



STATE OF INDIANA

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Re: Complaint 25-FC-342
Natalie Bowersock (Complainant) v.
East Porter County School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed November 5, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 6, 2025, requesting a formal response by December 9, 2025. A formal response, submitted by Nicholas Otis of Newby, Lewis, Kaminski & Jones. LLP on behalf of Respondent, was received in this office on December 9, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide the requested records.

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

Complainant was an elected School Board member of Respondent’s Board. Prior to a meeting of the Board, Complainant asked for mileage reimbursement forms for three (3) employees, maintenance history for a van and information related to the recent purchase of a truck. Respondent denied her request as being outside the scope of the operational information normally given to the Board. At the Board meeting of October 13, 2025, Complainant asked publicly about the detail of the same vehicle information and was again denied during the meeting, citing “operational management” policy and that Board members are not entitled to view such records. However, according to the agenda at the meeting the Board members were expected to approve claims for payment.

In her November 5, 2025, request for the same records, her request cited APRA. When she followed up on November 6, 2025, she received a response on November 7, 2025, mentioning her complaint and that she would need to submit an APRA request for the records, which she did not.

In *Opinion of the Public Access Counselor 25-FC-323*, a member of the Township Board of Advisors was compelled to file APRA requests to obtain financial information with which to analyze the Annual Township Report. Complainant had been denied access to the underlying financial information by the Trustee, even though the request was made as a Board member. Complainant had also been denied access to the Gateway system under APRA. Members of the governing body of the public agency shouldn't be required to submit APRA requests to get the information with which to fulfil their statutory duties.

The Board does not operate in a vacuum nor is it expected to make the decisions and carry out the statutory duties of the board outlined above without supporting records and financial information.

This office opined in *Opinion of the Public Access Counselor 24-FC-62* as follows:

A township trustee is statutorily obligated to keep township records open for inspection under Indiana law. IC 36-6-4-3(3). Notably, subsections (5) and (6) of that statute also require a trustee to receive and pay out township funds; and to examine and settle all accounts and demands chargeable against the township.

Therefore, there can be no question that the financial, business, and operational records of the township's administrative duties should be open to anyone who cares to inspect them.

This is especially true when an advisory board member seeks to inspect these records. The Board has a statutory interest in these records and should be freely available to them, without the need to send a public records request....
(emphasis added)

This office addressed a similar issue in *Opinion of the Public Access Counselor 20-FC-133* where the dispute was between the township trustee and advisory board member over access to the township's records and financial information:

Ind. Code § 5-14-3-3. While this provision is not absolute – there are slight exceptions to procedure – the disclosure of basic public records such as budgets, invoices, and financial records of a public entity are the mainstays of government transparency.

Opinion 20-FC-133 goes on to say:

Insofar as information sharing between public officials is concerned, a township trustee is not the exclusive record holder for the township. The advisory board is also designated as a statutory record holder and is privy to all the information a trustee has in their possession in order to scrutinize the annual financial report. See Ind. Code § 36-6-6-9. (emphasis added)

In sum, it would behoove both parties to heed these guidelines and recommendations. A trustee need not be territorial about the information in their office and provide the information to those who seek it, unless an exception applies. At the same time, a township board member should be mindful of the operational considerations of a trustee and be a good steward of sensitive or unfinalized material.

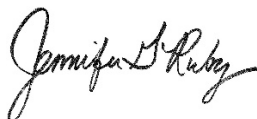
It is time sensitive for the Board to receive information with which to fulfill their statutory duty to approve documents, reports, and budgets, including the financial health of the township. We believe the requests by the Board to the township trustee provided ample time to fulfill the request, without the need to submit an APRA request. *Opinion of the Public Access Counselor 25-FC-323.*

Respondent stated in its formal response that Complainant did not submit a completed APRA request on the form prescribed by Respondent and that if she had done so, they would review the request under APRA and respond in a reasonable time. Instead, she submitted this complaint.

Under APRA, a requestor is required to use the prescribed form of the public agency to formally submit the request for public records. However, an APRA request is different than the request of a duly elected member of a governing body, required to fulfill his or her duties, as above.

CONCLUSION

This office finds that Respondent violated APRA by failing to provide the records as requested. Information requested by school board members should be made readily available to them so that they may fulfill their duties as public officials of a governing body.



Jennifer G. Ruby
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