**Your Rights**

KORA grants the public the following rights:

• The right to have the District’s Freedom of Information Officer respond to your questions about KORA.

• The right to be informed of the procedures you must follow in requesting access to, or copies of, our records.

• 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 copies of public records. A reasonable copying fee will be charged.

• The right to inspect or obtain copies of our records during regular business hours.

• The right to have access to a record not later than three business days after you request it.

• The right to a written explanation of the reason we are denying you access to a record if we refuse to allow access to a record.

• The right to a written explanation of why access to an exempt record is denied.

• The right to pursue action in district court if denied access to a record you have a right to see.

**Our Responsibilities**

Public schools have several responsibilities under KORA. We must:

• Appoint a freedom of information officer who can answer your questions and assist with requests under KORA. Contact Cyrena Burghart, USD 338 Freedom of Information Officer, at (785) 945- 3214.

• Make facilities available for inspection of records.

• Adopt procedures for requesting access or obtaining copies of our records.

• Act promptly upon requests for records or provide an explanation of the reason for the delay. Requests will generally be met within three business days.

• Appoint records custodians who will be available during regular business hours, and have procedures for allowing access on business days when regular office hours are not maintained.

• Remove exempt information and provide 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 access to an exempt record is denied.

Kansas Open Records Act

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A Guide to the Rights of the Public and the Responsibilities of Public Schools in Kansas



**Unified School District**

**No. 338**

700 Oak Street

Valley Falls, KS 66088

(785) 945-3214

[www.usd338.com](http://www.usd338.com)

*Dr. Volora Hanzlicek, Superintendent*

*Brenda Henson, Clerk of the Board*

*Cyrena Burghart, Administrative Assistant*

**Kansas Sunshine Laws**

Sunshine Laws require governments to function in the open, subject to public scrutiny. Kansas has two sunshine laws:

Kansas Open Records Act (KORA) requires most records that are made or kept by public schools or community colleges to be open to the public.

Kansas Open Meeting Act (KOMA) requires meeting of elected officials to be held in public and be open to the public.

These laws are 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 that there are times when individual privacy interests or competing public interests override the public's right to know.

By law, private individuals may 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 for disputes.

If you have questions about open record rights, please contact the custodian of the records or the Freedom of Information Officer.

**Kansas Open Records Act**

KORA begins with the presumption that 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 that there are instances when the public's 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. Keep in mind that not all exempt records are included in the example 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 and length of service

• Names of donors, if they have requested their name not be released

• 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

**How to Obtain Open Records**

All requests must be submitted in writing. A form is available for this purpose.

In most cases, we will be able to retrieve the record promptly. If the record is not kept on site, we will make every effort to direct you to the correct site or retrieve the record.

You should identify the record(s) you seek with as much specificity as possible. USD 338 has no obligation to create a record that does not already exist. Also, pursuant to our record retention schedule, a record that previously existed may have since been destroyed and USD 338 is not required by law to recreate it.

Public records may not be removed from our office. If you would like a copy of the record, please inform the custodian of the record, who will make arrangements for the copying of the record. A per page fee for copies may apply. A reasonable fee may be assessed to compensate for staff time used to meet some requests.