

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 18      EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)**  
**PART 927         ERRDS, NEW MEXICO SCHOOL FOR THE DEAF**

**1.18.927.1        ISSUING AGENCY:** Commission of Public Records - State Records Center and Archives  
[1.18.927.1 NMAC - Rp, 1.18.927.1 NMAC, 01/10/2005]

**1.18.927.2        SCOPE:** New Mexico school for the deaf  
[1.18.927.2 NMAC - Rp, 1.18.927.2 NMAC, 01/10/2005]

**1.18.927.3        STATUTORY AUTHORITY:** Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.  
[1.18.927.3 NMAC - Rp, 1.18.927.3 NMAC, 01/10/2005]

**1.18.927.4        DURATION:** permanent  
[1.18.927.4 NMAC - Rp, 1.18.927.4 NMAC, 01/10/2005]

**1.18.927.5        EFFECTIVE DATE:** January 10, 2005 unless a later date is cited at the end of a section.  
[1.18.927.5 NMAC - Rp, 1.18.927.5 NMAC, 01/10/2005]

**1.18.927.6        OBJECTIVE:** To establish a record retention schedule for the management and orderly retirement of records necessary for the carrying out of the Public Records Act.  
[1.18.927.6 NMAC - Rp, 1.18.924.6 NMAC, 01/10/2005]

**1.18.927.7        DEFINITIONS:**

- A.        "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B.        "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C.        "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- D.        "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- E.        "Public records"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency 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 (Section 14-4-2 NMSA 1978).
- F.        "Non-record"** "Non-record" means extra copies of documents kept solely for convenience of reference and stocks of publications, records not usually included within the scope of the official records of an agency or government entity, 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 or other material summarized in final or other form and which have no value once action has been taken; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- G.        "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- H.        "Records retention and disposition schedule"** means a document prepared as part of a records retention program that lists the period of time for retaining records. (also referred to as reading files or information files). See also 1.15.2.101 and 1.15.2.102 NMAC, General Administrative Records Retention and Disposition Schedule for general administrative records.  
[1.18.927.7 NMAC - Rp, 1.18.927.7 NMAC, 01/10/2005]

**1.18.927.8        ABBREVIATIONS AND ACRONYMS:**

- A. “ASL” stands for American sign language.
- B. “DOB” stands for date of birth.
- C. “ERCD” stands for educational resource center on deafness.
- D. “FERPA” stands for Family Educational Rights and Privacy Act.
- E. “FIT” stands for family, infants toddlers.
- F. “IDEA” stands for Individual Disabilities Education Act.
- G. “IEP” stands for individual educational plan.
- H. “IFSP” stands for individual family services plan.
- I. “LEA” stands for local educational association.
- J. “NMSD” stands for New Mexico school for the deaf.
- K. “SIS” stands for student information system.
- L. “USC” stands for United States code.

[1.18.927.8 NMAC - N, 01/10/2005]

**1.18.927.9 INSTRUCTIONS:**

- A. For records of a general administrative nature, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.
- B. For records of a financial nature, refer to the General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.
- C. For records of a personnel nature, refer to the General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.
- D. For records of medical nature, refer to the General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.
- E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.
- F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.
- G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.
- H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.
- I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).
- J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems [1.18.927.9 NMAC - Rp, 1.18.927.9 NMAC, 01/10/2005]

**1.18.927.10 [RESERVED]**

**1.18.927.11 ACREAGE FILES:**

- A. **Program:** administrative services
- B. **Maintenance system:** alphabetical by name of land swap agreement

**C. Description:** records concerning acreage owned jointly by the state land office and the NMSD. File may contain: name of county and city in which property is located, legal description, number of acres, monies earned, fiscal year, plats, surveys, appraisals, land swap agreement, action taken, correspondence, etc.

**D. Retention:** six years after property is sold, disposed of, relinquished or lease is terminated  
[1.18.927.11 NMAC - Rp, 1.18.927.205 NMAC, 01/10/2005]  
[Land swap agreement program is administered by the state land office.]

**1.18.927.12 WELL FILES:**

**A. Program:** administrative services

**B. Maintenance system:** alphabetical by location, then by well name

**C. Description:** records concerning water rights for properties owned by NMSD. File may contain location of well, permit to drill, well specifications, well changes, well development, pump information, water testing results, plats, surveys, correspondence, etc.

**D. Retention:** permanent

[1.18.927.12 NMAC - Rp, 1.18.927.203 NMAC, 01/10/2005]

**1.18.927.13 STUDENT FILES:**

**A. Program:** student services

**B. Maintenance system:** chronological by school year, then alphabetical by student's surname

**C. Description:** record concerning students enrolled at NMSD. File may contain application for admission, (name, address, telephone number, DOB, parent's and guardian's name's, grade level, ethnicity, native American registration number), eligibility for special education services, progress reports, counselor reports, prior school records, IEP, diagnostic evaluations, test records, special education reports, *request for information* form; *changes for improvement* form; health records; insurance information; student contact sheet; clinical identification number; medical problems; infirmary visits; hearing test results; immunization records; dental and vision screenings; growth chart, doctors notes and orders; flu shot record; history of physicals, type of therapy; (i.e. physical, health, speech), correspondence; etc.

**D. Retention:**

(1) **Transcript:** 50 years after date of high school graduation or 50 years after student concerned would normally have graduated from high school, whichever applies

(2) **Other student records:** six years after student no longer enrolled

**E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights), and Section 14-6-1 NMSA 1978 (health information).

[1.18.927.13 NMAC - Rp, 1.18.927.206 NMAC, 01/10/2005]

**1.18.927.14 STUDENT IMMUNIZATION SYSTEM:**

**A. Program:** student services

**B. Maintenance system:** numerical by primary key [alphabetical by student surname]

**C. Description:** system used to track student's immunization records. Data include: student name, age, grade level, DOB, type and date immunization given, etc.

**D. Retention:** ten years after student reaches age of majority

**E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights), and Section 14-6-1 NMSA 1978 (health information).

**F. Hardcopy input documents:** All documents used as input for the *student information system* are filed in the individual *student files*. Those documents include the *IEP* form, *IFSP* form and the student immunization record.

**G. Hardcopy output documents:** Because this is a data-based system reports can be generated upon demand. Documents generated by this system include *immunization chart* report, *incomplete immunization status* report, *student rosters*, etc.

[1.18.927.14 NMAC - N, 01/10/2005]

**1.18.927.15 STUDENT INDIVIDUAL EDUCATIONAL PLAN SYSTEM:**

**A. Program:** student services

**B. Maintenance system:** numerical by primary key [student social security number]

**C. Description:** system used to track students' IEP and academic information yearly. Data includes: student information, (name, address, DOB, parent's and guardian's name's), attendance, grades, prescribed services, student assessments, etc.

**D. Retention:**

(1) **Transcript:** 50 years after date of high school graduation or 50 years after student concerned would normally have graduated from high school, whichever applies

(2) **Other student records:** until student reaches age 21.

**E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights) and Section 14-6-1 NMSA 1978 (health information).

**F. Hardcopy input documents:** All information used as input for the *student individual educational plan system* is entered by the system administrator, teachers and other school staff. These documents are generated and kept by appropriate staff.

**G. Hardcopy output documents:** Because this is a data-based system, reports can be generated upon demand. Documents generated by this system include *student transcripts, report cards, diploma, IEP form, etc.* The *IEP form* is filed in *student files*, 1.18.927.13 NMAC.

[1.18.927.15 NMAC - N, 01/10/2005]

[Age when a student would normally graduate high school is 18.]

**1.18.927.16 NMSD PROJECT FILES:**

**A. Program:** development and community relations

**B. Maintenance system:** chronological by school year, then month

**C. Description:** record concerning the layouts of publication designs. File may contain, purchase order, hard copy of brochure, print quotes, design samples, original photographs, design layout, etc.

**D. Retention:**

(1) **Photographs:** until no longer needed for reference then transfer to archives for review [refer to 1.15.2.124 NMAC]

(2) **Publications:** until superseded or until information no longer needed for reference [refer to 1.15.2.307 NMAC]

(3) **All other:** five years after date created

[1.18.927.16 NMAC - N, 01/10/2005]

**1.18.927.17 TEACHER FILES:**

**A. Program:** academic services

**B. Maintenance system:** chronological by school year, then alphabetical by student's surname

**C. Description:** records concerning teacher's school year involvement with students and parents. File may contain principal notes, parent meeting notes, date and time of calls to parents, copies of letters sent to parents, etc.

**D. Retention:** two years from end of school year in which created

**E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights)

[1.18.927.17 NMAC - N, 01/10/2005]

**1.18.927.18 HEARING AID INVENTORY FILE:**

**A. Program:** audiology services

**B. Maintenance system:** alphabetical by manufacturer name, then chronological by date of manufacture

**C. Description:** record concerning hearing aids available to students enrolled at NMSD. File may contain, receiver number, frequency and channel numbers, manufacturer name, serial number, invoice, amount paid, manufacturer operating guide, date shipped, date received, warranty expiration date, purchased for pre-school or high school students, letter requesting repair, vendor name, vendor address, type of hearing aid, etc.

**D. Retention:** until final disposition of hearing aid

[1.18.927.18 NMAC - Rp, 1.18.927.212 NMAC, 01/10/2005]

**1.18.927.19 HEARING AID LOANER FILE:**

**A. Program:** audiology services

**B. Maintenance system:** alphabetical by student name, then chronological by date loaned

**C. Description:** record concerning loaning of hearing aids to students enrolled at NMSD. File may contain student's name, date loaned, manufacturer name, serial number, classroom roster, teacher's name, etc.

**D. Retention:** until hearing aid returned  
[1.18.927.19 NMAC - N, 01/10/2005]

**1.18.927.20 AUDIOLOGY TEST FILES:**

- A. Program:** audiology services
- B. Maintenance system:** chronological by school year, then alphabetical by student last name
- C. Description:** record concerning hearing tests given to NMSD students. File may contain currently or previously enrolled student name, social security number, age, DOB, parent's or guardian's name's, parent's addresses, names of siblings, home phone number, date hearing aid loaned, medical releases, test date, hearing assessment, audio report, evaluation schedule, test data, etc.
- D. Retention:** after two years file is incorporated into the *student file*, 1.18.927.13 NMAC.
- E. Confidentiality:** Portions of file may be confidential per 5 USC 552a (social security number), 20 USCA 1232g (family educational and privacy rights) and Section 14-6-1 NMSA 1978 (health information).  
[1.18.927.20 NMAC - N, 01/10/2005]

**1.18.927.21 STEP HI PROGRAM FILES:**

- A. Program:** early childhood programs and outreach
- B. Maintenance system:** chronological by school year, then alphabetical by surname
- C. Description:** record concerning early childhood and pre-school intervention for children ages zero through six with or at risk of developmental delays due to hearing loss. File may contain child's name, DOB, address, parent's or guardian's name's, level of hearing loss, referral name and date, IEP, IFSP, FIT information, service coordination, name of pre-school attending, student roster, teacher's name, etc.
- D. Retention:** three years after child no longer enrolled in program
- E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights) and Section 14-6-1 NMSA 1978 (health information).  
[1.18.927.21 NMAC - N, 01/10/2005]  
[The FIT program is monitored and original record is kept by the state office of special education. NMSD has a joint powers agreement to provide these services.]

**1.18.927.22 EDUCATIONAL OUTREACH PROGRAM FILES:**

- A. Program:** early childhood programs and outreach
- B. Maintenance system:** alphabetical by school district name, then alphabetical by student surname.
- C. Description:** records concerning hearing loss services provided by NMSD to school districts in New Mexico. File may contain *ERCD referral* form; *educational support services contact log*; *LEA consent for initial observation* form; *release of information permission to provide services* form; *initial school visit report*; *observation and recommendation* report; *outreach plan*; *ERCD recommendations* report; *outreach implementation schedule*; *outreach evaluations*, type of outreach; LEA and family activity and responsibility; LEA representatives; parent name; NMSD outreach specialist signatures; etc.
- D. Retention:** until student reaches age 21
- E. Confidentiality:** Portions of file may be confidential per 20 USCA 1232g (family educational and privacy rights) and Section 14-6-1 NMSA 1978 (health information).  
[1.18.927.22 NMAC - N, 01/10/2005]  
[Outreach participants are not enrolled at NMSD]

**HISTORY OF 1.18.927 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center under:

SRC No. Rule 85-24, Records Retention and Disposition Schedule for New Mexico School for the Deaf, 10/28/85.  
SRC Rule 73-2, Records Retention and Disposal Schedule for New Mexico School for the Deaf, 2/5/73.

**History of Repealed Material:**

1.18.927 NMAC, ERRDS, New Mexico School for the Deaf, filed 06/21/2002 - Repealed effective 01/10/2005.