



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-097

April 11, 2024

In re: Aimee Perry/Eminence Independent School District

Summary: The Office cannot find that the Eminence Independent School District (the “District”) violated the Open Records Act (“the Act”) because it cannot resolve the factual dispute between the parties as to whether the records provided are different from the records requested.

Open Records Decision

Aimee Perry (“Appellant”) submitted a request to the District to inspect seven categories of records. In a timely response, the District partially granted the request and provided 31 pages of responsive records.¹ The District also partially denied the request and stated that it does not possess any records responsive to parts of her request. The Appellant initiated this appeal because she claims the District did not provide her with the school board’s evaluation of the Superintendent that should have been conducted in 2023.

In 21-ORD-253 the Office explained that it cannot resolve a factual dispute between the parties as to whether the records provided are different from the records sought. Here, the Appellant asserts that the “Superintendent is to be evaluated every year by the board members” but she “was not provided the evaluation [she] requested for 2023 in detail.” In response, the District asserts that it granted this part of the Appellant’s request and included the evaluation among the 31 pages of responsive records it provided to her.² Here, there exists a factual dispute whether the records

¹ The District received the Appellant’s request on March 12, 2024, and issued its response, within five business days, on March 19, 2024. Thus, its response was timely.

² Specifically, the District states that KRS 156.557(6)(b) “requires the summative evaluation of the superintendent to be in writing, and to be discussed and adopted in an open meeting of the board, reflected in the Board’s minutes, and made available to the public upon request.” The District asserts it met this requirement when it memorialized the “summative evaluation” in the meeting minutes it provided to the Appellant. To the extent the Appellant seeks a more detailed evaluation than the one provided, the District claims no such record exists.

previously provided to the Appellant are the records that she requested. As a result, the Office cannot find that the District violated the Act because it cannot resolve the factual dispute between the parties.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

Aimee Perry
Danny Fisher
Buddy Berry
Grant R. Chenoweth