

MODEL ORDINANCE OR ORDER
RECORDS MANAGEMENT RESOLUTION

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act HB 1285) provides that a school district must establish by Resolution an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the Kerrville Independent School District desires to adopt a Resolution for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; **NOW THEREFORE**:

BE IT ORDAINED BY THE
BOARD OF TRUSTEES OF THE KERRVILLE INDEPENDENT SCHOOL DISTRICT

SECTION 1. DEFINITION OF SCHOOL DISTRICT RECORDS. All documents, papers, letters, books, maps, photographs, sound or video recordings, 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 the state, created or received by Kerrville Independent School District or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the Kerrville Independent School District and shall be created, maintained, and disposed of in accordance with the provisions of the Resolution or procedures authorized by it and in no other manner.

SECTION 2. ADDITIONAL DEFINITIONS. (1) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the Kerrville Independent School District that creates or receives records.¹

(2) "Essential record" means any record of the Kerrville Independent School District necessary to the resumption or continuation of operations of the Kerrville Independent School District in an emergency or disaster, to the re-creation of the legal and financial status of the Kerrville Independent School District, or to the protection and fulfillment of obligations to the people of the state.

(3) "Permanent record" means any record of the Kerrville Independent School District for which the retention period on a records control schedule is given as permanent.

(4) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the Kerrville Independent School District, their retention periods, and other records disposition information that the records management program may require.

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(5) "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.

(6) "Records liaison officers" mean the persons designated under Section 10 of this Resolution.

(7) "Records management committee" means the committee established in Section 6 of this Resolution.

(8) "Records management officer" means the person designated in Section 5 of this Resolution.

(9) "Records management plan" means the plan developed under Section 7 of this Resolution.

(10) "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.

SECTION 3. SCHOOL DISTRICT RECORDS DECLARED PUBLIC PROPERTY. All school district records as defined in Sec. 1 of this Resolution are hereby declared to be the property of the Kerrville Independent School District. No Kerrville Independent School District 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.

SECTION 4. POLICY. It is hereby declared to be the policy of the Kerrville Independent School District to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all school district records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

SECTION 5²

Version 1. (Not applicable)

Version 2. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The Assistant Superintendent of Business and the successive holders of said office shall serve as Records Management Officer for the Kerrville Independent School District. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

SECTION 6. (NOT APPLICABLE)

SECTION 7. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.⁵ (a) The Records Management Officer and the Records Management Committee shall develop a records management plan for the Kerrville Independent School District for submission to the Board of Trustees. The plan must contain policies and procedures designated to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the school district, and to properly preserve those records of the school district 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 Resolution effectively.

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

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this Resolution and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the Kerrville Independent School District.

SECTION 8. DUTIES OF RECORDS MANAGEMENT OFFICER.⁶ In addition to other duties assigned in this Resolution, the Records Management Officer shall:

(1) administer the records management program and provide assistance to department heads in its implementation;

(2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(3) in cooperation with department heads identify essential records and establish a disaster plan for each school district office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(4) develop procedures to ensure the permanent preservation of the historically valuable records of the school district;

(5) establish standards for filing and storage equipment and for recordkeeping supplies;

(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the Kerrville Independent School District;

(7) provide records management advice and assistance to all school district departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;

(8) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the school district's records control schedules are in compliance with state regulations;

(9) disseminate to the Board of Trustees and department heads information concerning state laws and administrative rules relating to local government records;

(10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(11) direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this Resolution;

(12) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of school district is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(13) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(14) report annually to the Board of Trustees on the implementation of the records management plan in each department of the Kerrville Independent School District, including summaries of the statistical and fiscal data compiled under Subsection (13); and

(15) bring to the attention of the Board of Trustees non-compliance by department heads or other school district personnel with the policies and procedures of the records management program or the Local Government Records Act.

SECTION 9. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS. In addition to other duties assigned in the Resolution, department heads shall:

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the Kerrville Independent School District for the efficient and economical management of records and in carrying out the requirements of this Resolution;

(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) 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 Kerrville Independent School District and the requirements of this Resolution.

SECTION 10. (Not applicable)

SECTION 11. (Not applicable)

SECTION 12. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE. (a) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record.⁷ Records control schedules shall also contain such other information regarding the disposition of school district records as the records management plan may require.⁸

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the Kerrville Independent School District.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head and the Assistant Superintendent of Business.

(d) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

SECTION 13. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE. (a) A records control schedule for a department that has been approved and adopted under Section 7 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the Records Management Committee that the record be retained for an additional period.¹⁰

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Records Management Committee.¹¹

SECTION 14. DESTRUCTION OF UNSCHEDULED RECORDS. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

SECTION 15. RECORDS CENTER.¹² A records center, developed pursuant to the plan required by Section 7, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 7.

SECTION 16. MICROGRAPHICS.¹³ Unless a micrographics program in a department is specifically exempted by order of the Board of Trustees, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of school district records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.