



**Testimony before the
Senate Federal and State Affairs Committee**
on
SB 10 – Open Meetings; minutes required; open records; charges limited
by
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Mr. Chair, Members of the Committee:

There are two significant portions of this bill. The first is *it shall be the duty of the presiding officer of the meeting to ensure that minutes are kept at each meeting. The secretary of state shall determine the format of the minutes.* To that language, we stand neutral. The other portion is *removing the ability of an entity to collect any more than \$0.25 per page for copies made under KORA.* We rise as opponents to that language.

District clerks are required to record the actions of their boards and maintain them forever. Over the years and over districts, many formats of minutes emerged. As part of my work at KASB, I have done a number of policy manual reviews, a service we offer to our members. For each policy job, I read three years of minutes. I can tell you to simply mandate a new format will cause heartburn for many district clerks. Over time, I am sure they will adjust to the new form. At the same time, we are wondering what will be gained by mandating the new practice over practice that may have gone on for decades and has worked well for that district.

To remove the ability to collect more than \$0.25 per copy, making it clear that no staff time was ever to be considered in calculating the final cost, we believe, it's an unfunded mandate of no small expense. It might be easy to assume that copies are made simply produced by an administrative aide taking an existing document and running it through the copy machine. Many KORA requests are probably like that, and many schools probably just charge for the copy.

The fact is many record requests are lengthy and require significant staff time. The documents might be in multiple sites, including not being at the site where the request is made. Staff hours taken for that request might even create overtime pay, a cost much above what the staff time generally costs.

Here's the real cost. More and more requests are for e-mails of specific people -- may not even be limited by topic, could be all e-mails sent or received by the superintendent (for example) -- These would all have to be reviewed for confidential personnel, student, litigation/attorney-client information. Such review might even need to be done by the school's attorney, which results in attorney fees that can be substantial. Even when limited by topic, it would require IT personnel or a consultant to search for responsive e-mails and all such e-mails found would have to be reviewed for relevancy as well as

confidential information. All this staff time spent searching, sorting, and otherwise responding to KORA would only be reimbursed at \$0.25 per copy, when the report took five or six hours of work, resulting in much greater cost than the administrative aide at the copy machine.

Our school districts, over the last 15 years, have been as responsive as any local entities when press organizations operated “sting” operations. Districts know being responsive is good public relations. I know for a fact clerks are trained to respond to a stranger, perhaps from outside the district, in as friendly and efficient manner if the request is from their neighbor down the street. Districts understand the importance of responding to Open Records request.

We think it is unfair to say to a district an Open Records request is essentially a demand transfer. KASB understands there is heartburn at the state level when, by passing a bond, a district has created a demand transfer from the state. We would hope districts would be shown the same regard. It is also important to note districts are being required, over time, to show where their resources are being spent. Money spent in this regard would be considered “outside the classroom,” for which they will take heat. We believe it sends the wrong message when a district is put into a lose-lose situation, either not spend money in the classroom, or not break out the real cost of the transaction, hence not promoting transparency.

Thank you for this opportunity for input.

Thank you for your consideration.