

November 27, 2017

To the Administrator Addressed:

Subject: School districts and charter schools encouraged to document loss of records due to Hurricane Harvey

The purpose of this letter is to encourage school districts and open-enrollment charter schools to take immediate action and document the loss of records due to Hurricane Harvey, and to maintain that documentation locally. Timely and thorough documentation of a records loss may mitigate against certain state and federal audit, compliance, and monitoring findings and issues. If your school district or open-enrollment charter school documents its records loss, TEA will work with you, to the extent that is legally possible, to avoid findings related to TEA compliance monitoring and audit work.

Documentation that you could prepare might include an internal memo explaining the type of record, date and reasons for creation, reason for the loss, efforts to secure or reconstruct the record, and any efforts to comply with laws regarding lost record retention and production, as applicable.

At a minimum, school districts and open-enrollment charter schools should consider documenting records loss related to the following state and federal requirements, which are subject to TEA review or audit:

- *The Student Attendance Accounting Handbook (SAAH)* requires school districts and open-enrollment charter schools to retain student attendance accounting information for five years (SAAH, 1.4) and to provide the documents to TEA auditors as part of an audit or review (SAAH, 1.5).
- The Texas Administrative Code (TAC) requires school districts and open-enrollment charter schools to retain records related to teacher service records and determinations of creditable years of service (19 TAC Chapter 153, Subchapter CC).
- The General Education Provisions Act (GEPA) requires that financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal grant award must be retained for a period of five years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient (GEPA §81.31[c]).
- The Local Government Code (Subtitle C, Title 6) and Government Code (Subchapter J, Chapter 441) establish requirements for retaining records related to public schools, including a charter school and its campuses or a charter holder. These records are subject to the retention schedule outlined and issued

by the Texas State Library and Archives Commission, and include, but are not limited to, student academic achievement records, special education program records, home language surveys, Section 504 program records, dyslexia program records, bilingual and special language records, Migrant Student Record Transfer System (MSRTS) records, accreditation records, teacher service records, and teacher performance appraisal records. More details about the local records retention schedule are available online at www.tsl.texas.gov/slr/recordspubs/sd.html.

FERPA Requirements

We have been asked about Family Educational Rights and Privacy Act (FERPA) issues associated with record loss. There do not appear to be any specific FERPA ramifications from records loss. FERPA does not require school districts and open-enrollment charter schools to notify parents in the event that student records are destroyed.

Financial Records

As a best practice, TEA recommends that school districts and open-enrollment charter schools that have lost records such as bank statements, property leases, and vehicle titles should consider requesting replacement copies from the appropriate entities as soon as possible.

Sincerely,

Kara Belew
Deputy Commissioner of Finance