



## Policy Update

### Legislative Revisions to KORA and KOMA

July 10, 2025

Several changes to the Kansas Open Records Act (KORA) and the Kansas Open Meetings Act (KOMA) in House Bill 2134 take effect on July 1, which may necessitate policy revisions for school districts. This Policy Update provides observations on policy guidance and is based on public statements made by the Kansas Legislative Research Department, testimony, and committee discussion on HB 2134; it does not constitute legal advice.

The Attorney General's office released official guidance: [A-Citizens-Guide-to-Open-Records.pdf](#)

#### **KOMA Changes (new language in italics)**

**K.S.A. 75-753(h)** *When a subcommittee or other subordinate group is created by a public body or agency, whenever a majority of such subcommittee or other subordinate group meets, such subcommittee or other subordinate group shall be subject to the requirements of this act.*

**K.S.A. 75-753(j)** *A public body or agency that voluntarily elects to live stream their meeting on television, the internet or any other medium shall ensure that all aspects of the open meeting are available through the selected medium for the public to observe. An unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents such live stream shall not constitute a violation of this subsection.*

#### **Potential Policy Impact of KOMA Charges Relevant to Current Practice**

- Board committees, site councils, and other groups created by the local school board will be subject to the same KOMA rules that apply to school board meetings.
- Some districts schedule a public comment meeting immediately preceding the 'regular' board meeting, and the public comment meeting is not live-streamed. School boards are not required to live stream its meetings. However, if they choose to live stream, it must ensure that the entire open meeting is available to the public through the selected medium. Both meetings will have to be live-streamed or neither meeting under the new law.



## **KORA Changes (new language in italics)**

There are multiple changes to K.S.A. 45-219 regarding fees that a school district may charge in response to a KORA request.

**K.S.A. 45-219(c)(1)** *In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing ~~copies~~ the requested records, including the cost of staff time required to make the information available. Actual costs may include the cost to review and redact the requested records but shall not include incidental costs incurred by the public agency that are not attributable to furnishing the requested records.*

**K.S.A. 45-219(c) (3)** *If the public agency incurs costs for staff time to provide access to or furnish copies of public records, the agency shall use in good faith the lowest-cost category of staff reasonably necessary to provide access to or furnish copies of public records. Charges for staff time shall be based on the employee's salary or hourly wage. Charges for staff time shall not include the costs of employee benefits.*

**K.S.A. 45-219(c) (4)** *Upon request, a public agency shall provide to the person requesting access to or copies of public records pursuant to this section an itemized statement of costs incurred by the public agency and charged to such requester. Such itemized statement shall include, but not be limited to, the hourly rates charged for each employee involved in making the requested records available and an itemized list of any other fees charged to provide access to or furnish copies of the requested records.*

**K.S.A. 45-219(d) repeals this language:** “A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.”

**K.S.A. 45-219(e) (1)** *When the staff time needed to respond to a records request will exceed five hours or the estimated actual cost for staff time needed to fill the request exceeds \$200, the public agency shall make reasonable efforts to contact the requester and engage in interactive communication about mitigating costs to fill the request. The requester is not obligated to mitigate costs.*

**K.S.A. 45-219(e) (2)** *If a public agency has made reasonable efforts to contact the requester pursuant to this section and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the public agency.*

**K.S.A. 45-219(e) (3)** *As used in this subsection, “reasonable efforts to contact the requester” means contacting the requester through the means of communication that the requester provided to be used by the agency to respond to the request.*



## **Potential Policy Impact of KORA Charges Relevant to Current Practice**

In addition to making staff aware of the new statutory requirements, some districts may need to modify policy relating to KORA fee structures. Districts that have been charging a fixed hourly rate or a flat charge may no longer do so because charges cannot exceed actual cost.

- Districts may charge the actual cost of printing a page (usually around 5 cents) may no longer charge 25 cents per page in addition to employee time because charges cannot exceed actual costs.
- Districts may not impose a per-page charge for electronic copies because there is no per-page cost associated with creating an electronic document or attaching it to an email. Employee time related to the creation and attachment of electronic documents may be charged.
- Charges for employee time should be based on the lowest hourly rate of the person capable of performing the function and may not include benefits.

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