

# Records Management Committee Meeting

Monday, March 27, 2023

1:00 p.m. to 2:00 p.m.

Utah Division of Archives and Records Service

346 S Rio Grande St

Salt Lake City, Utah 84101

[Google Hangouts Meet](#)

## Board Members Present

- Drew Mingl
- Jacey Skinner
- Josh Bullough
- Matthew LaPlante
- Rebekkah Shaw
- Tracy Hansen
- Veronica Solano Arangure

## Others Present

- Brian Swan
- Heidi Steed
- John Lyman, Student Data Privacy Trainer, USBE
- Jordan DeHaan, Dispute Resolution Specialist, USBE
- Kendra Yates
- Maren Peterson
- Matt Pierce
- Renée Wilson

Meeting called to order at 1:02 PM

## Business

Approval of February 2023 meeting minutes

- Matthew LaPlante moves to approve the minutes, Rebekkah Shaw seconds.

- Role call vote: unanimous yes.

## Retention Schedule Review and Approval

### **Special Education state complaint decisions (SSRS 30473; Board of Education)--New**

*Submitted by Maren Peterson*

Maren Peterson explained the retention schedule. LaPlante asked how many of these records there are. Jordan DeHaan answered that the Utah State Board of Education (USB E) receives 25–35 each year.

Drew Mingl asked what the agency was doing before this point, and whom DeHaan had worked with on the retention schedule. DeHaan said they've been keeping the records indefinitely, and he worked with Dr. Leah Voorhies, USB E Assistant Superintendent of Student Support; Ben Rasmussen, USB E Records Officer; John Lyman; and people at State Archives.

LaPlante asked if local education agencies (LEAs) would also use this schedule. DeHaan said that the new schedule could be included in the USB E's Records Appraisal and Management Program (RAMP) and LEAs can choose to adopt it.

LaPlante asked several questions about the retention, wondering if such a short retention would impede the agency's ability to identify patterns of abuse and malfeasance. DeHaan explained why the retention is appropriate for this particular record, which is part of a larger process.

- LaPlante moves to pass SSRS 30473 as written, Tracy Hansen seconds.
- Role call vote: unanimous yes.

### **Special education records (GRS-1476)--Updated**

*Submitted by Matt Pierce*

Matt explained that an explanatory note was added to this already-existing general retention schedule (GRS) to clarify the confusing retention, which is either 3 years or 5 years after separation, depending upon whether an LEA bills to Medicaid or not.

Hansen asked why the GRS couldn't be 5 years for all the records. Peterson explained that USB E's administrative rules state 3 years as the retention.

Josh Bullough and Kendra Yates suggested splitting the GRS into two separate GRS. Shaw said that it amounts to the same thing either way in that the records officers will have to figure out which schedule to use.

LaPlante asked why a GRS is being created if the retention is stated in the administrative rules. Discussion ensued about what oversight the Committee has over approving retention periods versus the Board of Education's ability to include a retention period in their administrative rules. There was also some discussion about whether or not a substantive change to the description of a general retention schedule is an actual change to the retention, in that it changes the underlying substance of what this schedule applies to, and whether that needs to be approved by the Committee.

- Shaw moves to table GRS-1476 until next month, have USBE come to the Records Management Committee meeting to give answers to questions addressed (i.e. why the retention is 3 years), give Brian Swan time to look into the questions that were brought up (see bullet points below), and include in those questions whether the Committee can approve a retention that is in conflict with an entity's administrative rule.
  - Because the USBE created their own rule, is that (retention period stated in the admin rule) not within the Committee's purview?
  - Whose policy supersedes whose? (Government agency's admin rules or Committee's decision)
  - Why does USBE get to set their own rules?
  - What is the authority and ability of the Committee to operate?
  - How does this work, with agencies like USBE? Does the Committee actually have purview over those (retentions mentioned in) rules or not? Are there situations in which the Committee can call for the agency to review its rules, or ask the agency to come before the Committee?
  - Can the Committee approve a retention that is in conflict with an entity's administrative rule?
- LaPlante seconds.
- Role call vote: unanimous yes.

**Special education mediation agreements (GRS # TBD; GRS Update Proposal 2302)--New**  
*Submitted by Matt Pierce*

Matt explained that these records are part of the complaint process discussed earlier. This general retention schedule may be used by LEAs.

Bullough asked about the source of the retention period. DeHaan said it's based on a statute of limitations. Shaw noted the GRS for contracts is retain for 7 years after expiration, Bullough said there's no need to hang on to records longer than the statute of limitations.

- LaPlante moves to approve GRS update proposal 2302 as written, Bullough seconds.
- Role call vote: unanimous yes.

## Other Business

### **Next meeting scheduled**

- 24 April 2023 at 1:00 PM

Meeting concluded at 2:01 PM.

Approved