School records are essential assets of the Rio Rancho Public School District (“District”), and include any and all documents, regardless of form or medium, created or maintained by an employee of the District. Certain types of records must be created and maintained pursuant to state and federal laws. However, all types of records – Public and Non-Public, paper and electronic – may be subject to discovery rules in the event of litigation, and the District must be able to implement procedures for preserving any and all types of records that may be relevant to a threatened or pending legal dispute.

In order to ensure that the District fully complies with all records retention requirements, the Board of Education for the District authorizes the Records Retention Committee to develop procedures and protocols for managing the Life Cycle of the District’s Records in compliance with this Policy, the New Mexico Inspection of Public Records Act, NMSA 1978, § 14-2-1 et seq., and the rules and regulations developed by the New Mexico State Commission of Public Records. At a minimum, the procedures developed by the Records Retention Committee must address the following:

1. Management of the Life Cycle of the District’s Records. “Life Cycle” shall mean the time period from the creation or receipt of a record through its useful life to its final disposition. The five stages of the life cycle of a record include (1) creation; (2) distribution and use; (3) storage and maintenance; (4) retention and disposition; and (5) archival preservation for records of historical or informational value. 1.13.10.7 I. NMAC. Procedures for managing the Life Cycle of the District’s records shall include, at a minimum, the following:

   A. A method for identifying and inventorying the District’s Records in order to determine whether a record is a Public Record or Non-Public Record, and whether the record must be marked as Confidential.

   B. A method for periodically evaluating the identified records and determining the appropriate retention periods for each type of identified record. The retention period for a particular record may depend upon statutory or regulatory requirements; audit requirements; or the practical need of the District to maintain certain records that may have administrative value; evidentiary value in the event of threatened or pending litigation; or informational value at the time of the evaluation.

   C. A method for maintaining and storing District Records.

   D. A method for the disposition and destruction of District Records. Public Records must be destroyed pursuant to the rules, regulations and retention schedules developed by the State Commission of Public Records and the District’s Records Retention and Disposition Schedules. While the State Commission of Public Records provides some guidance for the destruction of Non-Public Records, the Records Retention Committee must develop a regular and systematic schedule for destroying Non-Public Records. No District Records shall be destroyed without prior authorization.
E. A method for coordinating with and transferring records to the State Commission of Public Records for the maintenance, retention and destruction of the District’s Public Records, if necessary.

2. Management of Electronically Stored Information, including, at a minimum, procedures for:
   A. Identifying and classifying Electronically Stored Information as either Public Records or Non-Public Records.
   B. Developing a storage method that allows Electronically Stored Information to be maintained and stored in conformance with the same maintenance, retention and disposition requirements for paper records.
   C. Develop a regular and systematic schedule for creating, maintaining and destroying backup tapes of Electronically Stored Information. These backup tapes shall be used only for disaster recovery, and not as a source of readily available information.

3. Implementation of a Litigation Hold on the District’s Records in the event that litigation is threatened or pending, including, at a minimum, procedures for:
   A. Identifying when a Litigation Hold may be necessary;
   B. Designating individuals who are responsible for implementing the Litigation Hold;
   C. Searching and identifying the types of District Records that are subject to the Litigation Hold;
   D. Storage and maintenance of the identified Litigation Hold Records as segregated records;
   E. Identifying when a Litigation Hold is no longer necessary and developing a method for how to retain and/or destroy the District Records that had been subject to the Litigation Hold in compliance with the District Retention and Disposition Schedules.

4. Communicating the requirements of this Policy to all District employees on an annual basis and ensuring compliance therewith.

5. Developing qualifications and a method by which the Records Retention Committee designates a Records Custodian for each District school and/or department.

All employees are expected to fully comply with this Policy. Failure to comply with this Policy may result in serious consequences for both the District and non-complying employee, and may result in a disciplinary action against the non-complying employee, including suspension, discharge or termination.
Definitions.

“Confidential” shall mean information provided to, created by or maintained by the District and that is exempt from release under state or federal laws, because disclosure would cause substantial harm or constitute an invasion of privacy, or is otherwise prohibited by law or District Policy. 1.13.30.7 D. NMAC.

“Disposition” shall mean the final action that puts into effect the results of an appraisal decision for a record series (e.g., transfer to archives or destruction). 1.13.30.7 I. NMAC.

“Electronically Stored Information” shall mean any information that is recorded in a form that only an electronic device can process. This includes, but is not limited to, email, word processing documents, electronic calendars, and information contained on a website, information stored on computers Personal Digital Assistants (“PDAs”) and other devices used to conduct the business of the District.

“Litigation Hold” shall mean an order by the Superintendent, or his/her Designee, to suspend regular retention/destruction procedures so that all information, whether Public Record or Non-Public Records, paper or electronic, relating to the subject of threatened or current litigation be preserved for possible discovery production.

“Non-Records” or “Non-Essential Records” shall mean extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of the District and library material intended only for reference or exhibition. The following specific types of materials are non-records:

- materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency;
- extra copies of correspondence;
- preliminary drafts;
- blank forms, transmittal letters or forms that do not add information;
- sample letters;
- reading files or informational files;
- preliminary and non-final drafts of letters, reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the board, department or subdivision thereof is reached, including:
  - shorthand notes;
  - steno tapes; and
- mechanical recordings which have been transcribed, except where noted on agency retention schedules;
- routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above;
- stocks of publications already sent to archives and processed documents preserved for supply purposes only;
- form and guide letters, sample letters, form paragraphs; and subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). 1.13.30.7 K.; 1.20.2.7 K. NMAC.
“Public Records” shall mean all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by the District (or an employee thereof) in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the District or its legitimate successor, as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. NMSA 1978, § 14-2-2; 1.20.2.7 J. NMAC.

“Records” shall mean information preserved by any technique in any medium now known, or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology. The term “Records” shall refer to both the District Public and Non-Public Records. 1.13.30.7 O. NMAC.

“Records Custodian” shall mean any person responsible for the maintenance, care or keeping of the District’s Public Records, regardless of whether the records are in that person’s actual physical custody and control. NMSA 1978, § 14-2-6.

“Records Retention Committee” shall mean a committee comprised of, at a minimum, the District Document Management Specialist, the Superintendent, and the Custodian of Records for each District school or department. Additional members of the Records Retention Committee may be included at the discretion of the Superintendent.

“Records Retention and Disposition Schedules” shall mean the District’s timetable, in compliance with the New Mexico State Commission of Public Records rules and regulations, for the Life Cycle of the District’s records and providing authorization for their disposition. The District’s Records Retention and Disposition Schedules are attached hereto as Appendix A.

“Retention” shall mean the period of time during which records shall be maintained by the District because they are needed for operational, legal, fiscal, historical or other purposes. Retention requirements are established in Records Retention and Disposition Schedules that are approved by the State Commission of Public Records, as well as this Manual. 1.13.30.7 W. NMAC.