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25-ORD-389

December 8, 2025

In re: Krista Johnson/Jefferson County Public School System

Summary: The Jefferson County Public School System (“JCPS”) subverted the intent of the Open Records Act (“the Act”), within the meaning of KRS 61.880(4), when it failed to make records available within its own self-imposed deadline.

Open Records Decision

On September 15, 2025, Krista Johnson (“Appellant”) submitted a request to JCPS for “copies of all emails sent to and from [four] assistant superintendents . . . mentioning ‘Illustrative Mathematics’ or ‘new math curriculum’” between August 1, 2023, and August 1, 2025. On September 22, 2025, JCPS confirmed receipt of the request and informed her that the records she requested “are voluminous, and they contain a mixture of exempt and non-exempt information” requiring “additional processing time,” but that the “records would be available to [her] no later than October 29, 2025.” JCPS explained that the “records are not capable of redaction in the native format, so must be converted, then manually redacted [to comply] with state and federal law.” On October 31, 2025, JCPS informed the Appellant that the records now would not be available until January 9, 2026. For its explanation, JCPS stated that its original date estimation “was an error.” This appeal followed.

Under KRS 61.880(1), a public agency has five business days to grant or deny a request for public records. The time period 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, JCPS’s initial response did not grant or deny the Appellant’s request. Instead, it explained that the records “are voluminous, and they contain a mixture of exempt

and non-exempt information” which would require “additional processing time” because the “records are not capable of redaction in the native format, so must be converted, then manually redacted.”

However, although JCPS stated the records would be available for inspection “no later than October 29, 2025,” it did not make any records available by that date. The Office has found that a public agency does not comply with KRS 61.872(5) when it notifies the requester of the earliest date on which requested records would be available but then misses its self-imposed deadline. *See, e.g.*, 25-ORD-086; 23-ORD-079; 21-ORD-011. Similarly, here, JCPS subverted the intent of the Act by delay and excessive extensions of time, within the meaning of KRS 61.880(4), when it failed to make a final disposition of the Appellant’s request by the date on which it said the records would be made available.

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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