

# POLICY EH

## Board of Education Las Cruces Public Schools

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Related Entries: EH-R  
Responsible Office: Chief of Staff

### RECORDS RETENTION

#### I. PURPOSE

The Board of Education desires to ensure that District public records are maintained in a cost-effective, efficient and legal manner. Therefore, all employees and agents shall adhere to the records retention schedules adopted by the New Mexico Commission of Public Records. (1.21.2 NMAC)

#### II. DEFINITIONS

- A. “*Archive*” means the permanent records of the District assessed to have significant historical value to warrant their preservation by the District.
- B. “*Disposition*” means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- C. “*Historical*” means records deemed to have archival value by the Board or the Superintendent.
- D. “*Non-record*” means extra copies kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of District and library material intended only for reference or exhibition. The following specific types of materials are non-records:
  - 1. materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the District;
  - 2. extra copies of official records;
  - 3. preliminary drafts;
  - 4. blank forms;
  - 5. transmittal letters or forms that do not add information;
  - 6. sample letters; and
  - 7. reading files or information files.
- E. “*Official copy of records*” is the single record determined to be the official copy for the purposes of fulfilling the retention requirement.

- F. **“Public records”** means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the District in pursuance of law or in connection with the transaction of public business or preserved, or appropriate for preservation, by the District as evidence of the organization, functions, policies, decisions, procedures, operations of other activities, of the District or because of the informational and historical value of data contained therein. Library material, curriculum, lesson plans and extra copies of documents preserved only for convenience of reference and stocks of publications and processed documents are not included.
- G. **“Retention”** means the period of time during which the official copy of record shall be maintained by an organization because they are needed for operational, legal, fiscal, historical, or other purposes.
- H. **“Transitory”** means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

### **III. BACKGROUND**

- A. District retention schedules establish mandatory minimum retention period for records that are associated with the District.
- B. No employee or designated agent may dispose of a record listed in the records management schedule prior to the expiration of its retention period.
- C. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the District records management programs.
- D. Actual disposal of public records by a District employee or designated agent is subject to administrative regulations established in the District’s records management program.

### **IV. POSITION**

- A. The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in the records management schedule are maintained electronically, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in the schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (e-mail), websites, and electronic publications.

- B. Unless otherwise stated, the retention period for a record is in calendar years from the date of the trigger event.
- C. The retention period, unless otherwise noted, applies to an official record as distinct from convenience or working copies created for informational purposes.
- D. Where several copies of a record are maintained, the designated records custodian should decide which shall be the official record and where the record will be maintained.
- E. The destruction of a District record at the expiration of its retention period is prohibited under the following:
  - 1. The record is known by the District to be in litigation;
  - 2. The record is subject to a pending request for disclosure under the Inspection of Public Records act;
  - 3. There is an outstanding request to inspect and review the record under the federal Family Educational Rights and Privacy Act (FERPA); or
  - 4. The record is subject to a pending audit or if questions remain unresolved from a conducted audit until audit findings are resolved.
- F. The Superintendent shall promulgate a regulation for the enforcement of this policy.

**V. REVIEW**

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

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*Board of Education, President*

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*Date Approved*

*History:* New policy

*Legal Reference:* 1.21.2 NMAC