



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-331

October 20, 2025

In re: AJ Spaulding/Jefferson County Public Schools

Summary: Jefferson County Public Schools (“JCPS”) violated the Open Records Act (“the Act”) when it failed to timely respond to a request under the Act.

Open Records Decision

On September 11, 2025, AJ Spaulding (“Appellant”) submitted a request to JCPS for records related to his daughter.¹ On September 23, 2025, having received no response from JCPS, the Appellant initiated this appeal.

Under KRS 61.880(1), upon receiving a request for records under the Act, a public agency “shall determine within five (5) [business] days . . . after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” Here, on September 11, 2025, the Appellant submitted a request to JCPS; as of September 23, 2025, JCPS had yet to respond to his request. On appeal, JCPS states that the Appellant’s “request was inadvertently overlooked.”² Accordingly, JCPS violated the Act when it failed to timely respond to a request under the Act.

¹ Specifically, the Appellant requested: (1) “SLP Service Logs and Minutes” dated between August 1, 2017, and May 31, 2021, and between January 1, 2025, and the date of the request; and (2) “Student Attendance Records” from August 1, 2017 to the date of the request.

² On appeal, JCPS also states that “the request has now been fulfilled and the appeal is moot” and “should be dismissed.” However, because JCPS did not timely respond to the request before receiving notice of this appeal, the Office cannot dismiss the appeal as moot. *See, e.g.*, 24-ORD-163 n.1 (finding an appeal of the agency’s failure to respond was not moot when the Agency produced the requested records after receiving the notice of the appeal); 23-ORD-274 n.1 (finding an appeal was not rendered moot by the agency’s production of responsive records after the appeal was initiated); 23-ORD-007 (finding the agency violated the Act when it failed to respond to the Appellant’s request within five business days).

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

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Distributed to:

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