



COMMONWEALTH OF KENTUCKY
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25-ORD-362

November 18, 2025

In re: Daniel Thomas/Webster County School District

Summary: The Webster County School District (“the District”) violated the Open Records Act (“the Act”) when it failed to fulfill a request for public records within five business days and did not properly invoke KRS 61.872(5) to extend its deadline.

Open Records Decision

On September 19, 2025, Daniel Thomas (“the Appellant”) submitted a 16-part request to the District for various categories of records generally related to the former Slaughters Elementary School and the removal of hazardous materials. On September 22, 2025, the District acknowledged receipt of the request and stated that “it may take longer to locate relevant documents” because “this request relates to a building and school no longer part of Webster County Schools.” The District stated it would “provide information as soon as possible.” The Appellant alleges he agreed on that date to what he describes as “a reasonable extension of time.” Having received no further communication from the District¹ by October 20, 2025, the Appellant initiated this appeal.

Under KRS 61.880(1), a public agency has five business days to fulfill or deny a request for public records. The time under KRS 61.880(1) may be extended if the records are “in active use, in storage or not otherwise available,” but the agency must give “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record[s] will be available for inspection.” Here, the District attempted to provide a reason for its delay, but it provided no details regarding the location of the records or the time needed to retrieve them. Thus, the District failed to give a “detailed explanation” or the earliest date when the records

¹ The Appellant states he sent a letter to the District on October 13, 2025, advising he would appeal if the records were not provided by October 17, 2025, and the District did not respond. The District, however, claims it did not receive this letter.

would be available. Because the District did not properly invoke KRS 61.872(5) to justify its delay, it violated the Act.²

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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/ James M. Herrick
James M. Herrick
Assistant Attorney General

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Distributed to:

Daniel N. Thomas, Esq.
Aaron Harrell, Superintendent
Roy Massey IV, Esq.
Ms. Amy Hill
Ms. Katie Peebles

² After this appeal was initiated, the District provided 44 pages of records to the Appellant, but the Appellant disputes whether the District's production was complete. Because this appeal was based solely on the untimeliness of the District's response, the merits of the District's subsequent response are not ripe for review. *See, e.g.*, 25-ORD-252 n.1; 23-ORD-135 n.3.