



TCSA Model Board Policy Series

500.060. Records Management

INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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Module 500: Open Government

The Open Government Module 500, is the fifth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

500.060. RECORDS MANAGEMENT

A. Applicability

1. An open-enrollment charter school is considered a local government for purposes of [Subtitle C, Title 6, Records Provisions Applying to More than One Type of Local Government of the Texas Local Government Code](#), and [Subchapter J, Chapter 441, Libraries and Archives of the Texas Government Code](#). Therefore, the records of the open-enrollment charter school must be retained in accordance with these provisions.
2. Records of an open-enrollment charter school and records of a charter holder that relate to an open-enrollment charter school are government records for all purposes under state law.
3. 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.
4. School records are subject to the Texas Public Information Act.

[Tex. Educ. Code §12.1052](#); [19 Tex. Admin. Code §100.1203](#); [Tex. Loc. Gov't Code §201.005, §201.009](#).

B. Definitions

1. “Commission” means the Texas State Library and Archives Commission.
2. “Director” and “Librarian” means the executive and administrative officer of the Texas State Library and Archives Commission.
3. “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 state law, created or received by the school or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.

[Tex. Loc. Gov't Code §201.003](#).

C. Destruction of Records

1. A school may destroy a record if:
 - a. The record is listed on a records control schedule, and:
 - i. The retention period has expired; or
 - ii. It has been microfilmed or stored electronically as required by Chapters [204](#) and [205](#) of the Texas Local Government Code.

- b. The record appears on a list of obsolete records approved by the director and librarian; or
 - c. A destruction request is filed with and approved by the director and librarian.
2. If a record is the subject of litigation it cannot be destroyed until the litigation is resolved. Also, if the record has been requested subject to the Texas Public Information Act, it cannot be destroyed until the request is resolved.

[Tex. Loc. Gov't Code §202.001 - .002.](#)

D. Records Management

1. The governing body shall:
 - a. Establish, promote, and support an active and continuing program for the efficient and economical management of all school records;
 - b. Develop policies and procedures for the administration of the program under the direction of the records management officer;
 - c. Facilitate the creation and maintenance of records containing adequate 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 activities of the school;
 - d. Facilitate the identification and preservation of records that are of permanent value;
 - e. Facilitate the identification and protection of essential records;
 - f. Cooperate with the Commission in its conduct of statewide records management surveys;
 - g. 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; and
 - i. The name, office, or position of the records management officer shall be entered on the minutes of the governing body.
 - ii. 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 within 30 days after the date of designation.
 - h. Establish a records management program to be administered by the records management officer. A copy of the order establishing the program shall be filed by the records management officer with the director and librarian within 30 days after

the date of its adoption.

[Tex. Loc. Gov't Code §203.021](#); [Tex. Loc. Gov't Code §203.025](#); [Tex. Loc. Gov't Code §203.026](#).

2. Custodians of Records

Custodians of records shall:

- a. Cooperate with the records management officer in carrying out policies and procedures;
- b. Adequately document the transaction of government business and the services, programs, and duties for which the custodian and the custodian's staff are responsible; and
- c. Maintain the records in the custodian's care.

[Tex. Loc. Gov't Code §203.022](#).

3. Records Management Officer

The records management officer shall:

- a. Assist in establishing and developing policies and procedures for a records management program for the school;
- b. Administer the records management program;
- c. In cooperation with the custodian of the records:
 - i. Prepare and file with the director and librarian the records control schedules. The retention period must be at least as long as those developed by the Commission.
 - (1) In lieu of filing a records control schedule, the records management officer may 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 the Commission.
 - ii. Prepare or direct the preparation of request for authorization to destroy records not on an approved control schedule, of requests to destroy the originals of permanent records that have been microfilmed, and of electronic storage authorization requests.
- d. In cooperation with custodians, identify and take adequate steps to preserve records that are of permanent value;
- e. In cooperation with custodians, identify and take adequate steps to protect essential records;

- f. In cooperation with custodians, ensure that the maintenance, preservation, micro-filming, destruction, or other disposition of records is carried out in accordance with policies and procedures as well as laws and regulations;
- g. Disseminate to the governing body and custodians information concerning state laws, administrative rules, and the policies relating to records; and
- h. In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for:
 - i. The duties and responsibilities of custodians that may be imposed by law; and
 - ii. The confidentiality of information in records to which access is restricted by law.

[Tex. Loc. Gov't Code §203.023; Tex. Loc. Gov't Code §203.041.](#)

E. Maintained Within Texas

Records of the school shall be maintained physically within the State of Texas at all times, except that records stored electronically may be maintained outside of the State of Texas if such records remain accessible from within the State of Texas during normal business hours.

[19 Tex. Admin. Code §100.1203\(a\)\(3\).](#)

F. Records Maintained by a Management Company

A management company that provides, or did provide, any management services to a charter holder or charter school shall maintain all records related to its management services separately from any other records of the management company.

[19 Tex. Admin. Code §100.1159\(a\).](#)

G. Copy of Federal Reports

The Board of Directors must ensure that copies of all reports required by federal law, rule, or regulation are provided to the Texas Education Agency.

[Tex. Educ. Code § 11.201\(d\); 84th Leg., R.S. HB 1706](#)