



Texas Association of School Boards

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Records Management Basics for School Board Members

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School board members often hear about the daunting challenges of storing and managing the district's information. Why aren't records just deleted when students are withdrawn, employees leave, or construction projects end? This article provides basic information for board members about records retention under the Texas Local Government Records Act (LGRA).

For information on administrative duties related to records retention, see TASB Legal Services' [Records Management for School District Administrators](#).

For more discussion about other legal issues implicated when board members use technology, see TASB Legal Services' [Trustees and Technology](#).

1. What is records management?

Records management is the application of techniques to create, use, maintain, retain, preserve, and dispose records in a way that reduces costs and improves efficiency of recordkeeping. Tex. Gov't Code § 441.151(10). Managing records involves developing control schedules, managing storage and retrieval systems, protecting essential and permanent records, and controlling how information is created, economically stored, and circulated for use.

2. What is the LGRA?

The LGRA, or Subchapter C of Title 6 in the Texas Local Government Code, outlines how local governments, including school districts, must preserve and retain records and when records may be destroyed. The LGRA also prescribes uniform standards for microfilming and storing electronic records. Tex. Loc. Gov't Code §§ 201.001-205.010.

3. What is the role of TSLAC?

The Texas State Libraries and Archives Commission (TSLAC) is the state agency responsible for assisting school districts and other local governments in complying with the LGRA. Among other duties outlined in state law, TSLAC is required to set minimum retention time periods for local government records. Tex. Gov't Code § 441.167.

4. Must a district create and maintain district records?

Yes. The LGRA is not optional. All local government entities, including school districts, must create and maintain adequate records documenting and supporting their organization, functions, policies, decisions, procedures, and essential transactions. Districts must also protect and preserve records defined as essential or having permanent value. Compliance with the LGRA ensures that districts have information necessary to protect the legal and financial rights of both the district itself and people or entities affected by the district's activities. Tex. Loc. Gov't Code § 203.021.

5. Must a district establish a records management program?

Yes. A district must establish a records management program (RMP) for the efficient and economical management and preservation of all district records. Tex. Gov't Code § 441.169; Tex. Loc. Gov't Code § 203.021.

6. Must a district designate an employee to implement the district's RMP?

Yes, the LGRA requires a school district board of trustees to designate an individual or a position at the district to serve as the records management officer (RMO) for the district. Tex. Loc. Gov't Code § 203.025(a).

7. How does a board appoint an RMO to oversee the district's RMP?

Boards appoint the specific individual or position to oversee the performance of records management functions prescribed by state and federal law by adopting board policy CPC(LOCAL). See TASB Model Policy CPC(LEGAL) and (LOCAL).

8. To comply with the LGRA, what must a district file with TSLAC?

A district must submit to TSLAC the following information:

- the name of the records management officer, or RMO (and new replacements thereafter);
- the board policy establishing an RMP that complies with the LGRA [See TASB Model Policy CPC(LOCAL)];
- timely notification prior to destroying a record that does not appear on a TSLAC records retention schedule; and
- written certification that the district's records control schedule complies with the LGRA, the TSLAC's minimum retention periods, and any other state and federal requirements.

Tex. Gov't Code § 441.169; Tex. Loc. Gov't Code § 203.041(a).

Forms for submissions can be found on [TSLAC's website](#).

9. What is considered a record or a local government record subject to the LGRA?

The LGRA defines the terms *record* and *local government record* to include any information that is created or received by a local government or any of its officers or employees pursuant to law or in the transaction of public business. Tex. Loc. Gov't Code § 201.003(8), (11). A record's physical form, characteristic, or access restrictions are irrelevant under the state's definition.

10. What is not considered a local government record subject to the LGRA?

The term *local government record* does not include the following:

- Extra identical copies of documents created only for convenience of reference or research;
- Notes, journals, diaries, and similar documents created for a district trustee's or employee's personal convenience;
- Blank forms, stocks of publications, and library and museum materials acquired solely for the purposes of reference or display;
- Copies of documents in any media furnished to the public under state law; or
- Certain alternative dispute resolution documents as defined in the LGRA.

Tex. Loc. Gov't Code § 201.003(8).

For example, notes taken by a board member during a meeting for personal convenience or duplicate copies of materials distributed at board meetings would not be considered district records subject to retention. However, records that are not subject to retention under the LGRA may still be subject to public disclosure under the Texas Public Information Act (PIA).

11. What is the difference between the LGRA and the PIA?

The LGRA generally governs the life cycle of records, focusing on how records are created, preserved, maintained, and destroyed, including the minimum time period that each record type must be retained by a district. The PIA governs access by the public to all district information that meets the legal definition of *public information*. Therefore, the PIA may require a district to allow a member of the public to access existing district information, even when the LGRA does not require the information to be preserved or retained as a record. Similarly, the LGRA may require records to be retained even when the records are not subject to public disclosure under the PIA.

Under both laws, the nature of the content—not the form or format—of a district’s information determines whether information must be disclosed under the PIA or retained under the LGRA.

12. What is a records control schedule?

A *records control schedule* is a document listing the records maintained by a local government, the records’ retention time periods, and other records disposition information required by the local government’s records management plan. Tex. Loc. Gov’t Code § 201.003(12). A school board or a board’s designee must determine the retention period for each record on the district’s records control schedule. Tex. Loc. Gov’t Code § 203.042(a). A retention period may not be shorter than a retention period prescribed by a state or federal law, regulation, or rule of court, or a retention period established on a records retention schedule issued by TSLAC. Tex. Loc. Gov’t Code § 203.042(b). In other words, a district may keep records for a longer—but not shorter—time than the minimum time period set by TSLAC or the district’s own records control schedule.

13. What is the difference between a records control schedule and a records retention schedule?

The two terms merely provide statutory distinction. The LGRA uses the term *records control schedule* to describe minimum time periods adopted by a district for records retention, and *records retention schedule* to describe minimum time periods adopted by TSLAC for records retention. A district must adopt time periods for its records control schedule that meet or exceed the time periods in the records retention schedules established by TSLAC.

14. What do TSLAC’s records retention schedules provide districts?

TSLAC issues [records retention schedules](#) that prescribe minimum time periods for which various records common to local governments must be retained. Each schedule groups records into categories based on the content of the record. Each category is assigned a minimum time period for which a record in that category must be stored before it can be legally destroyed. Most districts adopt the retention time periods established by TSLAC’s retention schedule for their own control schedules. A few districts create their own longer retention periods. Some districts may also have record types unique to their own districts that require supplemental retention periods to be added to their control schedule. TSLAC recommends local governments contact TSLAC prior to establishing new record titles, series, and retention periods to ensure proper identification of records that districts cannot locate on TSLAC’s schedules.

For examples of common records created by board members subject to retention, see TASB Legal Services’ [Board Member Responsibilities as Temporary Custodians](#).

15. What is the penalty for violating the LGRA?

It is a criminal, Class A misdemeanor offense for a board member or district employee to knowingly or intentionally violate the LGRA by destroying or *alienating* (meaning, to sell, donate, loan, transfer, or otherwise pass custody) a local government record in contravention of the law or by intentionally failing to deliver records to a successor. In addition, a board member or district employee who knowingly or intentionally destroys a district record can be held personally liable if the destruction is not in compliance with the LGRA and rules adopted under it. Tex. Loc. Gov't Code §§ 202.006-.008.

16. How can a board member avoid violating the LGRA?

Board members can reduce the risk of violating the LGRA by not using personal technology devices or accounts when conducting school business, which can cause the creation of original *local government records* as defined by the LGRA. When a board member, instead of the District, is in possession, custody, or control of an original record (rather than a duplicate or convenience copy of the record), the member becomes a *temporary custodian* of the record. This means the board member is legally required to protect the record as if the member were the governmental body, or the school district. Thus, using district devices or email accounts to conduct school business instead of personal accounts or devices can ensure original records are maintained by the District rather than by the board member. See Tex. Loc. Gov't Code § 202.001(a); 13 Tex. Admin. Code § 7.78(a) (prohibiting destruction of a *local government record* unless authorized by law). See also Tex. Gov't Code § 552.004(b) (governing the preservation, destruction, or other disposition of records held by a temporary custodian).

17. How can boards help district employees avoid violating the LGRA?

Some boards adopt acceptable-use policies prohibiting employees from using the district email system to send personal messages or conduct personal business. Most boards, understandably, allow incidental use of district email systems so long as such use does not disrupt district operations. See TASB Model Policy CQ(LOCAL). In districts that allow some personal use of district devices and accounts, employees can be trained or instructed to delete or forward to a personal email account all personal communications and documents, including scanned files, messages, pictures, video clips, jokes, poems, and music. Employees should not save these documents on the district network or on the local hard drive.

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/business/documents/records-management-basics-for-school-board-members.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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