

March 10, 2012

To: Senate Federal and State Affairs Committee

From: Rhonda Humble, publisher, Gardner News

Although the majority of the government entities we work with apply a common sense approach to KORA requests and costs, we've found an unfortunate few who use KORA fees as a barrier to transparency, and there is currently no recourse for citizens who believe the charges, or their treatment, are unfair.

For example, the Gardner-Edgerton school district charges fees for computer-generated reports — charging staff time and copy charges for information that should be readily available with the push of a button in this computerized age. At this time, they will not provide electronic information, but instead require patrons pick up hard copies at the board office and make immediate payment. They do not accept credit cards. There is no refund policy.

Some other specific examples are:

(Attachment 1) The Gardner News was charged \$217 for a 24-page computer-generated payroll list that did not require research or redaction.

(Attachment 2) A letter to the editor indicates a retired resident's concern with the school district's prohibitive KORA fees.

(Attachment 3-4-5) An email from a resident (who gave permission it be used) indicating information USD 231 wanted to charge at least \$150 for information that was readily available on the Kansas Department of Education website. Email attached indicating charge was \$15 per hour staff time and 25 cents per copy to partially fulfill information requested. No research time would have been required, and resident could have been directed to KDE site.

It is my belief that there are several ways to remedy this situation and improve transparency.

— A PRICE CAP be set on "fair and reasonable" fees. Perhaps based on fair market value. Kinkos, a private for-profit business, makes paper copies for 25 cents, and this cost is inclusive of all overhead including salary.

— PRICING CHART equally applicable to all. It appears some constituents are charged, others are not, and the pricing appears to be on a "rubber rate card." Price chart should be readable, published, and readily visible.

— ITEMIZED ESTIMATE/INVOICE. Government agencies should immediately provide a "good faith estimate" within 24 hours of receiving the request, if the request appears to be labor intensive. The "good faith estimate" should not be used by government agencies to extend the three-day answer period for requests.

— GRIEVANCE PROCEDURE. Taxpayers who believe they are being priced out of KORA requests, or have other problems associated with obtaining KORA requests, should have a grievance procedure both within, and outside, the government entity — perhaps the Government Ethics Commission or similar agency.

Transparency is key to good government.

KORA should not be used as a barrier to providing the public information.

MARCH 11, 2013

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ELECT Brett USD 231
Limer Board of
 www.usd231.info Education

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Transparency expensive at USD 231

September 10, 2012 by [brandonh](#) 6 Comments

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USD 231 provides all the transparency money can buy. After several residents complained regarding fees charged to provide copies of taxpayer-funded records, *The Gardner News* paid about \$217 for a 24-page list. District staff estimated it took seven-and-a-half hours to produce the payroll report which lists base salary, position and days worked, but not supplemental pay or stipends. The list had originally been requested by a senior citizen who said the cost associated with obtaining records was too expensive for many low-income patrons. Without discussion and unanimously the board of education increased costs of records at their July 16 meeting saying an increase in the number of patrons' requests was proving burdensome. Although the fee increase was included in the agenda handed out at the meeting to those who attended, it was not made public prior to the meeting. Charging fees for taxpayer-funded copies is a discretionary policy, according to the Kansas Attorney General Derek Schmidt's website. Kansas statute allows government entities to recoup "reasonable fees," and does not provide for a low-income exemption. The new district policy could become a public relations nightmare for the district as patrons dig into their wallets and pool money to pay for public records at a time when the economy is struggling. Many patrons appear to be concerned about the district's recently lowered bond rating, spending practices and low cash reserves. Government records are owned by taxpayers, and government entities are merely custodians. About 40 exemptions exist in KORA and protect individual privacy. We've asked before, and we'll ask again, why is USD 231 so obsessed with secrecy? What is free, and often online, at other districts is overpriced in Gardner-Edgerton. While the new policy may appear punitive in nature, we have to wonder at the district's efficiency if it takes seven-and-a-half hours to produce a 24-page incomplete payroll report, or four hours to print off a check/expense report. We also wonder at a board of education that considers patrons' requests as "burdensome," especially at a time when many government entities are trying to encourage taxpayer involvement. Again, we invite members of the USD 231 BOE to respond on the editorial page of this newspaper. The complete USD 231 base pay list is available online at [www.gardnernews.com](#) or for those without internet access, during regular business hours at the newspaper office, 136 E. Main, Gardner.

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Judith Rogers says:
September 10, 2012 at 5:58 pm



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MARCH 11, 2013

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USD 231 Board of Education

ELECT BRETT LIMER

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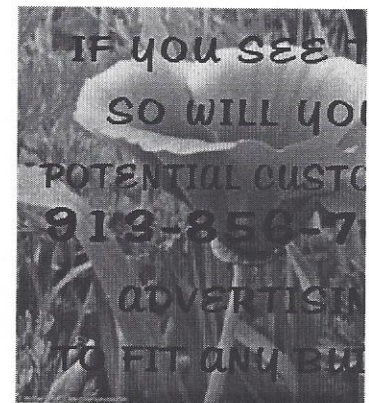
2

Letter to the Editor

September 12, 2012 by [brandonh](#) [Leave a Comment](#)

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Jerry L Kellogg Sr
Gardner KS



According to information provided to me by a USD 231 official on August 16, 2012, the school district has received 28 Kansas Open Records requests during the last three years:

- 2009-10 – 2 Requests (2 individuals)
- 2010-11 – 4 Requests (4 individuals)
- 2011-12 – 22 Requests (4 individual requests and 18 from The Gardner News)

The USD 231 policy on Kansas Open Records Act requests, approved annually each July by unanimous vote of the Board of Education, states that the expense of copying open records shall be borne by the individual requesting the copies. Since the district received two requests in 2009-10, these charges have been steadily increasing.

July 7, 2008

- \$10.00 per hour for employee's time
- 5 cents per copy

July 6, 2009

- \$10.00 per hour for employee's time
- 5 cents per copy

July 6, 2010

- \$15.00 per hour for employee's time
- 25 cents per copy

July 11, 2011

- \$15.00 per hour for employee's time
- 25 cents per copy

July 16, 2012

- "Fully loaded hourly rate of the employee(s) or contractors involved in the production of the requested documents, provided that the District shall, to the greatest extent feasible, use the employees or contractors whose rate of pay will result in the lowest charges for the work, consistent with the skill and judgment required to honor the request, and determine the scope of appropriate redactions."
- 25 cents per copy, "(up to 8½ by 14 inches). Oversized documents may be sent to a commercial copying service, and the requester shall pay the actual charges levied to the District for the copy."

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School officials have claimed these fee increases were necessary due to the extra burden placed upon district staff to service the 28 open records requests received since the 2008-09 school year.

In a published opinion, the Kansas Attorney General has stated that the Kansas Open Meetings Act and Kansas Open Records Act are laws enacted by the state legislature to ensure that all citizens can participate in our democracy.

These laws, the Attorney General said, "establish the legal requirement that the decision making of our public bodies remains open and subject to the scrutiny of our citizens."

The law permits public agencies "to establish fees to recover their costs for gathering and copying records. The agency may only charge the direct cost for staff time to gather, review, photocopy and send records to the requester. The agency may not charge for overhead or indirect costs."

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Taxpayers have already funded the employee salaries, equipment and systems to produce and store these records. USD 231 does not own these public documents; it is merely the custodian of the original records.

I am upset and outraged by the school district recently charging The Gardner News \$217.24 to provide 24 pieces of paper. That is equivalent to a full year employee earning \$60,247 spending a full workday to incompletely service the newspaper's request for an open record.

In my opinion, our school officials seem to be sending the message to average citizens that access to public records is being made increasing unaffordable in an effort to discourage future requests. In other words, please do not bother them to provide you with copies of records you have previously paid them to create and store. I have to wonder if USD 231 charges the Kansas Department of Education when providing records to them.

I encourage the Board of Education and school administrators to review and revise their policies regarding their transparency on all district actions, activities and reports, financial as well as educational. Citizens have the right to an unfettered ease of access to open records as well as public meetings.

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From: Judith Rogers <pandazinger@kc.rr.com>

To: Rhonda Humble <trirhonda@aol.com>

Subject: Fw: Show me the money

Date: Thu, Feb 28, 2013 12:57 pm



----- Original Message -----

From: jj

To: Bill Gilhaus ; Tim Rayburn ; Mike McNulty ; Randy Fruits ; Herbert ; James Repshire ; Mark Grannell ; Ron Ragan

Cc: Rhonda Humble ; Corbin Crable ; Danedri Thompson

Sent: Tuesday, October 26, 2010 10:14 AM

Subject: Show me the money

3

Today I called the Kansas Department of Education. I have been advised you are required each year to report on the number of dropouts on an annual basis. The reports are for the period of Oct. 1 of one year to Sept. 30 of the following year. You did have this information and you could have easily given it to me or referred me to the Kansas Department of Education's website but instead you told me I would have to pay you between \$120 to \$150 for this information.

I have also received the dropout information from the Kansas Department of Education's website for USD 231 School Dist. based on the information you gave them and the information is shown below:

2004-2005	4 Dropouts
2005-2006	5 Dropouts
2006-2007	6 Dropouts
2007-2008	30 Dropouts
2008-2009	38 Dropouts

I would say all of you are just like [redacted] and not concerned with kids dropping out of school nor are you concerned with having an open and transparent school district with your district families.

Judith Rogers
Gardner, Ks.

No research time was actually required.

Staff time cost has since been increased.

From: Judith Rogers <pandazinger@kc.rr.com>
To: Rhonda Humble <trirhonda@aol.com>
Subject: Fw: Kansas Education Commissioner
Date: Mon, Mar 11, 2013 1:27 pm

You may use this e-mail including my comment.

----- Original Message -----

From: Judith Rogers
To: Rhonda Humble
Sent: Thursday, February 28, 2013 12:48 PM
Subject: Fw: Kansas Education Commissioner

This is the e-mail I sent to the Kansas Kansas Education Commissioner and then I talked to her after that and gave her even more detailed information and that is when she said she would talk to Gilhaus.

----- Original Message -----

From: jj
To: jj
Sent: Saturday, October 23, 2010 1:49 PM
Subject: Kansas Education Commissioner

Sent following to Commissioner on 10-23-10 by using their website.

This e-mail is directed to Dr. Diane DeBacker, Kansas Commissioner of Education and I would request a reply from her.

I live within USD 231 School Dist that serves the students located within the Gardner/Edgerton, Ks. area. I have been a citizen of Gardner, Ks. since 1994, however, I was born in Olathe, Ks. and have resided in Kansas since 1940 with the exception of 6 years when I resided in the Denver area where I was transferred by the insurance company I worked for to set up a business center in that area. I have owned a home since I was around 18 years old, have paid my property taxes very willingly to help pay for the needs of the community, especially our schools which are so important to me as a citizen. So for 50+ years, I have never been late in a property tax payment and have completely supported the schools of Kansas.

In recent years I have not felt comfortable with my school district. My school district has the highest mill levy in the whole state it is my understanding and has held that distinction for numerous years so I believe that is a indicator how the citizens of this district have supported their schools. I, however, over the past 5 years or so do not feel my school district is doing as much as I would like to cut costs, they do little, if anything, to speak out about the sweet deals given to business entities which creates such a huge loss of school tax dollars and they are the only school district within Johnson County who, using taxpayer money, has decided to sue the people for additional school funds even though the citizens have paid the highest mill levy in the whole state for several years and there is so much economical distress in the community at this particular time. Year before last they locked the front door to our schools to President Obama who wanted to speak to the kids live about working hard and staying in school. I had suggested they let the children view the President's telecast live, however, if there were parents who did not want their kids to watch the telecast, then they could ask that their children be given another activity during the telecast time period - my school district would not adopt that policy as others did in Johnson County and which I felt was fair to all. A sign at our local high school was damaged by wind last year and it was replaced by a much taller sign with lights. I called the school district and asked the cost of the new sign. An administrator at the district office advised me on that phone call he could not answer that question but I would be hearing from them. A few days later I received a 3 page letter from the Operations Mgr. to answer this simple question. He advised they took the insurance claim payment and added about \$4,000 to it and bought a recycled sign which was taller and had lights that a local business owner had and offered to the district. So the school district is suing the people for more money on top of the highest mill levy in the whole state and then puts out \$4,000 which we don't have for a bigger and brighter sign - this doesn't meet my conservative spending habits that I have had my whole life so I may stay within my required budget and so I don't have to ask for increases for a want and not a need. I would have preferred they repair the sign with the insurance company proceeds and not spend additional money which we don't have and the original sign was serving its purpose just fine in my estimation but it is clear my estimation is not on the table.

So this is some background information but I hope you pick up on the fact that I am a huge supporter of education and also I want to make it very clear that I am truly concerned with the education our kids are receiving as evidenced by the slipping world standing that U.S. is seeing in education.

On Oct. 22, 2010 I sent the following e-mail request to Mr. Gilhaus who is the Superintendent of USD School Dist No. 231:

I need to know the number of high school dropouts by grade for the past five years.

I also need to know the present number of students who are in alt school by grade.

Judith Rogers
Gardner, Ks



I received the following reply from him a few hours later:

Hi Judith,

The school district would be happy to provide you the information you requested. It will involve personnel time. The charge to fulfill your Kansas Open Records request will be \$15 per hour and 25 cents per copy generated. Would you like for me to proceed?

Dr. Bill Gilhaus
Superintendent of Schools
Gardner Edgerton School District

Here is my reply to Mr. Gilhaus:

What will the charges be and provide a breakdown of the charges and advise why you cannot send me the info by e-mail as you always have to save money for taxpayers who I believe are entitled to this information. You provide all kinds of information to taxpayers in expensive flyers, booklets, etc. which I help pay for - why in the world would you be charging for this basic information and why now?

I note all of the time and money spent on the recent ESPN spectacle and you have the audacity to ask me to pay for this basic information. I think you and the school district and the school board have your priorities screwed up, Mr. Gilhaus or all of you don't want me to have the information or you are stonewalling.

I think you might want to give this matter a little more consideration using some good ole common sense. I will await your reply.

Judith Rogers
Gardner, Ks.

I thought about Mr. Gilhaus's reply a little longer and then sent the following e-mail to the USD 231 Board of Education:

Board: I have to ask you a question. If I came to a Board Meeting and during the time a citizen may speak, if I were to ask these two questions as shown below, would you tell me that you cannot give me the answer to those two questions until I had paid you a certain amount of money?

I will await your reply.

Judith Rogers
Gardner, Ks.

Dr. DeBacker, I give you this information so perhaps you would have some idea of what citizens are facing in their communities. I do not think this type of public relations with the people of a school district is acceptable. The Board is certainly aware of my unhappiness with some things that goes on within the District, however, I want to make it very clear I seldom ask many questions or take up much of their time - probably mostly due to the fact I know they aren't listening or acting on my concerns. I send e-mails or copies of e-mails to them throughout the year and they never reply nor do I ask them to 99% of the time. But to ask for specific information such as I did on Oct. 22 it is seldom. I do believe they are requiring these charges because either 1. they don't want to give me the information. 2. they don't want to be bothered by me in any way and use these charges to discourage me from asking questions. 3. they want to stonewall and only want information out there that they want and perhaps they didn't want the answers to my questions to be given to citizens. I don't know truly what is motivating them but I do feel they want to CONTROL the message and make it as hard as possible for citizens to get information. I don't know how else to look at this, especially since in the past they have always given me information by e-mail with no cost. Dirty, rotten politics are even alive within my school district, sad to say while I continue to have fears with the dumbing down of America and my fears are met with this type of resistance.

Judith Rogers
Gardner, Ks.

From: Judith Rogers <pandazinger@kc.rr.com>
To: Rhonda Humble <trirhonda@aol.com>
Subject: Fw: Stats
Date: Mon, Mar 11, 2013 1:14 pm

Rhonda, you may use these e-mails.

From: jj
To: Bill Gilhaus
Cc: Tim Rayburn ; Mike McNulty ; Randy Fruits ; Herbert ; James Repshire ; Mark Grannell ; Ron Ragan ; Rhonda Humble ; Danedri Thompson ; Corbin Crable
Sent: Monday, October 25, 2010 5:08 PM
Subject: Re: Stats

Mr. Gilhaus: Mr. Ragan has commented that the primary focus of the district is educating the children of this district. I do not believe that statement or you and the Board would have on the tip of your tongues the number of dropouts for the past five years - that is my opinion. I remember clearly Tom Mertz, a past president of the school board, telling me in 2006 that he was not concerned with the kids dropping out of school since WE need more unskilled laborers.

I certainly cannot afford your astronomical costs as shown below for this one question to be answered and you know it. I will do what I can to bring awareness as to how you run this school district with this as one of the examples and all of you will not be getting any type of support from me. I have also taken steps to report this incidence to two other government entities so they will know what citizens are facing in their communities.

My only recommendation at this time, Mr. Gilhaus, is for you to be fired and the Board members not re-elected.

Judith Rogers
Gardner, Ks.

----- Original Message -----

From: Bill Gilhaus
To: jj
Sent: Monday, October 25, 2010 5:17 PM
Subject: Re: Stats

2 hrs @ 15

10 hrs @ 15
+ copy

(6)

Hi Judith,

The amount of time required by personnel to provide the number of "senior" dropouts for the past five years would amount to approximately 2 hours. Your request for the number of dropouts by "grade level" for the past five years would require 8-10 hours of personnel time. Your request for the number of students enrolled in the Alternative Education Program is easily accessible and listed below. Please let me know if you would like for me to proceed with obtaining the dropout information you requested and specify whether you would like it for just the "seniors" or all grade levels (9-12). Judith, I am comfortable stating that our senior graduation rate for the past five years has been outstanding, 98% and above.

Alt School Enrollment

23 Seniors
11 Juniors

Dr. Bill Gilhaus
Superintendent of Schools
Gardner Edgerton School District

>>> "jj" <pandazinger@kc.rr.com> 10/22/2010 5:51 PM >>>

What will the charges be and provide a breakdown of the charges and advise why you cannot send me the info by e-mail as you always have to save money for taxpayers who I believe are entitled to this information. You provide all kinds of information to taxpayers in expensive flyers, booklets, etc. which I help pay for - why in the world would you be charging for this basic information and why now?

I note all of the time and money spent on the recent ESPN spectacle and you have the audacity to ask me to pay for this basic information. I think you and the school district and the school board have your priorities screwed up, Mr. Gilhaus or all of you don't want me to have the information or you are stonewalling.

I think you might want to give this matter a little more consideration using some good ole common sense. I will await your reply.

Judith Rogers
Gardner, Ks.

----- Original Message -----

From: Bill Gilhaus
To: jj

From: Judith Rogers <pandazinger@kc.rr.com>
To: Rhonda Humble <trirhonda@aol.com>
Subject: School Dist. Issue
Date: Mon, Mar 11, 2013 1:19 pm

You may use these e-mails.

-----Original Message-----

From: jj <pandazinger@kc.rr.com>
To: Ron Ragan <utilitygas@kc.rr.com>; 'Tim Rayburn' <RayburnTim@usd231.com>; 'Mike McNulty' <mikemcnulty@embarqmail.com>; 'Randy Fruits' <randyfruits@hotmail.com>; 'Herbert' <mherbert@kc.rr.com>; 'James Repshire' <repshirej@usd231.com>; 'Mark Grannell' <grannellm@usd231.com>
Cc: 'Bill Gilhaus' <GilhausB@usd231.com>; Rhonda Humble <trirhonda@aol.com>; Danedri Thompson <dthompson@gardnernews.com>; Corbin Crable <chcrable@gardnernews.com>
Sent: Mon, Oct 25, 2010 10:01 am
Subject: Re: Stats

Please advise the dollar limit that would be applicable to answer my two questions. It is beyond me how research or research time would be involved in this request considering how everything is now computerized and you would merely have to bring up an online report to find this information.

I will not attend your meetings since it is very physically challenging for me to do so and I certainly won't now since the only reason I would come would be to get information and if you are going to charge me, then this senior citizen more than likely cannot afford the costs to know what is occurring within my school district which I have for years so very much supported but will no longer considering how this matter has been handled and how I see you spending money and otherwise handling district matters.

The citizens of this district have paid the highest school mill tax levy in the state for years now. You are now suing the people, with taxpayer funds, for more money. I won't even start to go into your "primary focus of educating the children of this district.". The Board's and Mr. Gilhaus's arrogant attitude is beyond me and I will not support it in any way.

Judith Rogers
 Gardner, Ks.

----- Original Message -----

From: Ron Ragan
To: 'jj'; 'Tim Rayburn'; 'Mike McNulty'; 'Randy Fruits'; 'Herbert'; 'James Repshire'; 'Mark Grannell'
Cc: 'Bill Gilhaus'
Sent: Sunday, October 24, 2010 9:27 PM
Subject: RE: Stats

Dear Ms. Rogers,

I believe Dr. Gilhaus has provided our research costs by hour and page for data requests. We have consciously made these costs reasonable for our patrons and others that may need information from time to time. It is always difficult to say when beginning research what costs may be incurred or how much time it will take to obtain the answers to data requests. We would be more than glad to set a dollar limit as well if that helps and whatever information is retrieved within that limit would be made available to you as requested. Obviously, if we have the answers easily retrievable we will be more than glad to provide those, but anytime time is required for research we must assess charges to recover lost time of staff. As you know with certain requests as well, we must assure that we are protecting student confidentiality at all times. As well, any research completed takes staff time away from our primary focus of educating the children of this district. You are more than welcome anytime to attend a board meeting and provide comment. That right is available to every constituent at each and every meeting.

Sincerely,

Ron Ragan

USD 231 Board President

From: jj [mailto:pandazinger@kc.rr.com]
Sent: Friday, October 22, 2010 7:00 PM
To: Tim Rayburn; Mike McNulty; Randy Fruits; Herbert; James Repshire; Mark Grannell; Ron Ragan
Cc: Bill Gilhaus; Danedri Thompson; Corbin Crable; Rhonda Humble
Subject: Fw: Stats

Board: I have to ask you a question. If I came to a Board Meeting and during the time a citizen may speak, if I were to ask these two questions as shown below, would you tell me that you cannot give me the answer to those two questions until I had paid you a certain amount of money?

I will await your reply.