

**Sec. 1. DEFINITIONS**

- A. “Custodian” means the appointed or designated UT Tyler University Academy official who is in charge of an office that creates or receives local government records.
- B. “Essential record” means any UT Tyler University Academy record necessary to the resumption or continuation of operations of UT Tyler University Academy in an emergency or disaster, to the recreation of the legal and financial status of UT Tyler University Academy, or to the protection and fulfillment of obligations to the people of the state.
- C. “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.
- D. “Records” 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 UT Tyler University Academy or any of its officers or employees, pursuant to law or in the transaction of public business. The term “records” does not include:
1. Extra identical copies of documents created only for convenience of reference or research by UT Tyler University Academy officers or employees;
  2. Notes, journals, diaries, and similar documents created by UT Tyler University Academy 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.
- E. “Records control schedule” means a document prepared by or under the authority of a records management officer listing the records maintained by UT Tyler University Academy, their retention periods, and other records disposition information that the UT Tyler University Academy 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.

- G. “Records Management Officer” means the person designated in Section 6 of this policy.
- H. “Records Retention Schedule” means a document issued by the Texas State Library and Archives Commission under authority of Subchapter J, Chapter 441, Government Code, establishing mandatory retention periods for local government records retained by UT Tyler University Academy.
- 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
- J. All portions of this policy will apply to records that were created by and for UT Tyler University Academy specifically.
- K. Any records that are produced by UT Tyler University Academy for or in collaboration with The University of Texas at Tyler will abide by the University’s established records management policies as defined at <https://www.uttyler.edu/recordsretention/>. These records include but may not be limited to financial records and human resource records.

*Loc. Gov’t Code 201.003.*

**Sec 2. DUTIES OF UT TYLER UNIVERSITY ACADEMY**

UT Tyler University Academy shall:

1. Submit to the director and librarian of TSLAC the name of UT Tyler University Academy’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 203I041 that UT Tyler University Academy 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 UT Tyler University Academy 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 and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of UT Tyler University Academy and designed to furnish the information necessary to protect the legal and financial rights of UT Tyler University Academy, the state, and persons affected by UT Tyler University Academy’s activities;
4. Facilitate the identification and preservation of UT Tyler University Academy records that are of permanent value;
5. Facilitate the identification and protection of essential UT Tyler University Academy 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 records as defined in Section 1-C of this policy are hereby declared to be the property of UT Tyler University Academy. No UT Tyler University Academy official or employee has, by virtue of his or her position, any personal or property right to such records, even though he or she may have 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 carrying out the policies and procedures established by UT Tyler University Academy 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 UT Tyler University Academy business and the services, programs, and duties for which they and their staff are responsible; and

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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 UT Tyler University Academy's records management program and the requirement 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 UT Tyler University Academy'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 with the director and librarian of TSLAC within 30 days after the date of the designation. Any subsequent designation 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 designates an office or position rather than an individual, a new holder of the office or position must file his or her name with TSLAC within 30 days after the date of assuming the office or position.

*Loc. Govt Code 203.025*

***b) Designation of UT Tyler University Academy's Records Management Officer***

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

***c) Duties of Records Management Officer***

The UT Tyler University Academy Records Management Officer shall:

1. Assist in establishing and developing policies and procedures for UT Tyler University Academy'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 b 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 UT Tyler University Academy's records management program and the requirement 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 UT Tyler University Academy 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.

*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:

Executive Director of Operations  
Executive Director of Curriculum  
Financial Manager  
Special Education Director  
HR Director

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 UT Tyler University Academy, and to properly preserve those records of UT Tyler University Academy 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.

Once approved by the Board, the records management plan shall be binding on all offices, department, divisions, programs, commissions, bureaus, boards, committees, or similar entities of UT Tyler University Academy, 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 program to be administered by the Records Management Officer. The order must provide methods and procedures to enable the Board, Records Management Officer, and records 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 requirement of Local Government Code Title 6, Subtitle C and any rules adopted under it. A

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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 UT Tyler University Academy's website when the law does not specify a posting period.

## **Sec. 9. RECORDS CONTROL SCHEDULES**

The Records Management Officer shall:

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

### ***a) Amending Schedules***

The Records Management Officer shall review UT Tyler University Academy's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by UT Tyler University Academy 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 UT Tyler University Academy 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 of approval of a records control schedule or amended schedule by the officers of UT Tyler University Academy 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



schedule 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.

*13 TAC 7.125*

**Sec. 10. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS AND DIRECTORS**

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

- a. Cooperate with the Records Management Officer in carrying out the policies and procedures established by UT Tyler University Academy 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 UT Tyler University Academy and the requirements of this policy.

**Sec. 11. DESIGNATION OF RECORDS LIAISON OFFICERS**

Each department head and director 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 director 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 director

shall promptly designate another person to fill the vacancy.

A department head or director 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 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.
- d. Bring to the attention of the Superintendent non-compliance by department heads, principals, or other UT Tyler University Academy personnel with the policies and procedures of the records management program or the Local Government Records Act.

**Sec. 13. DESTRUCTION OF RECORDS**

A UT Tyler University Academy 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 UT Tyler University Academy 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 of or obliteration of the records, pursuant to state law; and
2. The records are defined as exempt from scheduling or filing requirement 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*

UT Tyer University Academy 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*

**Sec. 14. RECORDS OFFENSES**

A Board member or UT Tyler University Academy 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.

UT Tyler University Academy records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirement of Chapter 205, Local Government Code and rules adopted by TSLAC.

*Loc. Gov't Code 204.002*

UT Tyler University Academy record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirement 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 service. 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**

UT Tyler University Academy 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)(I).*

The Special Education Director or designee will serve as the records custodian for UT Tyler University Academy with respect to special education records.