

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
June 9, 2016
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., June 9, 2016, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Terry Manuel, Acting Chair; Richard Belding, representing Citizens-at-Large; Mary Margaret Bell, representing Citizens-at-Large; Jeremy Rogers, representing Citizens-at-Large; Dave Schroeder, representing the Kentucky Library Association; Louise Jones, representing the Kentucky Historical Society; Roger Hamperian, representing Citizens-at-Large; and David Gregory, representing regional colleges and universities.

Representatives present: Amy Howard, representing Hal Heiner, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Andy Beshear, Attorney General; Ruth Bryan, representing Terry Birdwhistell, representing the University of Kentucky; Leslie Smith, representing David Byerman, Executive Director, Legislative Research Commission; Melissa Scott, representing Mike Harmon, Auditor of Public Accounts; Geoff Pinkerton, representing John Chilton, State Budget Director.

Members not present or represented: and John D. Minton, Jr., Chief Justice, Supreme Court; Debra Batliner, representing local governments; and Jim Barnhart, Acting Commissioner, Commonwealth Office of Technology.

Archives and Records Management Division staff present: Jim Cundy, Manager, State Records Branch; Trace Kirkwood, Manager, Local Records Branch; Beth Shields, Manager, Electronic Records Management Branch; Joe Isaac, Records Analyst; Kris Justus, Electronic Records Specialist; Kari May, Electronic Records Archivist, Heather Kuzma, Administrative Assistant; and Ely Sheinfeld, Archivist I.

Guests Present: Andy Sanders and Brad Popp, Cabinet for Health and Family Services; Raven Harrod and Steve Kull, Division of Forestry; Virginia Woodard and Lindsay Crawford, Crime Victims Compensation Board; Carrie Banahan and Tammy Bullock, Health Benefit and Information Exchange.

Manuel called for introductions by those present.

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

NEW OR REVISED SCHEDULES

Public Protection Cabinet – Crime Victims Compensation Board

Cundy was the Records Analyst working on the revised Schedule. **Deletions from the Schedule:** Series 00899, Opinions and Awards by Board Member and by Full Board; and Series 00900, Agendas for Board Meetings. **Revisions to the Schedule:** *Staff made administrative changes to four (4) series without changing retention or disposition:* Series 00898, Case Files (Not Appealed to Circuit Court); Series 00902, Claims Card File; Series 03065, Case Files (Appealed to Circuit Court); and Series 06335, Recovery Files.

The Crime Victims Compensation Board was enacted in 1974 and created in 1976 by the General Assembly, 1976 Acts, Chapter 263, Section 2. The mission of the Crime Victims Compensation Board is to ensure an impartial and fair review of all claims, compensating victims of criminally injurious conduct for financial losses incurred due to the physical and psychological injury or death resulting from a violent crime. The Crime Victims Compensation Board is governed by KRS Chapter 346 and KAR Title 107.

This is a complete revision of the records retention schedule for this agency.

Current schedule date: June 10, 2010

Proposed schedule date: June 9, 2016

Cundy presented the revised Schedule.

Schroeder made a motion to approve the revised Schedule, seconded by Rogers. The vote by members and representatives present was unanimous.

Energy and Environment Cabinet – Department of Natural Resources – Division of Forestry

Cundy was the Records Analyst working on this revised Schedule. **Additions to the Schedule:** Series 06698, Pesticide/Herbicide License File; Series 06699, Mobilization Events; Series 06700, Timberland Assessment; Series 06701, Division of Forestry's Logos and Certificates; Series 06702, Agency Safety Manual; Series 06703, Forest Management Plans; Series 06704, General State Forest Program Files; Series 06705, Easement Files; Series 06706, Nursery Soil Analysis; Series 06707, Seed Orchard Files; Series 06708, Bed Maps; Series 06709, Removal of Bad Actor Designation Files; Series 06710, Timber Harvest Compliance Case Working Files; Series 06711, Kentucky Temporary Master Logger Site Notification Logs; Series 06712, Timber Harvest Inspections; Series 06713, Master Logger List; Series 06714, Hemlock Program Files; Series 06715, Forest Health Monitoring Files; Series 06716, American Tree Farm System

Program File; Series 06717, Conservation District of the Year File; Series 06718, Kentucky Forest Steward Award File; Series 06719, Forest Landowner Case Records; Series 06720, Champion Tree Program File; Series 06722, Urban and Community Forestry Program Files; Series 06724, Arbor Day Proclamations; Series 06725, Serious Injury or Fatality Investigation; Series 06726, Fire Reports; Series 06727, Uniform Citations; Series 06728, Timber Harvest Complaint Files; and Series 06729, Timber Harvesting Complaint Log. **Deletions from the Schedule:** Series 99, State Forests File; Series 100, Survey Maps of State Forests and Adjacent Lands; Series 103, Cooperative Forest Management File; Series 104, Forestry Incentive Program; Series 105, Watersheds File; Series 106, Pest Control File; Series 107, Reforestation File; Series 110, Forest Warden Citation File; Series 111, Forest Fire Control Record File; and Series 03639, U.S. Forest Service – Forest Survey Aerial Photographs.

The Division of Forestry has the responsibility to protect, conserve and enhance the forest resources of the Commonwealth of Kentucky. They provide information regarding the environmental, social and economic importance of forest resources through a variety of public programs and services ranging from landowner assistance and master logger training to forest health protection and wildland fire management. The Division is also assists in the operation of tree seedling nurseries, urban forestry assistance and forestry education.

Division of Forestry is governed by KRS Chapter 149 and 402 Kentucky Administrative Regulations.

This is a complete revision of the records retention schedule for this agency.

Current schedule date: April 1, 1976.

Proposed schedule date: June 9, 2016.

Cundy said that Advisory Committee members had asked about the access restriction KRS 61.878(1)(k), covering records restricted by federal law or regulation, listed on Series 06717, Conservation District of the Year File. Cundy said that Division of Forestry staff had provided the appropriate federal statute, which was Section 1619 of Public Law 110-234.

Belding made a motion to approve the revised Schedule, seconded by Jones. The vote by members and representatives present was unanimous.

Cabinet for Health and Family Services – Office of Health Benefit and Information Exchange

Cundy was the Records Analyst working on the new Schedule. **Additions to the Schedule:** Series 06721, Eligibility Documentation (kynect); Series 06738, Consumer

Complaints and Appeals; Series 06739, Qualified Health Plan Certification Records (Plan Management - kynect); Series 06740, Navigator Oversight File; Series 06741, Consumer Outreach File; Series 06742, Small Business Health Options Program File; Series 06745, Annual Financial Report File; Series 06746, Operating Budget; Series 06747, Budget Request File; Series 06748, Budget Workpapers; Series 06749, Audit Report File; Series 06750, Journals and Ledgers; Series 06751, Contracts, Leases and Agreements; Series 06752, Agency Allotment Adjustment Request File; Series 06753, Availability of Funds Report; Series 06754, Expenditure Detail Report; Series 06755, Expenditure Analysis Report; Series 06756, Banking Record File; Series 06757, Finance Closing Package; Series 06758, Work Order File; Series 06759, Agency Insurance Coverage Files; Series 06760, Monthly Report Permanently Assigned Vehicles Form; Series 06761, Vendor File - Agency Copy; Series 06762, enhanced Management Administrative Reporting System (eMARS) Supporting Documentation File; Series 06763, Agency Appropriation Adjustment Request Memoranda; Series 06764, Deed File; Series 06765, Agency Grant Project File - Federal and State; Series 06766, Investment Record File; Series 06767, Tax Exemption Authorization File; Series 06768, Data Transfer Files; Series 06769, Accounts Receivable Records; Series 06770, Procurement Records; Series 06771, Accounts Payable Records; Series 06772, Capital Projects File; Series 06773, Agency Property File; Series 06774, Agency Surplus Property File; Series 06775, Official Correspondence/Messages; Series 06776, Routine Correspondence/Messages; Series 06777, Non Business-Related Correspondence/Messages; Series 06778, Electronic Messages; Series 06779, Policies and Procedures; Series 06780, Administrative Orders; Series 06781, Publications Created By or For Agency; Series 06782, Minutes of Meetings; Series 06783, Minutes - Agency Staff Meetings; Series 06784, Speeches by Administrative Heads; Series 06785, Organizational Charts; Series 06786, Mission Statements; Series 06787, Request to Inspect Public Records (includes responses to those requests); Series 06788, Open Records Register; Series 06789, Informational and Reference Material; Series 06790, Legislative File; Series 06791, Itinerary File; Series 06792, Annual or Summary Reports; Series 06793, Activity Report; Series 06794, State Records Retention Schedule; Series 06795, Records Transmittal File - Permanent records (Agency locator copy); Series 06796, Records Transmittal File - Non-permanent records (Agency locator copy); Series 06797, Microfilm Quality Evaluation Form; Series 06798, Records Destruction Certificate File; Series 06799, Special Studies and Reports; and Series 06800, Press Releases.

The Kentucky Office of Health Benefit and Information Exchange (KOHBE) began in 2012. KOHBE oversees, kynect, Kentucky's online health benefit exchange, where individuals and small-business employees in Kentucky can shop for health insurance, compare plan costs, benefits and quality and apply for premium subsidies and tax credits. Through kynect, participants also can determine their eligibility and apply for Medicaid and the Kentucky Children's Health Insurance Program. The Office also includes the Division of Health Care Policy Administration; the Division of Financial and Operations Administration; the Division of Education and Outreach; the Division of

Kentucky Access and Quality Assurance; and the Division of Kentucky Electronic Health Information Exchange.

This is a new retention schedule for this agency

Proposed schedule date: June 9, 2016.

Cundy said that the items from the General Schedule for State Agencies were adapted to this agency-specific schedule because federal requirements mandated that certain records be kept for a longer time period than was required on the General Schedule. Further, KHBIE is reviewed for compliance regularly and it would be more convenient for them to have one schedule in place. In response to a question by Rogers, Cundy said that none of the Series had a shorter retention period than what was required on the General Schedule for State Agencies.

Rogers made a motion to approve the new Schedule, seconded by Bell. The vote by members and representatives present was unanimous.

County Jailer

Jackie Arnold was the Records Analyst working on the revised Schedule. Kirkwood presented the Schedule in Arnold's absence. **Additions to the Schedule:** Series L6920, Daily Jail Logs and Special Reports (Administration Section); Series L6921, Daily Jail Logs and Special Reports (Booking Section); Series L6922, Policy, Procedures and Organization Files; Series L6923, Personnel Training Files; and Series L6924, Body-Worn Camera Recordings (Audio/Video). **Revisions to the Schedule:** Series L2647, Jail Inspections, from fifteen (15) years to two (2) years; Series L5220, Video/Audio Recordings, from "Destroy after two (2) years if no litigation is pending," to "Retain non-evidentiary recordings for thirty (30) days, then destroy. Evidentiary recordings used in any investigation, pending investigation, litigation or open records requests must be kept until all investigative or legal activity is completed. Then destroy the original and all copies of the recording;" Series L2699, Food Service Operation Inspection Report, from "Destroy when superseded," to Retain for one (1) year; Series L2704, Special Diet Order, from "Destroy when obsolete," to "Retain all requests for 1 year." **Closed Series:** Series L2674, Jail Register/Inmate Register. **Deletions from the Schedule:** Series L2654, Visitors Log; Series L2659, Work Release Money Log; Series L2660, Lunch Count Sheet; Series L2686, Inmate Account Deposit; Series L2712, Application for Training; Series L2714, Training Checklist for Booking; Series L2715, Training Checklist for Juvenile Area; Series L2716, Training Checklist for Roving Officer; Series L2717, Training Checklist for Administration Area; Series L2718, Training Checklist for Main Control and Control Tower; Series L2719, Training Checklist for Reports; Series L2720, Jail Employee Training Form; Series L2721, Daily Inspection Sheet; Series L2722, Shift Report (Daily); Series L2723, Daily Activity Report; Series

L2724, Telephone Log (Individual Inmate); Series L2727, Fire Evacuation Procedure; Series L2729, Headcount Report; Series L2747, Transportation Log; and Series L5221, Video Log.

The Office of the Jailer traces its origins to the 1850 Constitution, which required each county to elect a jailer. Section 105 of the present Constitution permits the legislature to consolidate the office of the jailer and sheriff in any or all counties, provided the sheriff's office is retained and the sheriff assumes the jailer's duties. Kentucky's constitutional provisions related to the jailer are unique. No other state constitution refers to jailers. In most states, the sheriff performs the duties which, in Kentucky, are assigned to the jailer. The jailer's recordkeeping responsibilities largely evolve from his powers and duties: keeping the jail; transporting prisoners; preparing the budget; as well as responsibility for county property, jail canteen, work release, educational release, and community service related work.

This is a complete revision of the records retention schedule for this agency.

Current schedule date: December 8, 2005

Proposed schedule date: June 9, 2016

Kirkwood said that this revision had been completed in conjunction with jailers across the Commonwealth, and that the Schedule would now be much easier to implement.

Belding asked what the extent of automation was in jailers' offices. Kirkwood said that it was quite extensive. Even smaller counties are almost entirely electronic in their booking and other processes.

In response to a question by Belding, Kirkwood said that, when state inmates are held in local facilities, there are two files maintained on those inmates. One is maintained by the Department of Corrections, the other by the local jail. Cundy said that the Department of Corrections maintains inmate files until seventy-five years after case closure.

In response to a question by Rogers, Kirkwood said that the retention of Series L6924, Body-Worn Camera Recordings (Audio/Video), is consistent with that on the Local Government General Records Retention Schedules. The thirty-day retention period for these files would allow for increased use of body-worn cameras, as the cost of maintaining the data would not be too expensive. In response to a question by Bensenhaver, Kirkwood said that the use of body-worn cameras had increased among jailers.

Bryan asked about the reduced retention period for the following training records: Series L2712, Application for Training; Series L2714, Training Checklist for Booking;

Series L2715, Training Checklist for Juvenile Area; Series L2716, Training Checklist for Roving Officer; Series L2717, Training Checklist for Administration Area; Series L2718, Training Checklist for Main Control and Control Tower; Series L2719, Training Checklist for Reports; and Series L2720, Jail Employee Training Form. These had all been retained for fifty years, but would now be covered by Series L6923, Personnel Training Files, with a retention period of five years after termination. Kirkwood said that jailers and deputy jailers are trained every year, often superseding the previous year's training. They undergo training even if they take a position at another facility, often repeating training they have already had. Training was also less rigorous and conducted less often in the past, necessitating a longer retention period for the records.

Belding made a motion to approve the revised Schedule, seconded by Hamperian. The vote by members and representatives present was unanimous.

Manuel said that David Gregory, representing Regional Colleges and Universities, had joined the meeting.

CHANGES TO CURRENT SCHEDULES

Education and Workforce Development Cabinet – Department of Education

Isaac was the Records Analyst working on the Schedule. **Additions to the Schedule:** Office of Administration and Support: Series 06736, Medicaid Services File, School-Based Health Services; Series 06737, Medicaid Services File, School-Based Administrative Claiming. Office of Assessment and Accountability: Series 06801, K-PREP Testing Materials File. Office of Career and Technical Education: Series 06723, Occupation Based Teacher Certification File; Series 06812, Agricultural Education, Extended Employment Report File. Office of Next Generation Learners: Series 06743, Minority Educator Recruitment and Retention (MERR) Scholarship File. Office of Next Generation Schools and Districts: Series 06730, United States Senate Youth Program File; Series 06731, Non-Traditional Instruction Program File; Series 06732, Teacher of the Year Award File; Series 06733, Milken Educator Award File; and Series 06744, Certification File, School Prayer. **Revisions to the Schedule:** Office of Knowledge, Information, and Data Services: Series 05325, E-Rate/Universal Service Fund Files from "Retain for five (5) years after the last day of service delivered for a particular funding year, then destroy," to "Retain for ten (10) years after the last day of service delivered for a particular funding year, then destroy." Office of Next Generation Schools and Districts: Series 04993, Migrant Education, Certificate of Eligibility and Monitoring File, from "Transfer to the State Records Center after audit and/or submission of year-end status/count record to the U.S. Department of Education for an additional five (5) years," to "Retain Certificates of Eligibility; re-interview forms, and verification documents for ten (10) years from creation of record, then destroy. Retain all monitoring documentation for the current year plus three (3) additional years after

findings are closed, then destroy. Retain the balance of the file for three (3) years after the current year, then destroy."

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.

Isaac said that Advisory Committee members had asked about the difference between Series 06736, Medicaid Services File, School-Based Health Services, and Series 06737, Medicaid Services File, School-Based Administrative Claiming. Series 06736 documents instances in which schools were providers of health care; while Series 06737, represents claims for administrative work by the school district. Therefore, for the former, funds were distributed directly from the Department of Medicaid Services, while, for the latter, funds were remitted from the Department of Education. The records covered by Series 06736 are copies of materials maintained by school districts, while the records represented by Series 06737 originate with the Department of Education.

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

Board of Optometric Examiners

Isaac was the Records Analyst working on the Schedule revisions. **Additions to the Schedule:** Series 06734, Complaints – Substantiated; and Series 06735, Complaints – Unsubstantiated. **Deletion from the Schedule:** Series 05533, Complaints File.

The Kentucky Board of Optometric Examiners was established in 1950 and is responsible for regulating the practice and licensure of optometry in Kentucky. The Board grants initial licensure to qualified optometrists and oversee the annual renewal of licenses. The Board also investigates complaints against practitioners and is responsible for imposing disciplinary sanctions against those who violate Kentucky Revised Statutes Chapter 320. The Board promulgates regulations concerning professional and business practice standards, continuing education and licensure requirements.

Isaac said that the retention periods proposed for Series 06734, Complaints – Substantiated; and Series 06735, Complaints – Unsubstantiated, are the same as Series 06513, Complaints – Substantiated; and Series 06514, Complaints – Unsubstantiated. The latter two Series had been proposed as part of a draft General Schedule for Occupational and Professional Boards and Commissions tabled by the Archives and Records Commission at its December 11, 2014 meeting.

Bensenhaver said that she had discussed these revisions with the attorney representing the Board; that attorney was comfortable with them. Bensenhaver continued to believe that unsubstantiated complaints could be important to the general public in the event of a complaint; that they have a value in documenting that an agency properly regulates its licensees; and that perhaps the proposed retention period of ten years after case closure and dismissal of action should be increased.

Bell said that the retention period for unsubstantiated complaints in public school districts is two years. She felt this was long enough, as the accused party frequently could not be identified from the complaint. Complaints might also be unjustified.

In response to a question by Bell, Cundy said that Series 06513, Complaints – Substantiated; and Series 06514, Complaints – Unsubstantiated had originated with an effort to create a General Schedule for Occupational and Professional Boards and Commissions, which would standardize retention periods for those types of agencies. He worked with numerous Boards and Commissions to draft the Schedule.

Bell asked whether the change in retention from a permanent meant the files did not have historical value. Isaac said that any complaints considered by the Board would be reflected in meeting minutes, which are a permanent record. Rogers said that any substantiated complaints were submitted to the federal government and retained permanently in a database. Bensenhaver said that individuals making an open records request would typically not be aware of or utilize that database; they would be more inclined to make the request of the regulatory agency.

In response to a question by Jones, Cundy said that each investigation stands alone. A substantiated complaint would not change the status of a previously unsubstantiated complaint. In response to a question by Bryan, Cundy said that there would be a record of any substantiated complaint in an individual's personnel file.

Jones made a motion to approve the Schedule additions and deletion, seconded by Bryan. The vote by members and representatives present was unanimous.

Personnel Cabinet – Governmental Services Center

Isaac was the Records Analyst working on this Schedule revision. **Revision to the Schedule:** *Closed Series:* Series 05446, KY Certified Public Manager Program File.

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; Governmental Services Center (GSC); Center of Strategic Innovation; KY Public Employees' Deferred Compensation Authority; Department of Human Resources Administration; and the Department of Employee Insurance.

Isaac presented the Schedule revision.

Rogers made a motion to approve the Schedule revision, seconded by Belding. The vote by members and representatives present was unanimous.

Geoff Pinkerton, representing the State Budget Director, joined the meeting.

Public School Districts

Kirkwood was the Records Analyst working on the Schedule additions. **Additions to the Schedule:** Series L6704, Student Cumulative Folder (Elementary School); and Series 6705, Student Cumulative Folder (Middle School).

The first attempt to assemble a public 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 June 2015 the Commission approved a complete revision of the entire schedule. The 174 school districts in the Commonwealth produce an overwhelming amount of paper and electronic records. We continue to work with school districts providing records management training and direct service.

Kirkwood said that the current Series for student cumulative folders covered all cumulative folders, assigning them all a permanent retention. While high school cumulative folders document that a student received a diploma and should be retained permanently, elementary and middle school cumulative folders are used only for placement purposes and are not referenced once the student has moved on to the next level of education. While there is a large volume of these materials, they are rarely used.

In response to a question by Belding, Kirkwood said that school districts currently maintain elementary and middle school grades in Infinite Campus, which is accessible to students and parents.

Bell said that, as Coordinator of Archives for Jefferson County Public Schools (JCPS), she had been working with these records for quite some time. Staff at the JCPS Student Records Office expressed concerns over the proposed retention period of five years after the student leaves the district for both these Series. Large employers request these transcripts frequently. Many times, when a student leaves the district, his or her new school district does not contact JCPS for those records. School districts would need to make provisions to retain basic information from the elementary and middle school student records. JCPS often provides these records to Jefferson County High School, which is strictly for individuals returning to school after having left. This takes place at many levels of education. These records also may have historical value. JCPS does not maintain all of its student records in Infinite Campus.

Bensenhaver asked if there were support among school districts for these Schedule additions. Kirkwood said there was.

Kirkwood said that school systems did not have to destroy these records after the retention period. It would be acceptable for a particular district wanted to maintain the files. These additions would give school districts the option to destroy them.

Belding asked about the size of the files and whether school districts could purge some of the materials. Kirkwood said they could, but school districts often do not have the

staff to dedicate to purging files. The result is that school districts retain large volumes of these files, but never use them.

In response to a question by Belding, Bell said that JCPS had experienced technical issues with Infinite Campus and had not been able to use that system to compile a complete elementary or middle school student file in electronic format. Kirkwood said that some vendors had been able to create pdf files of student records, but those tended to focus on high school transcripts. School districts across the Commonwealth make varying uses of Infinite Campus, though all districts do include the student cumulative file in that system.

Bensenhaver suggested that stakeholders such as the School Board Association, the Superintendent's Association, or the Department of Education could be consulted on this. She suggested that these additions be tabled until these groups could be reached. Pinkerton felt that, because school districts could choose not to destroy these files, that the Commission should not table the proposed additions. Bensenhaver said that she would be interested in hearing other points of view.

Bell said that JCPS could have students as old as twenty-two in its classrooms. Jefferson County High School provides education for students older than twenty-two. These records may be necessary to support students as they return to school.

In response to a question by Pinkerton, Bell said that JCPS did not have a responsibility to ensure that a record follows a student when she or he leaves the district. She did feel the district has an obligation to preserve these records to meet the future need of students.

Justus said that Kentucky Disability Determination Services requested student transcripts for individuals applying for disability. The transcripts, including elementary and middle school records, were used to establish a pattern of behavior, which could make a difference in the determination.

Hamperian asked whether school districts would have the resources to weed the elementary and middle school transcripts from students' cumulative files. Kirkwood said that school districts often had a large volume of elementary and middle school files for withdrawn students. These files are stored separately from those of graduates. Because most school districts do not have proper records storage areas, these files are often stored in facilities such as garages that are in appropriate for this.

Kirkwood said that if the Schedule additions were tabled, he would look into the matter further.

Rogers made a motion to table the Schedule additions, seconded by Bensenhaver. The vote by members and representatives present was unanimous.

Transportation Cabinet – Department of Highways – Division of Construction Procurement

Isaac was the Records Analyst working on the Schedule revision. **Addition to the Schedule:** *Staff made an administrative change to the following series without changing retention or disposition:* Series 05841, Compliance Review Files.

The statutory organization for the Cabinet is set forth in KRS Chapter 174. KRS 174.010 creates the Cabinet and KRS 174.020 – 174.100 outlines the various organizational components and administrative duties of the Cabinet. The Cabinet is responsible for maintaining and improving the delivery of transportation services in the state. The organizational structure of the Cabinet is as follows: the Office of the Secretary, the Office of Public Affairs, the Office of Inspector General, the Office of Budget and Fiscal Management, the Office of Legal Services, the Office for Civil Rights and Small Business Development, the Office of Information Technology, the Office of Support Services, the Office of Audits, the Office of Human Resource Management, the Office for Transportation Delivery, the Department of Aviation, the Department of Highways, the Department of Rural and Municipal Aid and the Department of Vehicle Regulation. Other bodies attached to the Cabinet administrative purposes are the Kentucky Airport Zoning Commission, the Kentucky Motorcycle Advisory Commission for Highway Safety, the Kentucky Motorcycle Safety Education Advisory Commission, the Kentucky Bicycle and Bikeway Commission and the Kentucky Motor Vehicle Commission.

Isaac presented the Schedule revision.

Rogers made a motion to approve the Schedule revision, seconded by Belding. The vote by members and representatives present was unanimous.

State University Model

Cundy was the Records Analyst working on this Schedule revision. **Revision to the Schedule:** *Staff made administrative changes to one (1) series without changing retention or disposition:* Series U0118, Theses/Dissertations.

Cundy said that this Series had been modified to include projects that may not be these or dissertations in the strictest sense, but are required for completion of a graduate or undergraduate degree.

Shroeder made a motion to approve the Schedule revision, seconded by Bell. The vote by members and representatives present was unanimous.

The next item was **other business**. Cundy said that the Division would be directly affected by a new law permitting individuals to seek expungement of certain Class D Felonies. Shields said that Division staff members were trying to determine the best course of action to take when expunging microfilmed records such as indexes and case files. One possibility is to create digital images from the microfilm and use redaction software on the digital image. While efforts have been made to estimate the number of expungements that may be requested, it is difficult to know with any certainty.

Cundy said that the Division had also been working on complying with statutory changes to Kentucky's Marriage License. Kirkwood said that he had sent the final version of the revised Marriage License to county clerks and software vendors who would be helping clerks implement the new digital form. The form will be in use starting July 15, 2016. The major changes to the form are the use of the word "spouse" in addition to "bride" and "groom;" and the elimination of the county clerk's signature.

Manuel said that the Department Commissioner and Division Director positions were still unfilled.

Kirkwood discussed Local Records Grants. \$587,104.00 had been distributed to cover 36 projects.

Cundy said that Pam Compton, formerly a Records Analyst in the State Records Branch, had retired on April 1, 2016. He thanked her for her work.

Bensenhaver proposed for consideration the elimination of the access restrictions field from the retention schedules based on her belief that the statutory charge of the Commission is to fix retention periods and not to provide guidance on access restrictions that may or may not be applicable to all or part of a record. Inclusion of the access restriction is misleading to public agencies as well as the public insofar as they are frequently viewed as controlling legal authority by which agencies are bound and the public excluded from access. It was her view that decisions as to records access must be made by agencies based on their interpretation of existing law, and that citation to a statute, standing alone, is inadequate to address complex issues arising from records access disputes. Rogers shared her concerns, focusing on the intended audience for retention schedules. Belding suggested that if access restrictions were removed from the retention schedules, a statement that agencies should consult legal counsel to determine the appropriate application of access restrictions could be used instead. Cundy felt that would be an effective compromise, though he favored removing the field from the schedules altogether. Kirkwood agreed that the field should be removed. Commission members agreed to consider this at a future date..

There being no further business, Manuel adjourned the meeting at 12:30.