



STATE OF INDIANA

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September 21, 2026

Re: Complaint 26-FC-048
Wasył "Trey" Terlecky III (Complainant) v.
Hamilton Southeastern Schools (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed February 18, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 4, 2026, requesting a formal response by April 1, 2026. A formal response, submitted by Barnes & Thornburg, LLP on behalf of Respondent, was received in this office on April 1, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by denying access to records inconsistent with Federal Education Rights and Privacy Act (FERPA) and APRA.

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 it 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. IC 5-14-3-2(s). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. IC 5-14-3-3(a).

Respondent states:

... FERPA is outside the scope of the Public Access Counselor as the Public Access Counselor's responsibility is to enforce the public access laws which do not include FERPA. IC 5-14-4-3; IC 5-14-4-10(6). Thus, the Public Access Counselor is not the proper agency for submitting FERPA complaints.

Respondent also states:

On November 17, 2025, Terlecky submitted a FERPA request for his son's educational records available at a particular school building. The School responded to this request on November 25, 2025, informing Terlecky that there were no building-level documents responsive to his request. On December 12, 2025, Terlecky submitted a district level FERPA request. This request was also accompanied by several questions posed to the district's administration. On January 13, 2026, Superintendent Pat Mapes responded to Terlecky. The School believed it fully responded to Terlecky's FERPA request on November 25, 2025, because his son's educational records were exclusively available on the Skyward electronic records system. As the School communicated to Terlecky on several occasions, as a parent with legal custody, Terlecky had access to his son's educational records via the Skyward system. Notwithstanding, following receipt of Formal Complaint 26-FC-048, the School assisted Terlecky by printing his son's educational records through the Skyward system (the same system that Terlecky continues to have access to). ... The email was sent to Terlecky on February 12, 2026. After providing Terlecky with his requested student records, Terlecky asked for certain e-mail correspondence involving his son, which the School subsequently produced on or around February 20, 2026.

At IC 5-14-3-4(a), APRA provides:

(a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

...

(3) Those required to be kept confidential by federal law....

FERPA is a federal statute that classifies student educational records as confidential, with limited exceptions. Indiana also restricts educational records as confidential. IC 20-33-7-3(b). The relationship between FERPA and APRA is complex and not always reconcilable. *Opinions of the Public Access Counselor 14-FC-272 and 25-FC-386.*

This Office has no jurisdiction over federal laws. The Family Policy Compliance Office ("FPCO") of the branch of the Department of Justice has been tasked with interpreting FERPA.

This office has jurisdiction over State laws, specifically, Open Door Law (ODL) at IC 5-14-1.5 and APRA at 5-14-3. This office can review when a Complainant disagrees with a public agency which fails to disclose by asserting FERPA.

However, in this instance, Respondent did not assert FERPA for non-disclosure of records. Respondent released the records to Complainant. Providing access to the *Skyward electronic records system* was fulfillment of Complainant's request, if APRA applied. *Opinion of the Public Access Counselor 25-FC-335*.

A public agency may not deny or interfere with the exercise of the right stated above. If the public agency does not deny the request, within a reasonable time after the request is received by the agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

IC 5-14-3-3(b).

APRA does not define the term "reasonable time" to fill a request. This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinion of the Public Access Counselor 20-FC-87*.

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In those circumstances, this office considers the following factors:

- (1) the size of the public agency;
- (2) the size of the request;
- (3) the number of pending requests;
- (4) the complexity of the request; and
- (5) any other operational considerations or factors that may reasonably affect the public records process.

Opinion of the Public Access Counselor 25-FC-034.

The request was made on November 17, 2025, was fulfilled by electronic access on November 25, 2025, and again on January 3, 2026, and a paper copy of the electronic file was provided on February 12, 2026. After an additional request, 448 pages of records associated with the search were released on or about February 20, 2026. Total time lapsed from November 17, 2025, to February 20, 2026, with disclosures along the way, is approximately three (3) months.

Considering the season, the number of holidays and other factors, this office considers this time frame reasonable.

CONCLUSION

This office has no jurisdiction over this FERPA request and associated complaint.

However, if APRA applied, this office would find that Respondent did not violate APRA as alleged in the complaint.

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