



**Oral Opposition Testimony on  
HB 2134  
In House Committee on Judiciary  
By  
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Chair Humphries and Members of the Committee,

Thank you for the opportunity to provide testimony on HB 2134. KASB'S member-adopted permanent policies provide as follows.

*KASB supports the current requirements and exceptions in the Kansas Open Meetings and Kansas Open Records Acts. Boards of education and school districts should not be subject to more stringent or onerous open meetings or open records requirements than those that apply to other government entities. KASB supports modernizing open records requirements while maintaining districts' ability to recover the district's actual costs of responding to open records requests.*

We appear in opposition to this bill, as we have several concerns with the proposed legislation. I will briefly share those observations with you today.

First, Section 1 of the bill would amend K.S.A. 45-219. Subsections (c)(5) as amended would give the executive branch bodies and school boards restrictions on charging fees that the legislative and judicial branches would not have to follow. This section said fees could be charged by these entities, as follows.

*(A) For printed copies of public records, a fee that is equal to \$.25 per page. **No such fee shall be charged for electronic copies; or***

*(B) for the cost of employee time required to provide access to or furnish copies of public records, a fee that shall not exceed the lowest hourly rate of an employee qualified*

*to provide the requested records plus the actual cost of printing copies of public records.  
**No such fee shall be charged for electronic copies.** (Emphasis added.)*

Our member school boards are getting an increasing number of Kansas Open Records Act record requests, and many of these requests are for electronic files or electronic copies of records. Although the files are requested in a different format, it does not eliminate district staff members' obligations to gather the files and review them for sensitive material that ought be redacted or exempted under current law before sending. If this bill was passed, it would eliminate our members' ability to recoup their reasonable costs in compiling, reviewing, and fulfilling requests for electronic records.

Similarly, Section 1, Subsection (d)(2) of the bill allows any person requesting records to appeal the reasonableness of fees charged for access to or furnishing copies of such records to the school board. Given the high volume of records requests received by schools of this nature, we fear this process will be burdensome on boards, especially when board policy would allow other avenues for redress of grievances. We also believe it is not the board, but the staff, who gather the records, thus the records custodian selected by board policy would be the individual best qualified to study the actual costs and direct payment in advance of provision of the records.

Thank you for your time and consideration.

*KASB is a non-profit service organization built on an abiding belief in Kansas public schools. We have put the needs of students and K-12 leaders first since 1917.*