

DEFINITION

Within this policy:

1. a "record" means any written photographic, machine-readable, or other recorded information created, or received, by, or on behalf, of TSD that documents activities in the conduct of state business, or use of public resources. The term does not include library, or museum, material made, or acquired and maintained solely for reference, or exhibition purposes; an extra copy of recorded information maintained only for reference; or a stock of publications, or blank forms.
2. a "confidential state record" means any state record to which public access is, or may be restricted, or denied under Texas Government Code Chapter 552, or other state, or federal, law.
3. a "vital state record" means any record necessary to the resumption, or continuation, of state agency operations in an emergency, or disaster; the recreation of the legal and financial status of the agency; or the protection and fulfillment of obligations to the people of the State.

**Government Code 441.180(4), (11), (13)**

Custodian	“Custodian” means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. <i>Local Gov’t Code 201.003(2)</i>
Disposition	“Disposition” means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. <i>13 TAC 7.71(5)</i>
Electronic Records System	“Electronic record” means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. <i>13 TAC 7.71(6)</i>
Electronic Records System	“Electronic records system” means any information system that produces, manipulates, and stores local government records by using a computer. <i>13 TAC 7.71(7)</i>
Electronic Storage Media	“Electronic storage media” means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. <i>13 TAC 7.71(8)</i>
Essential Record	“Essential record” means any local government record necessary to the resumption or continuation of the School operations in an emergency or disaster, to the re-creation of the legal and financial status of the School, or to the protection and fulfillment of obligations to the people of the state. <i>Local Gov’t Code 201.003(5)</i>
Local Government Record	“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 School or any of its officers or employees, pursuant to law, including an ordinance, or in the trans-action of public business. The term does not include:

- 1.Extra identical copies of documents created only for convenience of reference or research by officers or employees of the School;
- 2.Notes, journals, diaries, and similar documents created by an officer or employee of the School for the officer's or employee's personal convenience;
- 3.Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
- 4.Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
- 5.Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter con-ducted under an alternative dispute resolution procedure in which personnel of a School participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

*Local Gov't Code 201.003(8)*

Permanent Record	“Permanent record” or “record of permanent value” means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. <i>Local Gov't Code 201.003(10)</i>
Records Control Schedule	“Records control schedule” means a document prepared by or un-der the authority of a records management officer listing the rec-ords maintained by a School, their retention periods, and other rec-ords disposition information that the records management program in each school may require. <i>Local Gov't Code 201.003(12)</i>
Records Management	“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 recordkeeping. 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 micrographics and electronic and other records storage systems. <i>Local Gov't Code 201.003(13)</i>
Records Management Officer	“Records management officer” means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] <i>Local Gov't Code 201.003(14)</i>

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Records Retention Schedule      “Records retention schedule” means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov’t Code 201.003(15)*

Retention Period      “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. *Local Gov’t Code 201.003(16)*

Third-Party Custodians      “Third-party custodians” means parties with which a School may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

RESPONSIBILITIES  
SUPERINTENDENT      The Superintendent shall have the following responsibilities related to TSD records:

1. Establish and maintain a records management program on a continuing and active basis;
2. Create and maintain records containing adequate and proper documentation of TSD’s organization, functions, policies, decisions, procedures, and essential transactions of TSD designed to furnish information to protect the financial and legal rights of the state, and any person affected by the activities of TSD.
3. Make certain that all TSD records are passed to the Superintendent's successor.
4. Identify and take adequate steps to protect confidential and vital state records.
5. Cooperate with the Texas State Library and Archives Commission in the conduct of State Agency Records Management Surveys; and
6. Cooperate with the Texas State Library and Archives Commission, the chief executive and administrative officer of the Texas State Library and Archives Commission, and any designees of thereof, in fulfilling their responsibilities under Chapter 441, Subchapter L of the Texas Government Code.

**Government Code 441.183**

**Board's Responsibilities**

The board shall:

1. Establish, promote, and support an active and continuing pro-gram for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the ad-

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ministration of the program under the direction of the records management officer;

3. Facilitate the creation and maintenance of local government records containing adequate 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 local government records that are of permanent value;

5. Facilitate the identification and protection of essential local government records; and

6. Cooperate with TSLAC in its conduct of statewide records management surveys.

*Local Gov't Code 203.021*

School Duties

The School 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 or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;

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 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 under Government Code 441.158 and any other state and federal requirements."

*Gov't Code 441.169*

Minimum Requirement for Electronic Records

The School must:

1. Manage electronic records according to the School's records management program and records retention schedule regardless of format, system, or storage location;

2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not

limited to, external electronic records systems, third-party custodians, and social media platforms;

3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;

4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the School through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;

6. Preserve the authenticity, integrity, reliability, and usability of the records;

7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;

8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and

9. Require all third-party custodians of records to provide the School with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the School's essential records.

Any technology for electronic records developed, used, or acquired by the School must support the School's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

*13 TAC 7.74*

Security of Electronic Records

The School must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

**Custodians of Records**

The School custodians of records shall:

1. 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 Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of School business and the

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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.

*Local Gov't Code 203.022*

RECORDS MANAGEMENT  
OFFICER

The TSD Records Management Officer shall:

1. Administer the TSD records management program.
2. Assist the Superintendent in fulfilling all of the Superintendent's duties under rules adopted pursuant to Chapter 441, Subchapter L of the Texas Government Code.
3. Disseminate to TSD employees information concerning state laws, administrative rules, and TSD policies and procedures relating to the management of state records.
4. Fulfill all duties required of records management officers under Chapter 441, Subchapter L of the Texas Government Code.

The TSD records management officer designated by the Superintendent shall continue to serve in that capacity until the officer ceases employment with TSD; the Superintendent chooses to act as the records management officer for TSD; or the Superintendent appoints another person as the records management officer.

Government Code 441.184

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

Designation

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

*Local Gov't Code 203.025(a)-(e)*

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- Duties
- The School's records management officer shall:
- "1. Assist in establishing and developing policies and procedures for a 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 the custodians of the 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 local government records of permanent value;
    - c. Identify and take adequate steps to protect essential local government records;
    - d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a School's records management pro-gram 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 local government records; and
  5. In cooperation with the custodians of records, establish proce-dures to ensure that the handling of records in any context of the records management program is carried out with due re-gard 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*

Electronic Records  
Management Practices

The School records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the School's approach for electronic records manage-ment practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

The School's policies and procedures must:

1. Establish a component of the School's active and continuing records management program to address the management of electronic records created, received, retained, used, transmit-ted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other ex-ternal entities;
2. Integrate the management of electronic records into existing records and

information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;
4. Address electronic records management requirements, including retention requirements and final disposition;
5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and
6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

The School’s policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

*13 TAC 7.73*

**Records Management Program**

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or 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 rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. Local Gov’t Code 203.026(a)–(c)

**Electronic Records Management**

The board and its records management officer, in cooperation with other employees of the School, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
  - a. The operation, care, and handling of the equipment, soft-ware, media, and information contained in the system; and



b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

*13 TAC 7.72(c)*

The records management officer shall:

**Records Control Schedules**

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 schedule 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.

**Amendment of 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 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 ordinance or 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.

*Local Gov't Code 203.041*

**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 records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules	TSLAC has adopted the following retention schedules, among others: 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. These schedules establish mandatory minimum retention periods for the records listed. <i>13 TAC 7.125</i>
<b>Destruction of Records</b>	<p>A local government record may be destroyed if:</p> <ol style="list-style-type: none"><li>1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or electronically stored in accordance with legal requirements;</li><li>2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;</li><li>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;</li><li>4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and</li><li>5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.</li></ol>
Electronic Records Destruction	<p><i>Local Gov't Code 202.001; 13 TAC 7.123(c)</i></p> <p>Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.</p> <p>The School must ensure that:</p> <ol style="list-style-type: none"><li>1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and</li><li>2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.</li></ol>
Exceptions	<p><i>13 TAC 7.78(a), (b)</i></p> <p>A local government 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 local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. <i>Local Gov't Code 202.002</i></p>
Recordkeeping	<p>As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. Local Gov't Code 203.046</p>
<b>Preservation of Records</b>	<p>Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.</p>

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Permanent Records Microfilm      Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage      Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

**Records Offenses**  
Destruction or Alienation of  
Records

A board member or school employee commits an offense if the board member or employee 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 Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental  
Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise im-pairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used un-lawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

*Penal Code 37.10*

Federal Investigations

Whoever 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 juris-diction 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*

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DEPARTMENTAL RECORDS CUSTODIANS      The following TSD administrators shall serve as Departmental Records Custodians for the records in their respective departments:

1. Superintendent
2. Director for Business and Operations
3. Director of Human Resources
4. Director of Technology
5. Director of Instruction
6. Principals
7. Director of Special Education
8. Director of Student Life

The Departmental Records Custodians shall:

1. Cooperate with the Records Management Officer in carrying out this policy and any procedures implementing this policy; and
2. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records in accordance with this policy and any procedures implementing this policy.

**MICROFILMING**

The Records Management Officer may designate a photographic reproduction of any TSD record as an original record for all legal purposes, even though the record is current. The Records Management Officer may transfer the replaced record to the director of the records management division of the Texas State Library who has the responsibility of issuing a receipt for the record to the Records Management Officer.

**Government Code 441.188**

**ELECTRONIC RECORDS**

Electronic records used for official TSD business are state records and must comply with records management requirements.

**Government Code 441.189**

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**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)*

**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*

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