THE KANSAS OPEN RECORDS ACT BROCHURE

REVISED 2019

A guide to The Rights of the Public & The Responsibilities of Public Educational Institutions

The Kansas Sunshine Laws

Sunshine laws require governments to function in the open, subject to public scrutiny. Kansas has two sunshine laws: the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA). The Kansas Open Records Act requires most records that are made or kept by public schools or community colleges to be open to the public. Like its counterpart, the Kansas Open Meetings Law, KORA is designed to ensure public access to information that forms the basis for public decision-making.

Each of these laws make openness the rule but recognizes there are times when individual privacy interests or competing public interests override the public right to know.

Private individuals can bring an action in the district court to enforce their rights under the Kansas Open Records Act. Actions can also be brought by the county attorney, the district attorney, or the Kansas Attorney General. Although schools or community colleges can be fined for intentionally violating KORA, injunctions and other orders to enforce the purposes of KORA are the most common remedies.

KORA begins with the presumption all public records should be open to the public but allows certain exemptions from this requirement. Exemptions are included in the law because the legislature has determined the public right to know is outweighed by another important interest. The following list provides examples of the types of records which may be exempt under KORA. Not all exempt records are included in this representative list.

* Records exempted by other laws;
* Records that are privileged under the rules of evidence;
* Medical and treatment records;
* Personnel records except for the name of the employee, position held, salary, employment contracts and length of service;
* The names of donors, if they have requested their name not be released unless the donation is to benefit a named public officer or employee;
* Some emergency or security procedures;
* Sealed bids until one is accepted or all are rejected;
* Correspondence with a private individual;
* Records containing information of a personal nature where disclosure would constitute an unwarranted invasion of privacy.

Your Right to Request Records

KORA grants the public the following rights:

* The right to have our freedom of information officer respond to your questions about KORA.
* The right to inspect any public record that we have in our possession that is not exempt. We are not required to create a record for you if the record does not already exist.
* The right to have copies of public records, but we can charge a fee for making copies.
* The right to be informed of the procedures you must follow in requesting access to or copies of our records.
* The right to inspect or obtain copies of our records during our regular business hours.
* The right to have your request acted upon not later than three business days after the request is received.
* The right to a written explanation of the reason we are denying you access to a record if we refuse to allow you access to a record, upon your request.
* The right to bring an action against us in the district court if you believe we are denying you access to a record you have a right to see.
* The right to have your attorney's fees paid by us if the court determines we intentionally violated your rights under KORA and had no reasonable basis for denying your request.

Our Responsibilities

Public schools and community colleges have several responsibilities under KORA. We must:

* Appoint a freedom of information officer who can answer your questions and settle disputes under KORA.
* Make facilities available to you for inspecting our records.
* Allow you to make abstracts or have copies of our records made.
* Adopt procedures for requesting access or obtaining copies of our records.
* Act upon requests for records as soon as possible, but not later than the end of the third business day following receipt of request or give an explanation of the reason for the delay. If there will be a delay, we must tell you within three business days where and when the record you are seeking will be made available.
* Have a records custodian available during all regular business hours, and have procedures for allowing access on business days when regular office hours are not maintained.
* Redact exempt information and provide you with the remainder of the record if the record contains both exempt and nonexempt material.
* Provide you with a written statement, citing the specific provision of the law under which we are denying access, if we deny you access to a record and you ask for an explanation. The statement must be provided within three business days after you request it.

U.S.D. 501 policy and procedures can be found in board policy 2485 and 2485-01.

Records Custodian: Mrs. Carleen Lister
Address: 624 SW 24th Street
City, State: Topeka, Kansas
Phone: 785-295-3000
Or
Freedom of Information Officer: Dr. Aarion L. Gray
Address: 624 SW 24th Street
City, State: Topeka, Kansas
Phone: 785-295-3000

Procedures to Follow

KORA requires schools and community colleges to adopt procedures for requesting access to or obtaining copies of public records.
A request for access to our records should be directed to the custodian of the record. The name of the custodian of the record you are seeking is available upon request.

In most cases, we will be able to retrieve the record and give it to you within a few minutes. If the record is not kept at this site, we will make every effort to direct you to the correct site or to retrieve the record, so you can inspect it here.

You can access our records at any time during our regular business hours. Additionally, you can access our records on regular business days when we are closed if you give us advance notice.

You cannot remove a public record from our office. If you desire a copy of the record, please inform the custodian of the record. The custodian will inform you of any fees we charge for copying and arrange for the copying of the record.

To help us find the record you desire to see, we generally ask that you request the record in writing. We cannot require your request contain anything more than your name, address and a description of the record you desire. If the material you are seeking is exempt, we may also ask the reason you believe you have a right to access the record.

For more information about our fees or office hours, please talk with the custodian of the record or the freedom of information officer.

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KASB
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