DEFINITION

A “local government record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the District 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 District officers or employees.
2. Notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience.
3. Blank forms, stocks or publications, and library and museum materials acquired solely for the purposes of reference or display.
4. Copies of documents in any media furnished to the public under the Open Records Act or other state law.

Local Gov’t Code 201.003(8)

BOARD’S RESPONSIBILITIES

In implementing the Local Government Records Act, the Board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all District 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 District records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the District and designed to furnish the information necessary to protect the District’s legal and financial rights, the state, and persons affected by the District’s activities.
4. Facilitate the identification and preservation of District records that are of permanent value.
5. Facilitate the identification and protection of essential District records.

6. Cooperate with the State Library and Archives Commission in its conduct of statewide records management surveys.

Local Gov't Code 203.021

CUSTODIANS OF RECORDS

In implementing the Local Government Records Act, school personnel who are custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the District for the efficient and economical management of records and in carrying out the requirements of the Act.
2. Adequately document the transaction of District business and the services, programs, and duties for which they and their staff are responsible.
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records in accordance with the policies and procedures of the District's records management program.

Local Gov't Code 203.022

RECORDS MANAGEMENT OFFICER

In implementing the Local Government Records Act, the records management officer shall:

1. Assist in establishing and developing policies and procedures for the District's records management program.
2. Administer the records management program and provide assistance to the custodians in order to reduce costs and improve record-keeping efficiency.
3. In cooperation with the custodians of records, prepare and file records control schedules, amended schedules, and lists of obsolete records, as required by the Local Government Records Act.
4. In cooperation with the custodians of records, prepare or direct the preparation of requests for authorization to destroy records, when such requests are required under the Local Government Records Act.
5. In cooperation with the custodians of records, identify and take adequate steps to preserve District records of permanent value.
6. In cooperation with the custodians of records, identify and take adequate steps to protect essential District records.

7. In cooperation with the custodians of records, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the District's records management program and legal requirements.

8. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to the District's records.

9. In cooperation with the custodians of records, establish procedures to ensure that the handling of records 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.

Local Gov't Code 203.023

RETENTION SCHEDULES

In developing the District's records retention schedule, the records management officer shall ensure it is consistent with the applicable minimum retention schedules adopted by the State Library and Archives Commission, i.e., Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. *13 TAC 7.125*

Note: The State Library and Archives Commission records retention schedules are available at www.tsl.state.tx.us/slrm/recordspubs/localretention.html.

DESTRUCTION OF RECORDS

A District record may be intentionally destroyed under any of the following conditions:

1. The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards.

2. The record appears on a list of obsolete records approved by the State Library and Archives Commission.

3. A destruction request is filed with and approved by the State Library and Archives Commission for a record not listed on an approved control schedule.

4. The district court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.

5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission.

Local Gov't Code 202.001

EXCEPTIONS

A District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A District record that is subject to a request under Chapter 552, Government Code, shall not be destroyed until the request is resolved. *Local Gov't Code 202.002*

PRESERVATION OF RECORDS

The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004*

The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending. *Gov't Code 551.104(a)*

MICROFILMING

District records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 204 of the Local Government Code and rules adopted by the State Library and Archives Commission. *Local Gov't Code 204.002*

ELECTRONIC STORAGE

District records may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205 of the Local Government Code and rules adopted by the State Library and Archives Commission. *Local Gov't Code 205.002*

FEDERAL INVESTIGATIONS AND BANKRUPTCY

Anyone who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*