

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
September 13, 2012
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., September 13, 2012, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Terry Birdwhistell, representing the University of Kentucky; Dave Schroeder, representing the Kentucky Library Association; Linda Potter, representing Citizens-at-Large; Charlann Hall Wombles, representing local governments; William Jones, representing Citizens-at-Large; and Sheila Stuckey, representing regional colleges and universities.

Representatives present: Randy Justice, representing Joseph Meyer, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Jack Conway, Attorney General; Brian Lykins, representing Adam H. Edelen, Auditor of Public Accounts; Glenna Goins, representing Mary E. Lassiter, State Budget Director; Jennifer Frazier, representing John D. Minton, Jr., Chief Justice, Supreme Court; Janet Lile, representing Steve Rucker, Commissioner, Commonwealth Office of Technology.

Members not present or represented: Richard Belding, representing Citizens-at-Large; Robert Sherman, Executive Director, Legislative Research Commission; Tim Goff, representing Citizens-at-Large; Louise Jones, representing the Kentucky Historical Society

Public Records Division staff present: Barbara Teague, Director, Public Records Division; Jerry Carlton, Manager, Local Records Branch; Jim Cundy, Manager, State Records Branch; Pam Compton, Records Analyst; Jackie Arnold, Records Analyst; Mark Myers, Electronic Records Archivist; Beth Shields, Electronic Records Specialist.

Guests Present: Rhonda Monroe and Emily Dennis, Registry of Election Finance; Julie Bickers and Bradley Popp, Cabinet for Health and Family Services; Cynthia Robinson, Department for Public Health; Ivy Alexander, Commission for Children with Special Health Care Needs; Barbara Pauley, Energy and Environment Cabinet, Office of General Counsel; Lisa Lang, Department of Education; and Stephanie Dawson, Department of Financial Institutions.

Onkst called for introductions by those present.

Schroeder made a motion to accept the minutes of the previous Commission meeting, seconded by Stuckey. The vote by members and representatives present was unanimous.

RECORDS RETENTION SCHEDULES

Commission for Children with Special Health Care Needs

Compton was the Records Analyst working on this revised schedule. **Deletions from the Schedule:** Series 03255, Hemophilia Patient Medical Record; and Series 03256, Human Immuno Deficiency Virus Test Results. **Revisions to the Schedule:** *Staff made administrative changes to fifteen (15) series without changing retention or disposition:* Series 03204, Patients' Statement of Account; Series 03240, Grant Project Proposals and Guidelines; Series 03241, Photographs; Series 03242, Licensed Professionals Continuing Education Records; Series 03245, Eligibility Acceptance/Rejection File; Series 03246, Client's Medical Record; Series 03247, Kardex File of Patients; Series 03251, Early Hearing Detection and Intervention Program; Series 03252, Hearing Conservation Program File; Series 03253, Speech and Hearing Reports – Medical; Series 03254, Speech and Hearing Reports – Non-Medical; Series 03258, Patient Progress File – Physical Therapy; Series 03260, Wheelchair Prescription File; Series 03261, Patient Progress File – Occupational Therapy; and Series 05762, Clinic Service Slip.

The Commission for Children with Special Health Care Needs provides care for children with physical disabilities. The agency's mission is to enhance the quality of life for Kentucky's children with special health care needs through direct service, leadership, education and collaboration. The Commission's services are authorized pursuant to KRS 200.460 to 200.499 and KRS 211.640 through 211.647. Services to individuals with Hemophilia are authorized through KRS 200.550 and 200.560. A child receives services from the Commission for Children with Special Health Care Needs if the child is a resident of Kentucky, younger than twenty one (21) years of age, has a medical condition that usually responds to treatment covered by the program, and meets financial guidelines. Services are approved as required by the patient's treatment plan. Services provided include: care coordination, hospitalization, physician services, surgery, lab tests and x-rays, audiology services, medications and medication management, dental/orthodontia, medical supplies/DME, physical therapy, occupational therapy and speech therapy.

This is a new records retention schedule for this agency.

Current schedule date: June 12, 2008

Proposed schedule date: September 13, 2012

Compton presented the schedule revision.

Lile made a motion to approve the schedule revision, seconded by Frazier. The vote by members and representatives present was unanimous.

Registry of Election Finance

Compton was the Records Analyst working on this revised schedule. **Additions to the Schedule:** Series 06337, Unauthorized Campaign Committee File; Series 06338, Contributing Organization; and Series 06339, Independent Expenditure. **Deletions from the Schedule:** Series 03285, Federal Committee File – (Committees); Series 03286, Federal Candidate File – (Individual Filing); and Series 04849, Gubernatorial Slate Media Record File.

The Registry of Election Finance was created by statute in 1966, as an independent agency to administer the statutes pertaining to political campaign and election financing (KRS 121.110). In 1992, the General Assembly enacted the Public Financing Campaign Act and transferred the agency from the Public Protection and Regulation Cabinet to the Department of State (Office of the Secretary of State). The seven members of the Registry are appointed, subject to Senate confirmation, by the Governor, Auditor of Public Accounts, Attorney General, and Secretary of State, in a bipartisan or nonpartisan manner for staggered four-year terms (KRS 121.110). The duties of the Registry include: 1) developing forms for required campaign financial reports; 2) publishing a manual for candidates, slates of candidates and committees, describing campaign finance requirements; 3) preparing and publishing various reports pertaining to receipts and expenditures in campaigns; 4) reviewing financial reports submitted by candidates, slates of candidates and committees, for legal compliance; 5) registering political committees; 6) conducting random audits of receipts and expenditures of local and district campaigns; 7) auditing receipts and expenditures of campaigns for all statewide offices; 8) initiating investigations of possible infractions of campaign finance laws; and 9) referring violations of election laws to the Attorney General or local prosecutor for civil and criminal prosecution. The Registry may also petition the court to enable the Registry's attorney to prosecute campaign finance violations if the Attorney General or local prosecutor does not proceed with the prosecution in a timely manner.

This is a new retention schedule for this agency.

Current Schedule Date: September 8, 1988

Proposed Schedule Date: September 13, 2012

In response to a question by Teague, Dennis said that the six-year retention period for several series is required by statute. The information in any series with a six-year retention period will be summarized in another series with a twelve-year retention period. Examples of these are Executive Committee expenditures such as contributions to candidates or independent expenditure, which have a six-year retention period. These are documented in the candidates' reports and in independent expenditure reports respectively. Each of these has a twelve-year retention period.

Bensenhaver asked whether the twelve-year retention period for Series 00919, Complaints and Investigation File, is adequate to cover frequent repeated violations, especially for purposes of penalizing offenders. Dennis said that the penalties are not progressive. The maximum penalty is \$5,000.00. There is very little reentry into these files.

Lile made a motion to approve the schedule revision, seconded by Stuckey. The vote by members and representatives present was unanimous.

Energy and Environment Cabinet – Office of General Counsel

Compton was the Records Analyst working on this revised schedule. **Revision to the Schedule:** Series 04142, Legal Case File, from "Retain in Agency fifteen (15) years after case closure; transfer to State Records Center for thirty five (35) years; destroy. Total retention is fifty (50) years;" to "Retain in Agency thirty (30) days after case closure. Transfer to State Records Center to be retained fifteen (15) years, then destroy. Total retention is fifteen (15) years, thirty (30) days after case closure."

The Office of General Counsel serves as the legal counsel to the Energy and Environment Cabinet and is part of the Office of Secretary. The Office was created pursuant to KRS 224.10-022. In 2010, the energy and environment areas were combined to create the Energy and Environment Cabinet. There are three departments within the Cabinet: Department of Environmental Protection, Department for Natural Resources and Department for Energy Development and Independence.

This is a new retention schedule for this agency.

Current Schedule Date: June 18, 1992

Proposed Schedule Date: September 13, 2012

Compton presented the revised schedule.

Birdwhistell made a motion to approve the schedule revision, seconded by Schroeder. The vote by members and representatives present was unanimous.

Cabinet for Health and Family Services – Department for Public Health – Division for Maternal and Child Health – Nutrition Services Branch

Compton was the Records Analyst working on this revised schedule. **Addition to the Schedule:** Series 06367, State Plan. **Deletions from the Schedule:** Series 1289, Nutrition Survey; Series 03819, Food Delivery System; Series 03823, Stop Payment Request for Food Instrument; Series 03825, Reconciliation Monthly Control Totals (WFDS Printout); and Series 05477, Training Checklist – Vendors/Drugstores. **Revisions to the Schedule:** Series 03311, Food Instrument, from "Retain in agency

and destroy CD-ROM after three (3) years three (3) months and submission of closeout report and audit;" to "Retain in Agency and destroy after three (3) years and six (6) months and submission of closeout report and audit;" Series 03312, Documentation for Federal Reports, from "Retain in Agency and destroy three (3) years, three (3) months after submission of final Federal Fiscal Report and audit;" to "Retain in Agency three (3) years, transfer to State Records Center for five (5) years after submission of final Federal Fiscal Report and audit, then destroy. Total retention is eight (8) years;" Series 03950, Vendor Agreement, from "Retain in Agency two (2) years and transfer to State Records Center for one (1) year and three (3) months, then destroy;" to "Retain in Agency two (2) years and transfer to State Records Center for six (6) years, then destroy. Total retention is eight (8) years;" Series 05478, Request to Consider Issuance of Special Formula, from "Retain in Agency three (3) years and three (3) months. Destroy after audit;" to "Retain in Agency three (3) years and six (6) months. Destroy after audit;" and Series 06366, Authorization for Services – Breast Pump Rental, from "Retain in Agency three (3) years and three (3) months, destroy;" to "Retain in Agency three (3) years and six (6) months, then destroy."

The Department for Public Health, within the Cabinet for Health and Family Services, is the sole organizational unit of Kentucky's state government responsible for developing and operating all public health programs and activities for the citizens of Kentucky. These activities include health service programs for the prevention, detection, care, and treatment of physical disability, illness and disease. The Department contains seven divisions: Administrative and Financial Management; Epidemiology and Health Planning; Laboratory Services; Maternal and Child Health; Prevention and Quality Improvement; Public Health Protection and Safety; and Women's Health. There are twenty-five (25) branches and numerous programs under the Department. The Department is authorized under KRS 194A.030. It is headed by a Commissioner for Public Health, who is appointed by the Cabinet Secretary with the approval of the Governor. The Commissioner for Public Health is a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner advises the head of each major organizational unit. The commissioner also serves as Chief Medical Officer of the Commonwealth.

This is a new records retention schedule for this Branch.

Current schedule date: June 8, 2006

Proposed schedule date: September 13, 2012

Compton presented the revised schedule.

Lile made a motion to approve the schedule revision, seconded by Lykins. The vote by members and representatives present was unanimous.

Education and Workforce Development Cabinet – Department of Education

Arnold was the Records Analyst working on this revised schedule. **Additions to the Schedule:** Series 06185, State Grants Files; Series 06186, Federal Grants Files; Series 06188, Textbook Procurement Files; Series 06210, Personnel Actions Litigation Files; Series 06211, Subpoena Files; Series 06212, Investigations and Enforcement Case Files; Series 06213, Vandalism and Break-in Reports File; Series 06214, Fire Safety Inspections File; Series 06215, Food Safety and Facilities Inspections File; Series 06216, Boiler Safety Inspections File; Series 06217, Hazardous Materials Exposure File; Series 06218, Food Service Audits File; Series 06219, Buildings, Grounds, and Facilities Usage and Rental File; Series 06220, Capital Construction Improvements and Enhancements File; Series 06221, Volunteer Verification File; Series 06222, Student Medical Records File; Series 06279, Teacher Quality Reports – Title II, Part A; Series 06280, Teacher Tribunal File; Series 06281, State Evaluation Appeals Panel (SEAP) File; Series 06341, Volunteer Verification File; Series 06342, Suspected Child Abuse and Neglect Reporting File (KSB); Series 06343, Suspected Child Abuse and Neglect Reporting File (KSD); Series 06344, Accident and Incident Report File (KSB); Series 06345, Accident and Incident Report File (KSD); Series 06346, Food Safety and Facilities Inspections File; Series 06347, Vandalism and Break-in Reports File; Series 06348, Fire Safety Inspections File; Series 06349, Boiler Safety Inspections File; Series 06350, Hazardous Materials Exposure File; Series 06351, Food Service Audits File; Series 06352, Buildings, Grounds and Facilities Usage and Rental File; Series 06356, NCLB Funding - Title I, Part D; Series 06357, NCLB Funding - Title X, Part C; Series 06358, NCLB Funding - Title VI, Part B, Subpart 2; Series 06359, Methods of Administration Files (Non-discrimination in education reviews); Series 06360, School-Based Decision Making (SBDM) File; Series 06361, Non-profit and For-profit Organizations Audits File; Series 06362, Local School District Capital Outlay Funds File; Series 06363, Local School District Capital Funds Request File; Series 06364, School District Folder; Series 06365, Outreach Student Folders; Series 06373, School District Waiver Requests File. **Deletions from the Schedule:** Series 02357, Grant Award Letters; Series 02360, School Desegregation Compliance Status Forms by District (copy); Series 02361, Title IV Progress Reports for U.S. Department of Education; Series 02362, Title IV Proposal Documents; Series 02364, U.S. Office of Civil Rights Survey; Series 02401, Chapter 1 Project Folder; Series 02406, Program Evaluation Reports; Series 02407, Title IV State Plan; Series 02432, Enrollment Projections (copy); Series 02433, Management Information Committee Records; Series 02434, Federal Reports; Series 02436, Central Office Data Collection Forms; Series 02437, School Data Forms; Series 02469, Facilities Utilization Report (BRS-76); Series 02470, Facilities Staffing Pattern and Salary Schedule (BRS-76); Series 02471, Facilities Utilization Report Summary; Series 02472, Automated Case Service Information System; Series 02473, Analysis of Client Days; Series 02474, Authorization Summary File - Daily Update Control; Series 02481, Educational Program Approval; Series 02482, Experimental Program Approval; Series 02483, Kindergarten Unit Allocations; Series 02484, Community Education Grant Applications; Series 02486, Organization and School Reports; Series 02487, Elementary Standards; Series 02488,

High School Standards; Series 02489, Child Care Ledgers; Series 02491, Ledger of Entitlements, Allotments and Payments of Approved Reimbursement; Series 02492, List of Grants; Series 02493, School Guidance Plan; Series 02494, Supervisor's Reports of Guidance Services; Series 02495, Entitlement Sheets Per District; Series 02496, Guidance Counselor's Report (printout); Series 02497, School Guidance Program; Series 02498, Division Plan; Series 02499, Grant Applications (Copies of Law Enforcement Assistance); Series 02510, Spot Maps; Series 02528, Process Agents (Form TC-1); Series 02529, Textbook Filing Fees; Series 02530, Special Editions; Series 02531, Textbook Bids; Series 02533, Publisher's Bonds; Series 02534, Tabulated Textbook Bids; Series 02535, Multiple Textbook List and Adoption Form; Series 02536, Designated Textbook List; Series 02537, District Adoption Report to Publishers; Series 02540, Textbook Allocations; Series 02541, District Textbook Accounts; Series 02542, Textbook Allocation Statements; Series 02543, Custodial Bond; Series 02544, Annual Report on Free Textbooks; Series 02545, Textbook Requisitions; Series 02546, Publisher's Order Record; Series 02547, District Textbook Purchases; Series 02548, Exchange Credit Memorandum Report; Series 02549, Exchange Credit Memorandum Record; Series 02550, Exchange Credit Memorandum; Series 02567, School Bus Insurance Policy; Series 02569, Annual Report of Insurance on Vehicles; Series 02574, Tentative Calculation Graphs - Minimum Foundation Program; Series 02575, Tentative Calculation Tables - Minimum Foundation Program; Series 02579, Schedule of Maintenance and Operation Workshops; Series 02580, Copies of District Deeds to Buildings and Lands; Series 02595, Non-Public School Approval Files; Series 02596, State Operated Program Approval Files; Series 02599, Federal Quota Register; Series 02600, Federal Quota Eye Report Forms; Series 02601, State Textbook Program Register; Series 02602, State Textbook Eye Report Forms; Series 02603, Client Records - Deaf-Blind Program (Out-Of-State) – Indefinite; Series 02606, Local School District Annual Report Forms for Speech and Language; Series 02607, Annual Compilation of LSD; Series 02616, Competitive Grants File; Series 02620, Full Service Surveys; Series 02621, Capital Construction Project Folders; Series 02622, Plans, Specifications and Programming Materials File; Series 02624, Admission Register; Series 02630, Student Activity Account; Series 02631, Federal Reports - Title I, IV, VI-C; Series 02632, Entertainment Account; Series 02635, Teacher's Register of Attendance; Series 02636, Principal's Annual Report; Series 02637, Annual School Reports to Department of Public Instruction; Series 02642, Pupil Registers; Series 02643, Master Card File – Students; Series 02645, List of Board of Trustees; Series 02647, Employee Master Card File; Series 02648, Teachers Retirement Reports; Series 02649, Special Accounts; Series 02651, Employee's Earning Record; Series 02652, Student Folders; Series 02657, Card Catalogue Books; Series 02658, Card Catalogue - Audio Visual Materials; Series 02659, Accession Record (Books); Series 02875, Chapter I Construction Files; Series 02877, Federal Driver Education Project; Series 02902, Research Survey Responses; Series 02903, Essential Skills; Series 03392, Local School Districts Annual Performance Reports of Programs; Series 03552, Capital Construction Secretary's Order-- Authorization/Funding Request; Series 04049, Report of Loss; Series 04051, Parenting and Life Skills Curriculum; Series 04387, Transformation: Kentucky's Curriculum

Framework File; Series 04869, Local School District Worksheet (Insurance/Flex Spending) File; Series 05322, Ky Education Collaborative for State Agency File; and Series 05717, Accountability Testing System Score Sheets and Essays. **Revisions to the Schedule:** Series 02627, Personnel Files (Chapter 161), from Permanent to five (5) years after termination of employment; Series 02634, Free and Reduced School Meals Files, from three (3) years to five (5) years, destroy after audit; Series 02641, Student Medical Records File, from "Transfer to Master file in Superintendent's/Business Office after graduation or leaving Kentucky School for the Blind;" to "Release to graduates at the time of graduation, or destroy one year after graduation; or retain until non-graduate student reaches the age of twenty-two (22);" Series 02650, Free and Reduced School Meals Files, from three (3) years to five (5) years, destroy after audit; Series 02653, Personnel Files (Chapter 161), from two (2) years to five (5) years after termination of employment; and Series 04413, Official Ballot File for Board of Trustees Election, Teachers' Retirement System, from three (3) years to three (3) years - paper ballots may be destroyed after one (1) year. *Closed Series:* Series 02480, The Lincoln School/Institute Record; and Series 02594, Local School District Program Approval Files (Minimum Foundation Units). *Staff also made administrative changes to seventy-six series without changing retention or disposition:* Series 02352, Litigation Files; Series 02405, Audit Reports – Title I Part A; Series 02453, National School Lunch and Breakfast Program File; Series 02456, National School Lunch / Breakfast Workshop File; Series 02457, Special Milk Program in Summer Camp File; Series 02458, Report and Claim for Reimbursement; Series 02459, Monthly Reimbursement Claim Receipt Ledger; Series 02460, School Food Service Reviews; Series 02461, School Food Service Review Receipt Ledger (Log); Series 02464, U.S. Dept. of Agriculture (USDA) School Food Service Reports; Series 02465, Request for Payment of Letter of Credit and Status of Funds Report; Series 02509, District Facility Plans; Series 02512, District Tentative Budget and Working Budget File; Series 02513, Annual District Financial Reporting; Series 02515, Tax Rate Calculation File; Series 02519, School Building Revenue Bond and Refunding Revenue Bond Files; Series 02555, School Bus Incident Summary; Series 02557, Intent to Purchase School Buses (Certification Process); Series 02560, School Bus Drivers' Data Sheet; Series 02564, Application for Reimbursement for Transporting Students to Vocational Sites; Series 02565, District Certification of Payment for Pupil Transportation (Vocational School); Series 02566 District Certification of Student Transportation (KSB/KSD) File; Series 02581, Building Design Submission Development Plans; Series 02597, IDEA Formal Complaint Process Files; Series 02614, Local School District Monitoring and Reporting File; Series 02615, State Personnel Development Grant; Series 02619, Grant Entitlements File; Series 02623, Deeds and Titles; Series 02625, Student Master Folder; Series 02626, student Enrollment List; Series 02628, Gifts and Bequests Documentation File; Series 02629, Capital Construction Improvements and Enhancements File; Series 02633, Special Accounts; Series 02638, Graduation and Dedication Programs – KSB; Series 02644, Student Master Folders; Series 02646, Student/Staff Information Cards; Series 02876, School Food Service Accreditation Program; Series 02890, School Improvement Grant; Series 03042, Treasurer's Bonds and Depository Bonds; Series 03075, Gifted/Talented District

Program File; Series 03164, Local School District Audits; Series 03165, Payment Document - DOA – 30; Series 03166, Local School District Audits; Series 03167, Technical Assistance Report; Series 03168, Child Care Food Program File; Series 03169, Family Day Care Home File-Child Care Food Program; Series 03170, Summer Food Service Program for Children; Series 03171, Report of Visit - Child Care Food Program; Series 03194, District Assessment and Accountability Files; Series 03283, Free and Reduced Price Policy Statement; Series 03493, Reports of Programs Mandated by the Legislature; Series 03563, District Payment Register; Series 04048, Authorization to Acquire Investments/Loans; Series 04050, Auditor's Reports and Financial Statement; Series 04211, Commonwealth Diploma Program File; Series 04376, Certified Vacancy File; Series 04386, Textbook/Instructional Materials Plan File; Series 04781, Attendance Review Reports; Series 04993, Migrant Education Certificate of Eligibility; Series 04999, Local School District Technology Plans; Series 05003, Minority Education Recruitment and Retention Reports; Series 05314, Monthly Insurance Billings for Local School Districts; Series 05315, Day Care Audit File; Series 05316, Non-Local/Non-Profit Audit File; Series 05317, Classified Staff Data Report; Series 05318, Tax rates Levied Form File; Series 05319, Growth Factor Report File; Series 05321, Superintendent's Annual Attendance Report; Series 05320, Professional Staff Data Report; Series 05323, SEEK File; Series 05324, Impact Aid Grant; Series 05325, E-Rate/Universal Service Fund Files; Series 05795, Federal Reimbursement for Health Insurance Report; Series 06100, Successful Completion of Initial Training; Series 06101, Effective Instructional Leadership Act Report; and Series 06145, Textbook/Instructional Materials Selection File.

The structure of the Department of Education was significantly changed in 1990 with enactment of HB 814 and HB 940. The Workforce Development Cabinet was created in HB 814, which required the Department to transfer to the new cabinet the State Board of Adult Vocational Education and Vocational Rehabilitation; Office of Vocational Rehabilitation; and Adult Basic Education programs. HB 940, the Kentucky Education Reform Act of 1990 (KERA), was enacted in response to a 1989 Kentucky Supreme Court decision that held Kentucky's system of common schools to be unconstitutional. KERA provided that positions in the Department of Education were to be abolished, that all employees were to be terminated at the close of business June 30, 1991, and directed the new commissioner of Education to reorganize the Department with new positions, as of July 1, 1991. On June 28, 1991, the Commissioner issued Executive Order 91-DOE-01, which reorganized the Department of Education. The Kentucky Board of Education hires the Commissioner of the Department of Education, who serves as the chief state school officer. The Department was reorganized again December 16, 1998, pursuant to Executive Order 98-1671 and again July 19, 2010 with an Executive Order from the Governor to come later.

The current organizational structure is as follows: Office of the Commissioner; Office of Guiding Support Services and General Counsel; Office of Administration and Support; Office of Knowledge, Information and Data Services; Office of Next-Generation Schools

and Districts; Office of Assessment and Accountability; and Office of Next-Generation Learners.

This is a new records retention schedule for this agency.

Current schedule date: April 1, 1981

Proposed schedule date: September 13, 2012

Arnold said that the Advisory Committee had asked for more detail on Series 06280, Teacher Tribunal File. The Committee had been concerned about the short retention period and wondered whether documentation of the information might exist in another agency. Lang said that the series is related to the termination of a teacher's contract. If the basis for termination of the contract requires discipline, that action is pursued by the Education Professional Standards Board (EPSB). KRS 161.120 (3) prohibits EPSB from using any finding or action by a tribunal to create a presumption of violation or lack of violation on the part of the teacher. Contracts may be terminated for a variety of reasons that do not involve disciplinary actions. In response to a question by Lykins, Lang said that tribunal proceedings are governed by KRS Chapter 13B and records will be maintained until five years after all appeals have been exhausted. In response to a question by Potter, Lang said that, in her experience, the Department had not received a request for a record it did not have.

Birdwhistell made a motion to approve the schedule revision, seconded by Lile. The vote by members and representatives present was unanimous.

Public Protection Cabinet – Department of Financial Institutions

Compton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06368, Litigation Files; Series 06369, Task Files; and Series 06370, Commissioner Files.

The Kentucky Department of Financial Institutions (DFI) is governed by KRS Chapters 286 and 292. DFI is the state agency responsible for the supervision of the financial services industry and for chartering, licensing and registering various financial institutions, securities firms and professionals operating in Kentucky. In order to accomplish its mission, DFI conducts examinations on state-regulated financial industries through its Division of Depository Institutions, Division of Non-Depository Institutions and Division of Securities. DFI also provides educational materials and outreach to protect consumers from financial fraud and assists the industry and public through the investigation of complaints filed with the office. DFI also works to promote economic growth through increased capital, whether by initial capitalization of private investors or retained earnings, and by flexible policies, laws and regulations that provide for competition within the industries. Primarily through the examination process, DFI determines if Kentucky's state-regulated financial institutions and

securities entities are exercising safe and sound practices and/or complying with applicable laws and regulations. Depository institutions are evaluated in the areas of management, quality of assets, capital adequacy, earnings and liquidity and are checked for compliance with laws and regulations. Examiners in the Securities and Non-Depository Divisions focus primarily on regulatory compliance and consumer protection issues. The Department of Financial Institutions traces its origin to the Banking Act of 1912, which established the agency initially as the Department of Banking. It was charged with enforcing all laws relating to banks, trust companies, savings banks and combined bank and trust companies organized and doing business under Kentucky laws.

Compton presented these schedule additions.

Lile made a motion to approve the schedule additions, seconded by Lykins. The vote by members and representatives present was unanimous.

Board of Respiratory Care

Arnold was the Records Analyst working on this new schedule. **Additions to the Schedule:** Series 06376, License Folder - Respiratory Care; Series 06377, Incomplete Applications File; Series 06378, Complaints File; and Series 06379, Continuing Education Providers Approval File.

Most occupations and professions that require a state license are licensed and regulated by one of 36 boards and commissions. Kentucky is an autonomous board state, which means that these 36 agencies are not organized under an umbrella agency, but rather function as independent, autonomous units of state government. The basic organizational structure and functions of the boards and commissions are quite similar. Licensure boards are comprised of board members appointed by the Governor, generally for four years, with staggered terms. The Kentucky Board of Respiratory Care (KBRC) regulates respiratory care practitioners and their services. KBRC was established in 1990 to protect the citizens of the Commonwealth of Kentucky from unsafe practitioners and practices.

This is a new records retention schedule for this agency.

Proposed schedule date: September 13, 2012

Arnold said that Series 06376, License Folder - Respiratory Care, and Series 06378, Complaints File, had been presented to the Advisory Committee with a retention period of twenty years after license termination or final board action respectively. The Committee recommended a retention period of fifty years after license termination or final board action, which is consistent with other regulatory boards and commissions. The fifty-year retention period is what is proposed to Commission members. The Board

has asked that the Commission consider the twenty-year retention period, as the respiratory care profession is a very physically demanding one and practitioners will not stay in it for a very long period of time.

Shields said that there are two system descriptions for the Board.

Schroeder made a motion to approve the new schedule, seconded by Lykins. The vote by members and representatives present was unanimous.

Tourism, Arts and Heritage Cabinet – Kentucky Historical Society

Arnold was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series 06374, Volunteer and Intern Verification File.

The Kentucky Historical Society was created by the General Assembly in 1880. Pursuant to KRS 171.311-171.395 and, as set forth in its charter, the goal of the Kentucky Historical Society is to collect, maintain, and preserve authentic records, information, facts and relics connected with the history of the Commonwealth and to promote a wider appreciation of American heritage. The Society is governed by an Executive Committee, whose members are elected by its general membership. The Society was reorganized by Executive Order 91-518, effective June 16, 1991 and confirmed by HB 139 during the 1992 Session of the General Assembly. The Collections and Preservation Division and the Resource Development Division were abolished. In 1994, the Society Services Division was replaced by the Oral History and Educational Research Division. The Society has four divisions: Research and Publications, Administration, Museum, and Oral History and Educational Research. The divisions are headed by a director appointed by the Executive Committee of the Kentucky Historical Society. KHS operates the Old State Capitol, the Kentucky Military History Museum and its headquarters, the Thomas D. Clark Center for Kentucky History. Since 1999, the thirty-million-dollar Center has welcomed more than one million visitors.

Arnold presented this schedule addition.

Lile made a motion to approve the schedule addition, seconded by Wombles. The vote by members and representatives present was unanimous.

Personnel Cabinet

Arnold was the Records Analyst working on these schedule deletions and revision. **Deletions from the Schedule:** Series 04251, Applications Not Processed File; Series 04253, Security Check File; Series 04254, Fingerprint File; Series 04257, Training and Experience Rating Form File and Series 04424, Health Maintenance Organization (HMO) Contract File. **Revisions to the Schedule:** Series 06105, Background Checks File,

from three (3) years to five (5) years. *Closed Series:* Series 03932, Sick Leave Sharing Log.

During the First Extraordinary Session of the 1956 Kentucky General Assembly, the Division of Personnel of the Department of Finance was abolished and the Department of Personnel was created. It was headed by a Commissioner appointed by the Governor. Chief among its responsibilities then, as now, was the certification of applicants for state jobs. Approximately four years later, a uniform Merit System for the Executive Department was created. On December 13, 1995, Executive Order 95-19 elevated the Department of Personnel to cabinet status and all powers and responsibilities of the Department of Personnel were transferred to the Personnel Cabinet. Upon expiration of the order, Executive Order 96-909 was issued on July 11, 1996, to create the Personnel Cabinet and this was confirmed by 1998 SB 139. Currently, the Personnel Cabinet is organized as follows: Office of the Secretary; Office of Administrative Services; Office of Legal Services; Office of Employee Relations; Office of Diversity and Equality; Office of Governmental Services; Center of Strategic Innovation; Ky Public Employees Deferred Compensation; Department of Human Resources Administration; and the Department of Employee Insurance.

Arnold presented these schedule deletions and revision.

Shields had written one system description to account for a change in deferred compensation providers.

Schroeder made a motion to approve the schedule deletions and revision, seconded by Lile. The vote by members and representatives present was unanimous.

Education and Workforce Development Cabinet – Council on Postsecondary Education

Arnold was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06371, Program Approval and Review File; and Series 06372, Programs of Distinction File.

The Council on Postsecondary Education as provided in KRS 164.020, is charged with leading the reform efforts envisioned by state policy leaders in the *Kentucky Postsecondary Education Improvement Act of 1997*. The Council has multiple responsibilities to ensure a well-coordinated and efficient postsecondary and adult education system. Among its many responsibilities, the Council: develops and implements a strategic agenda for the postsecondary and adult education system that includes measures of educational attainment, effectiveness, and efficiency; produces and submits a biennial budget request for adequate public funding of postsecondary education; monitors and approves tuition rates and admission criteria at public postsecondary institutions; defines and approves all academic programs at public

institutions; ensures the coordination and connectivity of technology among public institutions; collects and distributes comprehensive data about postsecondary education performance. The duties of the Council on Postsecondary Education are outlined in the Kentucky Postsecondary Education Improvement Act of 1997, Section 74 through 84. The Council on Higher Education was created in 1934, but it lacked broad coordinating authority until 1966, when it was empowered by KRS Chapter 164 to determine the overall needs of higher education, develop comprehensive plans, review the public institutions' funding requests, and approve professional schools. The 1992 General Assembly repealed KRS 164.010, which established the membership of the Council, and enacted a new law on appointment of members to the Council, as well as all university governing boards. In May, 1997, during the 1997 First Extraordinary Session, called by the Governor to reform higher education, the Council was abolished and the Council on Postsecondary Education was created (KRS 164.011).

Arnold presented these schedule additions.

Shields said that there were seven system descriptions included with the schedule additions.

Lile made a motion to approve the schedule additions, seconded by Wombles. The vote by members and representatives present was unanimous.

Public School District

Carlton was the Records Analyst working on these schedule additions and revisions. **Additions to the Schedule:** L6472, Criminal Background Checks; and L6473, Employment Eligibility Verification Form (I-9 Form). **Revisions to the Schedule:** L2368, Standardized Tests and Results (Aptitude, Achievement, Academic, State and Federal), from "Destroy 4 years after leaving the District" to "Retain 4 years, then destroy."

The first attempt to assemble a school district – wide records retention schedule was made in 1988. The Archives and Records Commission approved the schedule that year. In 1999 a complete revision of the schedule was approved by the Commission. This schedule included K through 12 and the school district central office in one schedule. In March of 2003 the Commission once again approved a revision of the entire schedule. In June 2012 another complete revision was presented to the Commission where it was approved. The 174 school districts in the Commonwealth produce an overwhelming amount of paper and electronic records. PRD staff members continue to work with school districts providing records management training and direct service.

Carlton presented the schedule additions and revisions.

Lile made a motion to approve the schedule additions and revisions, seconded by Schroeder. The vote by members and representatives present was unanimous.

General Schedule for State Agencies – Miscellaneous Records Section/ Personnel and Payroll Records Section

Cundy was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series M0054, Title VI Complaint File; and Series P0045, Equal Employment Opportunity Complaint Files.

A General Schedule is a class of records retention schedule that governs the retention and disposition of specified records common to several or all public agencies. The General Schedule for State Agencies covers records for State Agencies.

Cundy presented these schedule additions.

Lile made a motion to approve the schedule additions, seconded by Birdwhistell. The vote by members and representatives present was unanimous.

State University Model

Cundy was the Records Analyst working on these schedule additions and revisions. **Addition to the Schedule:** Series U0133, Patent Application File. **Revisions to the Schedule:** Fiscal Records: Series U0247, Invitation for Bid/Request for Proposal File, from “Destroy after three (3) years or audit, whichever is longer;” to “Destroy successful bid or proposal files after three (3) years or audit, whichever is longer. Destroy unsuccessful bid or proposal files after one (1) year or audit, whichever is longer.” Sponsored Programs: Series U1802, Research Approval Files - Human Subjects, from “Destroy three (3) years after completion of research unless otherwise specified by the terms of the grant contract;” to “Destroy five (5) years after completion of research, unless otherwise specified by the terms of the grant contract.” Animal Diagnostic Laboratories: Series U2305, Regulatory Testing Report Forms, from Retain until sixty (60) days after report is produced, then destroy;” to “Retain until two (2) years after report is produced, then destroy.”

The State University Model Records Retention Schedule covers records that are common among Kentucky’s public university campuses and its Community and Technical College System.

This is part of the ongoing effort to revise the State University Model Records Retention Schedule.

Cundy presented the schedule addition and revisions.

Schroeder mad a motion to approve the schedule addition and revisions, seconded by Stuckey. The vote by members and representatives present was unanimous.

Office of the Governor – Department of Veterans Affairs

Arnold was the Records Analyst working on this schedule revision. **Revision to the Schedule:** Series 04603, Medical Record File, from five (5) years after death or discharge to six (6) years after death or discharge.

The Bureau of Veterans' Affairs was created in 1972. In 1974, the Bureau became the Advisory Board for Veterans' Affairs and the Department for Human resources assumed some duties. In 1980, the Center for Veterans' Affairs was created in the Department for Military Affairs, it assumed the duties that had been assigned to the Department for Human Resources. In 1996, with enactment of HB 90, the Center was merged into the newly created Department of Veterans' Affairs. The Department provides assistance and support to citizens of the Commonwealth who are veterans of the military services, their families, dependents, and/or survivors, in the presentation, proof, and establishment of all claims, privileges, rights and other benefits they may have under state, federal or local law (KRS 40.310). It collects data and information regarding facilities and services available to veterans, their families and dependents. The Office of Kentucky Veterans' Centers was created by Executive Order 98-1594, issued December 3, 1998 and confirmed by 2000 HB 94. The Office is responsible for operating the state veterans' nursing homes, a responsibility transferred to it from the Finance and Administration Cabinet.

Arnold summarized the schedule revision.

Giesler made a motion to approve the schedule revision, seconded by Birdwhistell. The vote by members and representatives present was unanimous.

Onkst congratulated Arnold, who will be moving from the State Records Branch to the Local Records Branch as a Local Records Regional Archives and Records Administrator. The Records Analyst position in State Records may be filled early in 2013.

SYSTEM DESCRIPTIONS

Shields had completed system descriptions for the Higher Education Assistance Authority and the Division of Laboratory Services in the Department for Public Health, both of which had previously been before the Committee.

The next item was **other business**. Onkst recognized Teague, who discussed the State Records Center consolidation project. She thanked Glenna Goins for her help in making sure the project is affordable. The project will go before the Capital Projects and Bond Oversight Committee of the General Assembly on September 18, after which is will go

to the Secretary of the Finance and Administration Cabinet for her signature. Eventually, the consolidation will result in significant cost savings for agencies. KDLA will be able to take in more records than it stores now and will be able to expand when necessary.

Onkst recognized Cundy who said that seven PRD staff members had undertaken a summer records management training initiative for state agency personnel. The sessions were well-attended and participants were active. The next step is to create and implement an online training unit.

Onkst recognized Carlton, who talked about Local Records Grants. Carlton said that \$1,321,000.00 had been distributed this year. Most of that money has gone to the County Clerks' Offices. This was also the first year in which more money had been given for electronic records projects than for security microfilm projects. Much of those funds went for backfile conversion of paper records to digital images. Because of the high number of grants that have been distributed, Carlton is looking to adjust the process as may be necessary.

There being no further business, Onkst adjourned the meeting at 11:10.