



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

August 6, 2026

Re: Complaint 25-FC-449
Chalkbeat Indiana (Complainant) v.
Indianapolis Public Schools (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 22, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on February 24, 2026, requesting a formal response by March 24, 2026. A formal response, submitted by Ashley Lowe, Deputy Prosecuting Attorney on behalf of Respondent, was received in this office on March 25, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to respond within a reasonable period of time and incorrectly withholding certain records using the deliberative exception.

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).

I. Reasonable Time

Complainant filed an Access to Public Records (APRA) request on December 10, 2024, seeking information regarding special education teacher assignments and caseload by way of administrator emails. The Respondent acknowledged the request and asked for clarification to achieve reasonable particularity as required under APRA. The Complainant further clarified. The Respondent

requested further clarification again in September of 2025 and confirmed receipt of Complainant's revisions. Respondent agrees that Complainant's request was reasonably particular by September 2025 but had not produced the records by the time Complainant filed her complaint.

APRA does not define the term "reasonable time". 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.

Respondent's response argues all factors are implicated and weigh in favor of a finding that APRA was not violated. It specifically points out that over 1,000 responsive documents were returned for review before Complainant's request may be fulfilled.

From the complaint, it appears that Complainant and her attorney worked with Respondent to narrow the request, which originally generated 3000 emails to achieve reasonable particularity of approximately 1000 emails between December 10, 2024, and September 25, 2025. At nine (9) months, this seems like a longer than average timeframe to reach reasonable particularity with an engaged requestor.

Once reasonable particularity was achieved on September 25, 2025, Complainant filed this complaint because by December 22, 2025, three (3) months later, she still did not have her completed records request. Respondent's response dated March 25, 2026, stated that it expected to fulfill the request by April 30, 2026, another month. In total, Respondent took nine (9) months to achieve reasonable particularity with Complainant and expected to take a total of another seven (7) months to fulfill the records request.

Despite the large volume of documents, its complexity, and the demands on the legal department of a public agency as large as the Respondent, sixteen (16) months to fulfill an APRA request cannot be considered a reasonable amount of time.

II. Deliberative Records Exception

Complainant submitted a second APRA request to the Respondent in December of 2024. The Respondent partially fulfilled that request in November of 2025 and finally explained its withholding of some of the information on December 5, 2025. The Respondent explained that it was withholding the “free response” section of a survey it had administered as deliberative under IC 5-14-3-4(b)(6), which reads:

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

However, our Supreme Court has provided that:

where courts have found material to be “intra-agency,” the case only involved one agency where **all players** were agents or employees of that agency and the communication was generated **within** that agency.

Family and Social Services Administration (FSSA) v. Saint, 258 N.E.3d 972, 983 (Ind. 2025).

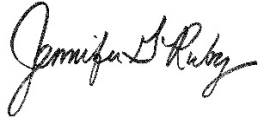
The Supreme Court further opined that “our newly adopted approach—finding material to be ‘intra-agency material’ where it was generated within and sent between employees of the same agency—is the narrower, and thus correct, approach.” *Id.* at 983-984. Given the *Saint* framework described above and Respondent’s own concession that some responses are from “non-employee stakeholders,” the intra-agency exception to disclosure found at IC 5-14-3-4(b)(6) cannot apply to all responses, even if it may apply to some.

CONCLUSION

This office finds that Respondent violated APRA by failing to produce documents within a reasonable amount of time and by withholding information because it misapplied the deliberative exception to disclosure as discussed in *Saint*.

If Complainant’s records request has not yet been fulfilled, we encourage Respondent to do so.

Also, we encourage Respondent to review *Saint* as above and consider releasing any information it had withheld under the deliberative exception without considering *Saint*, so long as no other exception to disclosure would apply.

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