

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
September 8, 2011
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., September 8, 2011, in the Board Room, Kentucky Department for Libraries and Archives (KDLA), 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Richard Belding, representing Citizens-at-Large; William Jones, representing Citizens-at-Large; Sheila Stuckey, representing regional colleges and universities; David Schroeder, representing the Kentucky Library Association; Linda Potter, representing Citizens-at-Large; and Charlann Wombles, representing local governments.

Representatives present: Randy Justice, representing Joseph Meyer, Secretary, Education and Workforce Development Cabinet; Janet Lile, representing Steve Rucker, Commissioner, Commonwealth Office of Technology; Amye Bensenhaver, representing Jack Conway, Attorney General; Greg Giesler, representing Crit Luallen, Auditor of Public Accounts; Brandon Haynes, representing John D. Minton, Jr., Chief Justice, Supreme Court; and Leslie Smith, representing Robert Sherman, Director, Legislative Research Commission.

Members not present or represented: Mary E. Lassiter, State Budget Director; Terry Birdwhistell, representing the University of Kentucky; Tim Goff, representing Citizens-at-Large; and Louise Jones, representing the Kentucky Historical Society;

Public Records Division staff present: Barbara Teague, Director, Public Records Division; Jerry Carlton, Manager, Local Records Branch; Glen McAninch, Manager, Technology Analysis and Support Branch; Jim Cundy, Manager, State Records Branch; Mark Myers, Electronic Records Archivist; Pamela Compton, Records Analyst; and Jackie Arnold, Records Analyst.

Guests present: Sandra Gardner, Governor's Office of Agricultural Policy; Diane Fleming, Governor's Office of Agricultural Policy; David Crume, Department of Revenue; Larry Weese; Department of Community Based Services; Will Robinson, Department of Community Based Services; and Brad Popp, Cabinet for Health and Family Services.

Onkst called for introductions by those present.

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

Onkst recognized Cundy, who presented "Setting Retention Periods for Public Records: An Overview." The presentation reviewed the various responsibilities of the Commission, public agencies, and the Public Records Division; the process of developing retention schedules for the Commission members' review; advisory bodies to the Commission; and the materials that are distributed at each meeting (Agency Function and Records Summaries; draft Retention Schedules; Description and Analysis Forms; and System Descriptions). Carlton commented on the slight differences in the process between local agencies and state agencies.

NEW OR REVISED SCHEDULES

Governor's Office of Agricultural Policy

Compton was the Records Analyst working on this revised schedule. **Addition to the Schedule:** Series 06146, American Recovery & Reinvestment Act On-Farm Energy Efficiency and Production Grant File. **Deletion from the Schedule:** Series 05426, Kentucky Aquaculture (KAPS) Grant Applications – Denied/Withdrawn. **Changes to the Schedule:** Series 05423, Agricultural Development Fund Approved Project File, from "Retain final narrative and financial reports permanently. Transfer remainder of file to Records Center six (6) months after submission of final report and retain at Records Center for four (4) years six (6) months, then destroy;" to "Retain final narrative and financial reports permanently. Transfer remainder of file to Records Center six (6) months after submission of final report and retain at Records Center for six (6) years six (6) months, then destroy;" and Series 05427, Kentucky Agricultural Finance Corporation (KAFC) Revolving Loan File, from "Retain final narrative and financial reports permanently. Transfer remainder of file to Records Center six (6) months after submission of final report and retain at Records Center for four (4) years six (6) months, then destroy;" to "Retain final narrative and financial reports permanently. Transfer remainder of file to Records Center six (6) months after submission of final report and retain at Records Center for six (6) years six (6) months, then destroy." *Description and Analysis forms were completed and/or updated for four records series without changing retention and disposition.*

The Governor's Office of Agricultural Policy (GOAP), established in 1998, helps to promote, develop and implement development policies that result in a stronger agricultural base in the Commonwealth. GOAP provides a direct link between the Governor and one of the state's most important industries. The office administers the Governor's Commission on Family Farms, the Kentucky Agricultural Resource Development Authority (KARDA), the Kentucky Agricultural Development Board (Phase I), the Kentucky Tobacco Settlement Trust Corporation (Phase II), and the Kentucky Aquaculture Infrastructure Development Fund. Additionally, GOAP represents Kentucky's interests as national agricultural policy is developed.

This is a complete revision of the Retention Schedule for the Governor's Office of Agricultural Policy.

Schedule date: June 9, 2005

Proposed schedule date: September 8, 2011

Compton summarized the revised schedule.

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

Finance and Administration Cabinet – Department of Revenue

Compton was the Records Analyst working on this revised Schedule. **Deletions from the Schedule:** Series 03370, Intangible Property Tax Return File; Series 03373, Lockbox Content Records; Series 03375, Personnel Folder; Series 03376, PVA – Operating Budget File; Series 03379, Property Valuation Administrator's Bond; Series 03380, County Recapitulation File; Series 03730, Exempt List; Series 03731, Affidavit of Real Property Transfer; Series 04672, Tax Roll Information Management System (TRIM); Series 04674, Property Valuation Administrator Personnel File; Series 04675, Property Valuation Administrator Bond File; Series 04676, Property Valuation Administrator Time Sheets; Series 04677, Recapitulation Database; Series 04680, Tax Roll Information Management System (TRIM) (Duplicate); Series 04688, Undeveloped Oil and Gas Return File; Series 04696, Motor Vehicle and Boat Tax System (Electronic); Series 04697, Property and Usage Tax Technical Information Processing ("TIP") ; Series 04698, Omitted Property System (OPSSYS) (Electronic); Series 04700, Tax Distribution System (Electronic); Series 04701, Public Service Company Assessment and History Database (Electronic); Series 04704, Tangible/Intangible Personal Property Tax System; Series 04705, Omitted Property Tax System – Tangible and Intangible (Electronic); and Series 04760, Ninety Thousand Series Coal Compliance Program File. **Revisions to the Schedule:** Series 03369, Tangible Property Tax Return File, from twelve (12) years to seven (7) years; Series 03477, Executive Order Correcting Erroneous Assessment, from twelve (12) years to seven (7) years; and Series 04681, County Recapitulation File, ten (10) years to seven (7) years. *Description and Analysis forms were completed and/or updated for twenty-five records series without changing retention and disposition.*

The Department of Revenue is organized as a unit of the Finance and Administration Cabinet and the duties and functions are stated in KRS Chapters 131 through 144. The Department of Revenue is responsible for exercising all administrative functions of the state in relation to the state revenue and tax laws, the equalization of tax assessments, the assessment of public utilities and public service corporations for taxes, the assessment of franchises, the supervision of tax collections, and the enforcement of revenue and tax laws, either directly or through supervision of tax administration activity in other departments to which the Department may commit administration of

certain taxes. The Department of Revenue is the primary revenue collection agency for state government.

The Department is made up of the Office of the Commissioner, Division of Legislative Services, Office of Processing and Enforcement, Office of the Taxpayer Ombudsman, Office of Property Valuation, Office of Miscellaneous Taxes, Office of Sales and Excise Taxes, Office of Income Taxation, and Office of Field Operations.

This is a complete revision of the Retention Schedule for the Department of Revenue.

Schedule date: March 9, 2000

Proposed schedule date: September 8, 2011

Compton said that the Advisory Committee had asked about the access restriction on Series 04857, Record Request File. The exemption applies only to the tax information provided in response to the request.

Compton said that Series 04682, Property Tax Map File; Series 04683, Mapping Project File; and Series 04708, Mapping Audit File, all relate to mapping and will be assigned a more definitive disposition after meeting with Property Valuation Administrators in November.

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

CHANGES TO CURRENT SCHEDULES

Cabinet for Health and Family Services – Department for Community Based Services

Compton was the Records Analyst working on these schedule additions, deletions and revisions. **Additions to Schedule:** Series 06148, Service Appeal Files; and Series 06149, Child Abuse and Prevention Treatment Act Appeals. **Deletions from Schedule:** Series 1564, AFDC Quality Control Results (Form SSA-4341); Series 1566, Food Stamp Q.C. Results (Form FNS-247); Series 1568, Public Assistance Cost Standards Report (Form SRS-NCSS-108); Series 1569, Fraud in Public Assistance Report (Form SRS-NCSS-110); Series 1570, Screening Services Report Form (Form SRS-NCSS-116); Series 1575, Welfare Approvals, Denials, and Discontinuances Report (Form SRS-NCSS-2079); Series 1579, Public Assistance Recipients and Payments Report (Form PA-264); Series 1580, Emergency Assistance Report-Listings by Counties (Form-264-EAP); Series 1581, Workers' Reports of Caseload and Activity-State Summary; Series 1582, Historical Trends Associated with Recipient and Payment Data; Series 1583, Cost

Analyses for Welfare Planning; Series 1586, Quality Control Schedules – Positive and Negative Actions Report; Series 1586.1, Wage Record Report (PA1610B); Series 1685, Report of Reduction of Food Stamp Benefits (Form FNS-285); Series 1695, Complaint and Replies Record; Series 1698, Project Review; Series 1699, Efficiency and Effectiveness Reviews; Series 1704, Claim Determination Reports (Form FS-108); Series 1709, AFDC Appeal Board Cases; Series 1726.1, Issuance Accountability Forms (FS-7, FS-7a, FS-7b, FS-7c); Series 1746, Inquiries; Series 1747, Deceased Recipient's Folders – All Folders; Series 1751, Application Register – All Programs; Series 1752, Transmittal Sheets; Series 1776, Children Served in Public and Voluntary Child Welfare Agencies Report; Series 1777, Quarterly Report of Child Care Arrangements of AFDC Recipients; Series 1797, Active Adoption Records; Series 1832.2, Case Records – Adult Abuse and Neglect; Series 1844, Card File on Child Releases; Series 1863, Diagnosis and Treatment Program Files; Series 1864, Drug Reports from Residential Facilities (Monthly); Series 1865, Family Planning File; Series 1870, Adoption Register; Series 1871, Independent and Subsidized Adoption Register; Series 1873, Register of Adoptions; Series 1875, Adoption Exchange Directories; Series 1876, Publicity File; Series 1877, County Petition Card File; Series 1878, DCW Adoption Summary; Series 1879, State Petition Card File; Series 1880, Independent Application Register (Form BSS-187); Series 1881, Adoption Workshop Video Tape; Series 1886, Foster Care Parent Recruitment Files; Series 1887, Quarterly Foster Home Status Report; Series 1888, Home Study of Foster Home Facilities; Series 1889, Foster Care Reevaluations; Series 1891, Foster Parent Training Files; Series 1892, Foster Care Review Survey Tool; Series 1893, Children 18 years and older in Foster Care Report; Series 1894, Diagnostic and Evaluation Center Reports; Series 1895, Foster Care Benefits Payment Program ; Series 1929, Children in Foster Care; Series 1933, Report of Suspected Child Abuse (Form DCW -113); Series 1940, Statement of Compliance (Form DCW-113); Series 1942, Juvenile Court Docket; Series 1943.1, Inactive, Case Records (Original) Other than Adoptions; Series 1946, AFDC-FC Register; Series 1947, Children Committed List; Series 1948, Children in Foster Care; Series 1949, Children in Private Institutions; Series 1959, Adolescent Day Treatment Program Files; Series 1960, Adoption Program Files; Series 1961, Aid to Families with Dependent Children Program Files; Series 1963, Bureau for Social Insurance and Bureau for Social Services Referral Program; Series 1964, Foster Care Address Information List (Form BSS-195); Series 1972, HEP-VOP Program File; Series 1980, Trust Fund Balances; Series 1983, Child Abuse Investigations (Form DCW-150); Series 1983.1, Child Abuse Investigations – Unfounded; Series 1984, Day Care Reports; Series 1985, Family Planning Reports; Series 1986, Foster Children and Foster Home Statistics; Series 1987, Volunteer Monthly Reports; Series 03181, Food Stamp Program Collection File – Closed; Series 03182, Food Stamp Collection File – Suspended; Series 03183, Aid to Families with Dependent Children Collection File – Closed; Series 03184, Aid to Families with Dependent Children Collection Files – Suspended; and Series 04537, Food Stamp Issuance Report File. **Changes to Schedule:** Series 06150, Field Workers' Investigative Files – Inactive, from "Retain in Agency three (3) years; transfer to State Archives Center for permanent retention;" to "Retain in Agency three (3) years after

resolution of complaint, transfer to State Records Center for seventeen (17), then destroy twenty (20) years from date of resolution of complaint;" and Series 06153, Child Abuse Central Register, from "Retain permanently in Agency," to "Retain in Agency, updating the Central Registry as needed." *Description and analysis forms were completed or updated for fifteen records series with no changes to retention and disposition.*

The Department for Community Based Services (DCBS) was formed in 1998 within the Cabinet for Families and Children by KRS 194.030 to give local offices more decision-making authority and the ability to collaborate more effectively with other community service providers. The Cabinet for Families and Children and the Cabinet for Health Services were consolidated in 2004.

The Department provides family support; child care; child and adult protection; eligibility determinations for Medicaid and food stamps; and administration of an energy cost assistance program. The Department administers the state foster care and adoption systems and recruits and trains parents to care for the state's children who are waiting for a permanent home. With offices in every county, DCBS provides services and programs to enhance the self sufficiency of families; improve safety and permanency for children and vulnerable adults; and, engage families and community partners in a collaborative decision-making process.

Compton said that the Retention Schedule for the Department for Community Based Services should be completed in December.

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

Department of Education – Office of Next Generation Learners

Arnold was the Records Analyst working on these schedule deletions and addition. **Addition to the Schedule:** Series 06145, Textbook/Instructional Materials Selection File. **Deletions from the Schedule:** Series 02475, Facilities Quarterly Committee Meeting Reports; Series 03562, Monthly STARS reports; Series 03564, Monthly Accounting Status Reports; and Series 03565, Monthly UPS Reports.

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.

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.

Arnold presented the schedule addition and deletions.

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

Kentucky Heritage Council

Arnold was the Records Analyst working on this schedule revision. **Revision to the Schedule:** Series 01851, Cultural Resources Review Files, from "Transfer to the State Records Center after final project approval. State Records Center retains for twenty (20) years;" to "Retain review and agreement letters permanently. Retain remainder of files for twenty (20) years after final project approval."

The Kentucky Heritage Commission was founded in 1966 to meet the requirements for receiving federal funds provided under the guidelines of the National Historic Preservation Act of 1966. The Commission was abolished by Executive Order in 1981 and its duties were transferred to the Department of the Arts. In 1982, the General Assembly recreated the separate state agency, naming it the Kentucky Heritage Council (KRS 171.3801). The Council consists of not more than sixteen members, appointed by the Governor, who have an interest in the preservation and protection of Kentucky's heritage. The Council includes a Heritage Division, headed by a Director appointed by the Governor from a list of three nominees submitted by the Council. The Director serves as the State Historic Preservation Officer. The Council is charged with administering a comprehensive state historic preservation program. Its duties are carried out by its staff, headed by the State Historic Preservation Officer. There are three subprograms: Site Identification and Registration, Site Protection, and Site Development. The Council administers the National Historic Preservation Program in

Kentucky, provides technical assistance to local units of government, planning agencies, state and federal agencies and local preservation agencies on all aspects of historic preservation.

Arnold said that, at the June meeting of the Advisory Committee, Committee members had asked him to look into this Series, which had been titled "Environmental Review Records - Review and Compliance Files by Counties," and determine whether the twenty-year retention needed to be lengthened. He said that, despite its former title, the series does not document the natural environment. Rather, it documents effects proposed projects might have on properties that are historic or may be considered historic. The change to the disposition of the series involves keeping the review and agreement letters permanently. This will document the actions and opinions of the Council on these matters.

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

Council on Postsecondary Education

Arnold was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06144, Postsecondary Licensing Files.

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; and
- 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).

Bensenhaver asked whether Series 06144 applies to private, for profit educational institutions. Arnold said it does. In response to a question by Teague, Bensenhaver said she had brought the proposed retention of "Retain for eight (8) years after non-renewal, then destroy" to personnel at the Attorney General's Office for review, and they said that the retention period is sufficient to address issues raised by the private, for-profit entities. The retention is comparable to that of similar records at other agencies.

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

State University Model Schedule

Cundy was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Student Housing Records: Series U0800, Student Housing Assignments. Athletics: Series U0911, Recruiting Records; Series U0912, Competition Scheduling Records; Series U0915, Playbooks and Related Materials; Series U0916, Practice Schedule Records; Series U0917, NCAA/NAIA Enforcement Records.

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.

Cundy said that Series U0800, Student Housing Assignments, actually reflects all housing assignments made by public universities, not only those for students. The title will be changed to University Housing Assignments for greater accuracy.

Cundy said that the Archives and Records Management Advisory Committee had recommended a retention period of ten (10) years after all enforcement processes have ended. However, the Advisory Committee on University Records, which met after the Archives and Records Management Advisory Committee, recommended a retention period of seven (7) years after all enforcement processes have ended. The latter is in compliance with NCAA recommendations.

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

Onkst recognized Carlton, who discussed **Local Records Grants**. Commission members had received a summary of the grants distributed in FY2012. The total amount of grants awarded to date was \$596,571.00. There is approximately \$225,000.00 in the grant account. Security microfilming of permanently valuable records is still the top priority of the Local Records Grant Program. Grants are available to any local governmental entity. The program receives money through the state's General Fund; and it receives directly one dollar from the legal process fee charged by County Clerks to file documents.

The next item was **Other Business**. Onkst recognized Teague, who said that Commission members had received "Electronic Signature Recordkeeping Guidelines," which had been produced by the Electronic Records Working Group. Myers said that the guidelines outline the recordkeeping implications of electronic signatures and suggestions for addressing those implications.

Teague said that the next item of business before the Electronic Records Working Group is drafting a set of recordkeeping guidelines for cloud computing.

Teague said that in July, the Department underwent an audit of its digital repository as part of creation of a draft standard, ISO/DIS 16363, Audit and certification of trustworthy digital repositories. KDLA was the only state government repository visited by the audit team. In general, the team recommended that KDLA develop a more systematic approach to digital preservation; that current policies and procedures be written, updated, or codified; and that steps be taken to improve the security of records in the repository. The team's feedback was useful and helped to provide guidance for funding considerations in KDLA's additional budget request.

Teague said that the Department is still in the process of consolidating its two State Records Center facilities. Staff is waiting for the Division of Real Properties to solicit Best and Final Proposals from potential bidders.

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