



EDUCATION PROFESSIONAL STANDARDS BOARD

100 Airport Drive, 3rd Floor, Frankfort, Kentucky 40601
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www.epsb.ky.gov

Matthew G. Bevin
Governor

James W. Adams
Executive Director

Education Professional Standards Board Open Records Policy

Open Records Requests and Records Retention

The Educational Professional Standards Board (EPSB) is subject to the Kentucky Open Records Act (KRS 61.870-61.884) and certain requirements with regard to records retention.

Retained records

The Educational Professional Standards Board (EPSB) will maintain and retain its records in accordance with applicable laws and regulations. Unless otherwise provided by law, records may be retained or discarded according to the Records Retention Schedules as adopted by the State Archives and Records Commission.

Public records

Not all records of the EPSB will necessarily be "public records" under the Open Records Act, and even some public records are exempt from operation of the Act. "Public record" generally means all books, papers, maps, photographs, cards, tapes, discs, diskettes, records, or other documentary materials prepared, owned, used, in the possession of, or retained by the EPSB.

Requests for records

Any person may request to inspect or receive copies of the EPSB's non-exempt public records. All requests to view or copy the EPSB's public records pursuant to the Kentucky Open Records Act must be made in writing and must contain the requester's name and signature. Requesters may use the *Request to Inspect Public Records* form, but are not required to do so. All Open Records Requests may be submitted via U.S. Mail, e-mail, or hand delivery. Open Records Requests should be directed to the attention of the EPSB's Records Custodian. If a requester is requesting to be provided with copies of non-exempt public records, they must provide a sufficiently precise description of the documents they are seeking so as to allow the Records Custodian to readily identify them.

Response

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The EPSB has three business days in which to respond to an Open Records Request. This time begins to run the next business day after the request is received.

The response to an Open Record Request may: (1) grant the request, (2) deny the request, (3) explain that there will be a delay in responding to the request; or any combination thereof. To the extent a request is granted, the response will provide a timeframe when the requested non-exempt public documents may be inspected in person, or will inform the requester of the applicable copying charge and postage fee required to be paid before copies of the non-exempt public documents may be provided. To the extent a request is denied, the response will provide the legal cause for the denial. To the extent the full response to a request is delayed, the initial response will give a detailed explanation of the cause for any delay and an estimate of when a complete response may be expected.

Copies

To the extent a request is granted, copies of the responsive non-exempt public written records requested may be provided at a cost of \$0.10 per page, along with any applicable postage costs, all of which must be pre-paid by the requester. Requests for specialized or non-standard copies (e.g. color or oversized copies) will be provided at the cost incurred by the EPSB to produce them. Copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record. The EPSB may also recover costs associated with staff time expended in responding to a request made for a commercial purpose. See KRS §61.870(4), §61.874 and §61.8745. Non-public or exempt information may be redacted as appropriate from copies of otherwise non-exempt public records provided. Cost less than \$10.00 will be waived.

The EPSB requests payment by check or money order. Your check or money order should be made payable to the Kentucky State Treasurer and mailed to the Open Records Custodian, Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601.

Payment is expected at the time the records are picked up at the EPSB or prior to mailing. No hard copies of requested records will be mailed until all payments, including any shipping charges, have been received by the EPSB.

On site examination of records

On-site inspections of non-exempt public records will be conducted during the regular hours of the EPSB at the EPSB. During their inspection, a requester may copy non-exempt public records (at his/her own cost), but may not remove, alter or add to documents provided for review. The EPSB is responsible for protecting the security of public records in its custody, and may require that a staff member be present during any inspection or copying of its public records.

Denial of request

Certain public records are exempt from inspection under the Open Records Act. Requests to inspect or receive copies of these exempt records will be denied, as will a request to inspect or receive copies of any other records which are either not public or which are exempt under the Act. Under certain circumstances, the EPSB may find that a request would create an unreasonable burden to comply with, and may deny such a request for that reason. Requests that the EPSB believes are intended to disrupt its essential functions will also be denied. Reasons that a request may be deemed unduly burdensome for compliance, or which may be disruptive to the EPSB may include time and expense involved in retrieving and duplicating the records, or in the type and nature of the request. To the extent a request is denied, the EPSB will provide the legal basis for the denial to the requester.

Additional Information

Your Duty Under the Law, published by the Office of the Attorney General, and other information regarding Open Records Requests may be found online at: <http://ag.ky.gov/civil/orom/>.

NOTICE

ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

EDUCATIONAL PROFESSIONAL STANDARDS BOARD **100 AIRPORT ROAD, 3RD FLOOR, FRANKFORT, KY 40601**

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to Records Custodian, Educational Professional Standards Board whose address is 100 Airport Road, Frankfort, Kentucky 40601 during its regular business hours Monday through Friday, 8:30 a.m. through 4:00 p.m. Application forms for the inspection of the public records of this agency will be furnished upon request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection, of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the 14th day of July, 2017.

Lisa K. Lang
Education and Professional Standards Board
General Counsel
Records Custodian

OPEN RECORDS REQUEST TO INSPECT PUBLIC RECORDS

DATE: _____

To the Records Custodian:

I request to inspect and/or receive copies of the following document(s):

(There is a \$0.10 fee for each photocopy received. If the items are to be mailed, the amount of postage will also be charged. If the records are in a non-written format, the charge will be equal to the actual cost of reproduction.)

Printed Name -- Company Name (if applicable)

Street Address City, State, Zip Code

Phone Number -- Fax Number

E-mail Address

Signature _____

THIS COMPLETED FORM SHOULD BE SUBMITTED TO THE RECORDS CUSTODIAN.

The request is granted.

Total amount charged to applicant to fulfill request: \$ _____

The request is denied based on the following exemption:
