

## **Senate Bill 944 – What You Need to Know**

What is Senate Bill 944?

- Senate Bill 944 is a law that will go into effect on September 1, 2019. It amends the Public Information Act by adding a definition for temporary custodians and imposing requirements on handling public information in a temporary custodian's possession.

What is a temporary custodian?

- A temporary custodian is a current or former employee or trustee who created or received public information in the transaction of official business or in their official capacity.

What does that mean? Who is or may become a temporary custodian?

- You, if you have ever sent or received communications regarding District business (i.e. grades, volunteering, extracurricular practices, etc.) and have this information in your possession.

What does this mean to me?

- Any information in your possession, custody, or control relating to the District business does not belong to you.
- You have no personal or property right to this information even if it's on your personal device (i.e. your cell phone).
- You must surrender or return information within 10 days of a request from the public information officer.

Does this mean the District can go through my cell phone?

- Yes and no. The District's Public Information Officer ("PIO") has a duty to make reasonable efforts to obtain public information. If the PIO has a reasonable belief that you have public information on your personal device, the PIO has a duty to use reasonable efforts to retrieve that information.

What am I supposed to do moving forward?

- If you receive a communication (i.e. text message or personal email) relating to District business, email the communication to your District email address and delete it from your personal phone or email.
- The subject line of the email should include the student's/parent's/staff member's name plus a brief explanation, i.e. John Doe band practice.

- Refrain from sending any communications related to District business to other employees, parents, students, and volunteers from your personal device (i.e. text messages or personal email).

If I can't text, then how do I communicate with employees, parents, and volunteers?

- Use your District email to communicate with other employees, parents, and volunteers. This is the easiest way to ensure the District has access to the information.

What about communicating with students?

- Whenever you need to communicate with students, utilize your District email, if applicable, or a District-designated app.
- Do not text or message students from your personal device unless through a District-designated form of communication.
- Always include a parent, guardian, or supervisor on any communications with students.

What happens if I don't follow this guidance?

- If you choose to violate Senate Bill 944 by deleting public information or failing to forward it to the Public Information Officer, you are subject to discipline and all penalties under the law, which may include criminal and civil remedies.
- If you choose not to comply with District policy or regulations, you are subject to disciplinary consequences as set forth in District policies.

How long does the District have to retain information?

- It depends on the information. Some of the most common retention periods include:
  - Academic records for grades 9-12: permanently
  - Correspondence to and from parents or guardians concerning attendance: as long as administratively valuable
  - Records relating to removal to DAEP, suspension, or expulsion, including any correspondence: 5 years
  - Records relating to other forms of discipline, including any correspondence: as long as administratively valuable
  - Notifications from law enforcement regarding an arrest of a student: destroy at the end of the school year in which the notification was issued
    - Remember, Tex. Educ. Code §37.017 prohibits a notification from being attached to a student's permanent academic record

Examples of correspondence that is not "District business":

- "What time is lunch?"

- “Happy Birthday!”
- “Happy Holidays”

Examples of correspondence that is “District business”:

- “I’m going to be in late tomorrow.”
- “Can you cover for me in the meeting this afternoon?”
- “I’m working on evaluations right now.”
- Remember, any communication or information about a student, parent, or staff member is likely District business and should be preserved.

Who do I talk to if I have questions?

- Contact your principal.