



STATE OF INDIANA

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September 30, 2026

Re: Complaint 26-FC-073
Misty F. Brown (Complainant) v.
Clark-Pleasant Community School Corporation (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed February 11, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 6, 2026, requesting a formal response by April 3, 2026. A formal response, submitted by Attorney Jessica Billingsley of Church Church Hittle & Antrim on behalf of Respondent, was received by this office on March 20, 2026.

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

Complainant filed an initial request, on February 10, 2026, for copies of records under APRA. Complainant’s request sought a copy of Investigator’s “Final Report and Findings” (Report) as submitted to Dr. Timothy Edsell, Superintendent of Schools, issued on February 5, 2026. Respondent provided Complainant with the Investigation Summary, of the Report on February 9, 2026. Complainant requested a full copy of the entire investigative report on February 10, 2026, and was denied access to that record by Respondent on the same day.

Complainant contends that the Report was releasable under IC 5-14-3-4(b)(8) because it represented the “factual basis” for disciplinary action taken by Respondent. Respondent cites the same statutory cite for the ability to withhold the record since no final action was taken that resulted in actions set out in the statute.

The Investigative Summary states:

During the investigation multiple staff interviews were conducted and numerous artifacts collected. Based upon the totality of the facts and under the standard of preponderance of evidence, Investigator has determined that the allegations against [Coach] of Administrative Insubordination, Professional Negligence, Disability Discrimination, Retaliation, and Denial of FAPE are hereby unsubstantiated. On February 5, 2026, the Final Report and Findings was submitted to Dr. Timothy Edsell, Superintendent of Schools. On February 6, 2026, Dr. Edsell informed Investigator that he was upholding the determination of the allegations as unsubstantiated based on the Final Report and Findings.

(emphasis added). As above, this document was provided to Complainant on February 9, 2026.

APRA provides that the following records shall be excepted from disclosure at the discretion of the public agency:

8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(emphasis added) IC 5-14-3-4(b)(8).

Respondent denied the request because the allegations were “unsubstantiated”. Therefore, no disciplinary action has been taken which resulted in the Coach being suspended, demoted, or discharged. Complainant’s request is outside of the allowable exception for release of records related to personnel files and no disclosure was required.

Complainant asserts that the Indiana Supreme Court in *WTHR-TV v. Hamilton Southeastern Schools*, 178 N.E.3d 1187 (WTHR) concluded that the requestor was entitled to a factual basis for the allegations of wrongdoing even if the final result was not discipline as cited in section 4(b)(8). However, the Court’s holding in *WTHR* originated from an employee’s discipline and suspension which was released to the public without clear information as to why the discipline arose, the factual basis. The Court found that *WTHR* was entitled to receive the factual basis for the disciplinary action, as provided in APRA under section 4(b)(8). That holding acknowledges that actual discipline must be levied before the factual basis is required to be released.

WTHR can be distinguished because in this complaint and circumstance, no disciplinary action was taken. Instead, according to the Investigative Summary of the Report, the allegations were determined to be unsubstantiated.

Further, we agree with Respondent:

Even if a School employee had been disciplined, per WTHR-TV, the School would not be required to disclose the investigation report.

The Indiana Supreme Court in *WTHR* held:

Provision of Access to Public Records Act provision exempting public-employee personnel files from disclosure but requiring disclosure of certain information, including basic employee – identifying information and information about status of any formal charges against employee, does not require disclosure of the underlying documents in employee’s personnel file but rather permits disclosure of only a document compiling the information subject to disclosure...

(emphasis added).

Complainant also contends that the Report constitutes part of the student’s educational record under 511 IAC 7 and is disclosable to her as the parent. Respondent asserts that it is not a part of the student’s educational record.

The definition of an educational record is found at 511 IAC 7-32-31 as:

Sec. 31. (a) "Educational records" means records directly related to a student and maintained by a public agency or by a party acting for the public agency. The term includes the following:

- (1) Test protocols that contain personally identifiable information regarding the student and IEPs.*
- (2) Video clips.*
- (3) Audio clips.*
- (4) Scanned images.*
- (5) Other electronically recorded or produced items.*

(b) The term does not include the records of instructional, supervisory, administrative, or ancillary personnel that:

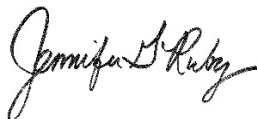
- (1) remain in the sole possession of the maker of the record;*
- (2) are used only as a personal memory aid; and*
- (3) are not accessible to or revealed to any other person except a temporary substitute for the maker of the record.*

Respondent stated that the investigation into the Coach's actions focused on assessing the employee's conduct, adherence to Respondent's policies and determining if disciplinary actions against the employee were warranted.

According to the Investigative Summary of the Report, the allegations against the employee were "unsubstantiated", and therefore, no disciplinary actions were recommended. Although the complaint was initiated by the parents of a student, the purpose of the investigation was to assess the conduct of the employee as it related to Respondent's policies. Therefore, the Report does not fall within the educational records definition for purposes of disclosure under APRA.

CONCLUSION

This office finds that the Respondent did not violate APRA as alleged in the complaint.



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