



STATE OF INDIANA

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December 3, 2025

Re: Complaint 25-FC-014
Melissa Wechsler (Complainant) v.
Whitley County Consolidated Schools (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed February 17, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 9, 2025, requesting a formal reply by November 7, 2025. A formal response, submitted by Timothy Shelly of Warrick & Boyn, LLP of behalf of Respondent, was received in this office on November 7, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by omitting copies of requested emails without providing the statutory reason.

ANALYSIS

The public policy of APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty is to provide the information." Indiana Code (IC) 5-14-3-1.

Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. *See* IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. *See* IC 5-14-3-3(a).

Complainant filed multiple requests for public records starting on or about January 14, 2025. The request sought copies of emails that dealt with a disciplinary action regarding "Student 1". It appears from the email correspondence provided to this office that a series of emails were exchanged to narrow the record request and identify the requested records. The Respondent submitted the final request-relevant 157 emails on February 13, 2025, to Complainant.

APRA contains exceptions, both mandatory and discretionary, to the general rule of disclosure. In particular, APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. *See* IC 5-14-3-4(a).

In addition, APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. *See* IC 5-14-3-4(b).

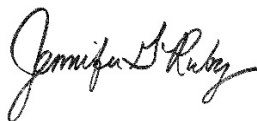
The Respondent stated that it reviewed 1000 pages of documents and provided Complainant with the ones that were responsive to her request. Complainant states that she should have received the response emails in addition to the emails provided and contends that additional emails exist that were not released, as her basis in claiming a violation of APRA. However, it is equally likely that the response emails were not responsive to her APRA request.

If any of the 1000 pages reviewed by Respondent were responsive, but were omitted due to a mandatory or discretionary exception, this distinction should have been made in the response to Complainant. Respondent has not made this argument in its response.

CONCLUSION

This office finds that Respondent did not violate APRA. Respondent states that it reviewed the files and provided all of the documents responsive to Complainant's request.

Note: If a mandatory or discretionary exception (IC 5-14-3-4) exists and is used to omit documents, the entity responding to the APRA request should include this information in its response.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name "Jennifer" being more prominent.

Jennifer G. Ruby
Public Access Counselor