the School that is still in its possession and for which the retention period on a records retention scheduled issued by TSLAC has not expired; and
    c. Any record no longer created or received by the School that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and
2. File with the director and librarian a written certification of compliance that the School has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

a) ***Amending Schedules***

The Records Management Officer shall review the School's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the School or revisions to retention periods established in a records retention schedule issued by TSLAC. The Records Management Officer shall file with the director and librarian of TSLAC a written certification of compliance that the School has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The Board shall require in the order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the School as it considers necessary.

Loc. Gov't Code 203.041.

b) ***Retention Periods***

A retention period for each record on the records control schedule shall be determined by the Board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court, or a retention period for the record established on a scheduled issued by TSLAC. *Loc. Gov't Code 203.042*.

c) ***TSLAC Retention Schedules***

TSLAC has adopted the following retention schedules, among others:

Local Schedule GR – Records Common to All Governments
Local Schedule SD – Records for Public School Districts

These schedules establish mandatory minimum retention schedules for the records listed.

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13 TAC 7.125.

Sec. 10. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS AND PRINCIPALS

In addition to other duties assigned in this policy, department heads and Principals shall:

a. Cooperate with the Records Management Officer in carrying out the policies and procedures established by the School for the efficient and economical management of records and in carrying out the requirements of this policy;
b. Adequately document the transaction of government business and the services, programs, and duties for which the department head, principal, and his or her staff are responsible; and
c. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the School and the requirements of this policy.

Sec. 11. DESIGNATION OF RECORDS LIAISON OFFICERS

Each department head and Principal shall designate a member of his or her staff to serve as a Records Liaison Officer for the implementation of the records management program in the department and/or campus.

If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department or campus, the department head or Principal shall designate the number of Records Liaison Officers specified by the Records Management Officer.

Persons designated as Records Liaison Officers shall be thoroughly familiar with all records created and maintained by the department.

In the event of the resignation, retirement, dismissal, or removal by action of the department head or Principal of a person designated as a Records Liaison Officer, the department head or Principal shall promptly designate another person to fill the vacancy.

A department head or Principal may serve as Records Liaison Officer for his or her department or campus.

Sec. 12. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS

In addition to other duties assigned in this policy, Records Liaison Officers shall:

a. Conduct or supervise the conduct of inventories of the records of the department in

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preparation for the development of records control schedules;
b. In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their department; and
c. Disseminate information to department staff concerning the records management program.

Sec. 13. DESTRUCTION OF RECORDS

A School record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044; or
3. The record is not listed on a records retention schedule issued by TSLAC and the School provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169.

The following records may be destroyed without meeting the conditions outlined above:

1. A court orders an expunction order for the destruction or obliteration of the records, pursuant to state law; and
2. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Loc. Gov't Code 202.001.

a) *Exceptions*

A record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A record that is subject to a request under the Texas Public Information Act may not be destroyed until the request is resolved. *Loc. Gov't Code 202.002*.

the School shall not destroy a student's education records, as defined by the Family Educational Rights and Privacy Act, if there is an outstanding request to inspect and review the record. *34 C.F.R. 99.10(e)*.

b) *Recordkeeping*

As the board may require, the Records Management Officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Loc. Gov't Code 203.046*.

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Sec. 14. RECORDS OFFENSES

A Board member or School employee commits an offense if he or she knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Title 6, Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Loc. Gov't Code 202.008*.

Sec. 15. PRESERVATION OF RECORDS

Permanent records shall be stored under conditions that meet the requirements of 13 Tex. Admin. Code § 7.164.

School records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 205, Local Government Code and rules adopted by TSLAC. *Local Gov't Code 204.002*.

School record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205, Local Government Code and rules adopted by TSLAC. *Loc. Gov't Code 205.002*.

Sec. 16. CONTRACT SERVICES

With approval of the Board, the Records Management Officer and Committee may assign and delegate duties under this Policy to contracted services. The engagement of contract services will not relieve persons assigned and responsible under this policy from such assignment and responsibilities.

Sec. 17. SPECIAL RULES FOR EDUCATION RECORDS

the School shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The record of access shall be maintained with the education records of the student as long as the records are maintained. *34 C.F.R. 99.32(a)(1)*.

The Special Education Manager or designee will serve as the records custodian for the School with respect to special education records.

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