

Anderson County Schools
Office of the Superintendent
Sheila Mitchell, Superintendent
1160 Bypass North, Lawrenceburg, KY 40342

Open Records Procedure

Purpose

Public policy requires the “free and open examination of public records.” KRS 61.871. Accordingly, the Anderson County Board of Education must respond effectively and efficiently to records requests in a consistent and coordinated manner. Therefore, this Open Records Procedure sets forth the process for accepting and responding to Open Records requests.

Applicability

This procedure applies to all Open Records requests. Effective June 29, 201, only “residents of the Commonwealth” may request to inspect public records. KRS 61.872 (3). “Residents of the Commonwealth” include individuals residing in the Commonwealth, foreign business entities registered with the Kentucky Secretary of State, individuals that are employed and are working at a location in the Commonwealth, and any individual or business entity representing one of these residents. KRS 61.870(10). “News-gathering organizations,” which are specifically defined in KRS, may also request to inspect public records.

Public records are defined as all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics. KRS 61.870(2). The Open Records Act applies to any of the foregoing types of records that are “prepared, owned, used, in possession of or retained by a public agency.”

Records Custodian

The Custodian of Records for Anderson County Schools is the Superintendent of Schools or designee as assigned.

Tracking Records Requests

Employees shall date-stamp any request to inspect or otherwise receive records upon receipt, and deliver the request immediately to the Records Custodian.

Responding to Records Requests

All requests for copies or review of public records in the custody of the Office must be made in writing. A request may be sent electronically to the Superintendent's email address. Email requests for records should include a mailing address and electronic signature. Requests may also be mailed to the Anderson County Board Office or hand delivered to 1160 Bypass North Lawrenceburg, Kentucky 40342, from 8:00 a.m. to 4:00 p.m., Monday through Friday, each week, except holidays (Attn.: Records Custodian).

The Records Custodian shall provide a response to the records request that is postmarked or electronically transmitted within the number of business days required by law. The Records Custodian shall notify the requesting party if additional time is needed under KRS Chapter 61.

If the Records Custodian determines that the records request should be denied in whole or in part, the Records Custodian shall notify the requester with an explanation for the decision to withhold any responsive records. If any part of a request for records is denied, the Records Custodian shall confer with legal counsel to ensure accuracy in applying the law.

If the request places an unreasonable burden for producing public records, or if the Records Custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the Office, the Records Custodian may refuse to produce the records upon conferring with legal counsel prior to denying the request.

Record Production

When responsive records are to be transmitted electronically to the requester, there is no charge to the requester. However, if the responsive material is more than 8 megabytes (“MB”), the documents will automatically be produced via compact disc (“CD”) and mailed to the requester. Prior to mailing, the Records Custodian shall provide an invoice to the requester for the production and postage. The CD will be mailed upon receipt of payment.

When responsive records are to be mailed to the requester, the Records Custodian shall first provide an invoice to the requester for the production and postage. Printing costs are \$0.10 per page, and additional fees shall be justified on any invoice. Copies of photographs, maps, and other such records shall be furnished to any person requesting them on payment of a fee equal to the Office’s actual cost to produce the copies. Estimated costs shall be communicated to the requester before costs are incurred. After the invoice is paid, the Records Custodian shall produce the responsive records to the requester.

If the requester wishes to personally inspect responsive records at the location where the records are maintained, the Records Custodian shall facilitate with the requester the scheduling of a convenient time and place for inspection. The Records Custodian, or an employee of the Office, shall be present and personally monitor the inspection.

[Click here](#) for the Open Records Request Form.

Board Policies Related to Open Records Requests

Contact Information:

Sheila Mitchell, Superintendent
1160 Bypass North, Lawrenceburg, KY 40342
sheila.mitchell@anderson.kyshcools.us
502-839-3406

For more information on Board Policy, please see the [following website](#).

POWERS AND DUTIES OF THE BOARD OF EDUCATION **01.6**

Board Records

Records of the Board are subject to inspection as provided in the Kentucky Open Records Act.

Records of the Board shall be maintained in the Central Office and shall be under the custody of the Secretary to the Board.¹

The Secretary shall develop and submit for Board review procedures as noted in [KRS 61.876](#) to provide public access to public records and to ensure the security and orderly maintenance of the records. The procedures shall be displayed in a prominent location accessible to the public and posted on the District's website. In addition to the procedures, the web posting shall include the phone number of the District records custodian/designee and the Open Records Request Form issued by the Kentucky Attorney General.

References:

[¹KRS 160.440](#)
[KRS 61.870](#)
[KRS 61.872](#)
[KRS 61.874](#)
[KRS 61.876](#)
[KRS 61.878](#)
[KRS 61.884](#)
[OAG 92-59](#)
[OAG 92-131](#)
15-ORD-190
19-ORD-174
96-ORD-159

Related Policy:

10.11

Adopted/Amended: 8/9/2021

Order #: 42

POWERS AND DUTIES OF THE BOARD OF EDUCATION 01.6 AP.2

Inspection of Board Records

Inspection of Records

Residents* of the Commonwealth desiring to examine records that are not exempt from public disclosure may do so during regular working hours. Regular working hours shall be posted at the main entrance of the Central Office.

The principal office of the District is located at _____.

The official custodian/designee to whom requests for access to records should be submitted is at _____ and email address is _____.

Fees for hard copies shall be 10 cents a page. Fees for other media (if applicable) shall be based on actual cost to the District.

The requesting party shall submit a written application that shall:

- be signed;
- include the applicant's name printed legibly;
- include mailing address (and email address if applicable); and
- include a statement of the manner in which the applicant is a resident of the Commonwealth of Kentucky.*

The applicant shall hand deliver, mail, send via facsimile, or send via email the written application to the custodian/designee at the above address describing the records the applicant wishes to access. Written requests comporting with the above or the written form set forth in regulation by the Kentucky Attorney General may be utilized by the requesting party.

Unless a longer period applies under state law or Executive Order, a response by or on behalf of the District is due within five (5) days (not including weekends or holidays) of receipt of the request. If records are in active use or storage or otherwise unavailable, the District response will explain in detail the cause for a delay beyond five (5) days and state the earliest date on which the records will be available. Requests may be denied if the records are exempt from disclosure under [KRS 61.878](#) or if the request imposes an unreasonable burden or is intended to disrupt essential functions of the District as provided in [KRS 61.872](#).

A resident of the Commonwealth may inspect public records during regular office hours. If s/he resides outside the county and precisely describes the responsive records, s/he may receive responsive, nonexempt records by mail upon the District's receipt of copying fees and costs of mailing.

POWERS AND DUTIES OF THE BOARD OF EDUCATION 01.6 AP.2

(Continued)

Inspection of Board Records

Inspection of Records (continued)

Applicants requesting copies of public records for a commercial purpose ([KRS 61.874](#)) shall provide a certified statement to the District stating the commercial purpose for which the records shall be used and shall be required to enter into a contract with the District. The contract shall state the fee required by the District to produce copies to be used for a commercial purpose.

*Resident is defined under KRS 61 870(10) as: an individual residing in the Commonwealth; a domestic business entity with a location in the Commonwealth; a foreign business entity registered with the Kentucky Secretary of State; an individual that is employed and works at a location or locations within the Commonwealth; an individual or business entity that owns real property within the Commonwealth; any individual or business entity that has been authorized to act on behalf of an individual or business entity described above; or a news-gathering organization as defined in [KRS 189.635\(8\)\(b\)1.a. to e.](#)

Review/Revised:7/12/2021