

State Records Board
Quarter Meeting
April 14, 2005

Acting under the provisions of Kansas Statutes Annotated 45-404 and 75-3504, the State Records Board met on April 14, 2005 in the conference room of the Kansas State Historical Society to consider requests for approval of retention and disposition schedules and of additions to or revisions of such schedules for the following agencies:

Kansas Correctional Industries
Kansas State Library
Kansas Department of Education
Local Government General Schedule
Kansas Department of Corrections

In attendance were: Theresa Bush, (chair), Kansas State Attorney General's Office, Jennie Chinn, Executive Director, Kansas State Historical Society, Dr. Patricia Michaelis, State Archivist, Kansas State Historical Society, Duncan Friend, Department of Administration, DISC, Bill Sowers, State Library, Jeff Hixson, Kansas State Library, Carolyn Bledsoe, Kansas Correctional Industries, Linda Mock, Kansas Correctional Industries, Cynthia Laframboise, State Records Manager, Kansas State Historical Society, Justin Dragosoni-Brantingham, Government Records Archivist, Kansas State Historical Society, Scott Leonard, Electronic Records Specialist, Kansas State Historical Society, Letha Johnson, Archivist, Kansas State Historical Society, Kirsten Hanna, Administrative Assistant, Kansas State Historical Society.

Ms. Bush called the meeting to order at 8:30 a.m. She asked if there were any corrections to minutes from the prior meeting, January 13, 2005. The only correction Ms. Bush recommended was to add the word "there" on page two, in the third sentence in the last paragraph, so that it would read: "Since there are no restrictions.. ,". There were no other changes to the minutes. Ms. Bush asked if there was a motion to approve the minutes. Dr. Michaelis moved that the minutes be approved with the change. Mr. Friend seconded the motion. The minutes were approved.

Ms. Laframboise said the board needed to make a change to the agenda, as the representatives from the Kansas Correctional Industries were on their way to the meeting but had not arrived from Lansing yet. She suggested KCI be moved to the bottom of the agenda.

Kansas State Library

Jeff Hixson attended the meeting to represent the State Library. Ms. Laframboise said the State Library had contacted her regarding a record series that was not listed on the agency retention and disposition schedule which they would like to destroy. They have

scheduled a clean up day and may have further entries as they work throughout that day. Ms. Laframboise stated that at first glance it looked like the library had records dating back thirty years. Ms. Bush asked if there were any questions or comments. Dr. Michaelis questioned the purpose for retaining a permanent record of the annual updates. Ms. Bush asked if the records were ever superseded. Mr. Hixson said the records were updated annually. Ms. Bush recognized that the paper records were a back up to the electronic records maintained. Mr. Hixson said that they were the physical copies but it was easier to access the records electronically. The form institutions submitted is entered into a database and that information is used to produce the annual paper copy. Mr. Hixson wondered if the information in the database, the online information, should be addressed in the schedule. Ms. Bush said the records regulations definitions are really broad and include anything that relates to the business activities of the library should be scheduled. Dr. Michaelis said that Scott Leonard is the electronic records specialist and that he assists agencies with scheduling their electronic records schedules.

The question of outside vendors arose. Mr. Friend asked if there is a precedent set for a vendor which creates an electronic records relationship and what is done when the people creating the records are an outside vendor. Ms. Laframboise responded that the Kansas Lottery and KBI both have outside vendors and that she is working with them to address that issue. Mr. Friend suggested the library look to the other agencies for their experiences. Ms. Bush said she had no further concerns with the addition to the schedule. Ms. Laframboise said she would make the distinction for the paper copies and address electronic records later. Dr. Michaelis asked if some of the older paper copies were on microfiche to which Mr. Hixson said yes but this annual update is on paper. Mr. Hixson said the retention of all annual reports reflected a full paper copy of the entire database and that it was useful to address both formats. Dr. Michaelis suggested two entries, one to retain until no longer useful, and the other one to address annual updates. She then asked, with the change, was there a motion to approve the schedule as amended. Mr. Sowers motioned. Dr. Michaelis seconded and the schedule was approved.

Department of Education

Ms. Johnson has worked on this schedule for over a year. The schedule basically concerns the teacher education licensure program, general schedule entries, and revisions to existing series. Ms. Bush said she had concerns on page two on the third series, the Professional Practices Commission Files, regarding the restrictions K.S.A. 45-221(a)(10) and (11) which refer to criminal and civil investigations. She said that she would prefer to see K.S.A. 45-221(a)(10) removed and suggested that the Department of Education table this series and talk to their counsel as they need better authority to restrict access to the records. These restrictions are not going to work for them. There are other statutes that would better apply and she suggested using K.S.A. 45-221(a)(6), K.S.A. 45-221(a)(9), and K.S.A. 45-221(a)(14). Ms. Johnson said she would take the record series back to the agency and discuss the matter with their legal counsel. Ms. Bush said if a teacher is being investigated then it is a law enforcement record. Ms. Johnson questioned what restricts access to the records once they are archived and once the investigation is

completed. Ms. Laframboise said invasion of personal privacy exception, K.S.A. 45-221(a)(30), might close the records if, for example, a teacher is accused of sexual harassment and then he/she is cleared as the result of an internal investigation. There would be a file generated and maintained. Those records would eventually be transferred to archives but she is not sure there is closure authority for it. Ms. Johnson said she would ask Mr. Bieker, the agency legal counsel, about it. Ms. Bush said the records are open because they were presented in a legal case. Ms. Bush asked for other comments or questions.

Mr. Friend mentioned the Advisory Council Minutes schedule entry is an obsolete series and he asked if this council no longer existed. Ms. Johnson responded that while this team is no longer doing this process, it may exist somewhere else within the agency. Ms. Laframboise added that the agency and the division have gone through numerous reorganizations.

Ms. Bush moved to page five and the record series Teaching and School Administration Professional Standards Advisory Board Files. She said the archives did not include the purging language proviso and Mr. Leonard said that it is not included in the Advisory Council record series either. Ms. Bush asked if the archives staff decided to retain all the records so there would be no purging. Ms. Laframboise confirmed that the board packets would not be purged. Ms. Bush said it was a policy call for the KSHS. Dr. Michaelis' said the meeting minutes and board packets would be kept in their entirety but that the rest of the records could be purged. Ms. Bush reminded the board that people should be able to look at these schedules and get very good guidance as to what to do. Dr. Michaelis reiterated changes to pages one and five, then moved approval of the schedule with the removal of one series for discussion and the addition of purging language. Mr. Sowers seconded. The schedule was approved as amended.

Kansas Correctional Industries

Mr. Dragosani-Brantingham had been working with Carolyn Bledsoe on this retention schedule. Carolyn Bledsoe and Linda Mock arrived from KCI to be present for this discussion and for the rest of the meeting. There were no changes recommended to the schedule. Mr. Friend motioned the schedule be approved. Dr. Michaelis seconded. The schedule was approved without corrections.

Local Government Schedule

Mr. Dragosani-Brantingham worked with the Sedgwick County records officer on this records series. This entry is already listed in the general schedule for state agencies but was not listed on the general schedule for local governments, Ms. Bush asked who is accessing the Systems Users Access records because if they do not close the password files that could cause problems. Dr. Michaelis said we should add "computer system" or "security system" and Ms. Laframboise stated that this language was identical to the state general retention schedule. Mr. Friend said this language needs to parallel the state agency general schedule and that we should not change it unless we change both the state and local general schedules, Ms. Bush said we should not allow people access to the password itself, Mr. Dragosani-Brantingham said these are files that just monitor access to passwords not the passwords themselves. Ms. Bush asked for questions or comments. Mr. Friend moved to approve the schedule as amended. Mr. Sowers seconded, The schedule was approved,

Department of Corrections

Ms. Laframboise worked on this revision to the agency's retention and disposition schedule and that it was initiated by KSHS staff. The records were transferred to KSHS and the volume was unmanageable. She said the information was marginal in content. The previous schedule allowed us to purge the records but it had reached a point where the Historical Society did not have enough staff to purge and there was no sampling system in place, Ms. Bush remarked that the restriction K.S.A. 45-221(a)(29) had to relate to specific individuals and that if the log does not list identifiable inmates then the statute does not apply, The Department of Corrections used that statute to close records before, been sued, and lost in court. The agency applied the statute too broadly. However, Ms. Bush added that it was their battle, let them fight it. She then asked if there was a motion to approve the schedule as written, Ms. Chinn moved to approve the schedule. Mr. Friend seconded. The schedule was approved,

Ms. Bush asked for other business. She mentioned that the Governor had signed the Open Records Act amendments, Dr. Michaelis gave an update on the Governor's Records Bill.

The next meeting was scheduled for July 14th at 8:30 a.m.,

Dr. Michaelis reminded the board that annual reports of this body are now available on KSPACE,

With no further business, the meeting adjourned at 9:45 a.m.

Respectfully submitted,

Patricia Michaelis State Archivist and Secretary,
State Records Board