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26-ORD-001

January 9, 2026

In re: Brittany Dixon/Laurel County Public School System

Summary: The Laurel County Public School System (“the System”) did not violate the Open Records Act (“the Act”), when it required greater specificity in the first request. However, the System subverted the intent of the Act when it failed to properly invoke KRS 61.872(5) and when it failed to produce records within its own self-imposed deadline.

Open Records Decision

On November 12, 2025, Brittany Dixon (“Appellant”) submitted a request to the System for public records seeking: (1) “the number of complaints or reports filed against Sublimity Elementary Staff or educators for alleged misconduct, policy violations, or ethics concerns from 2020-2025”; and (2) “The resulting outcomes or resolutions of those complaints.” The Appellant noted she was “requesting these records in electronic format.” The System denied the request “[d]ue to the vagueness of [her] request.” The System asked the Appellant to “provide with specificity the information [she] is seeking.” Specifically, the System asked the Appellant to “include the individual employees’ name you are requesting information on.”

On November 17, 2025, the Appellant submitted an amended records request to the System.¹ On November 24, 2025, the System responded and notified her that it would “provide the answers by Wednesday[,] December 3.” On December 3, 2025, the System denied the second part of her amended request because “[t]here are no records pertaining to” her request “in either staff member’s file.” The System also

¹ The Appellant amended her request to seek (1) “Aggregate Complaint Data” and (2) “Named Employee Records,” and she provided the names of the specific employees for which she sought records.

notified the Appellant that its response to the first part of her amended request “is not complete,” and it said it would respond to that part of the request “by the close of business on Friday.” On Friday, December 5, 2025, at 10:14 p.m., the Appellant initiated this appeal, asking the Office to review the System’s requiring her to clarify her request and its failure to meet its self-imposed deadline.²

First, we review the Appellant’s first request submitted to the System on November 12, 2025. KRS 61.872(3)(b) requires a public agency to mail copies of records only “after [the requester] precisely describes the public records which are readily available within the public agency.”³ A description is precise “if it describes the records in definite, specific, and unequivocal terms.” 98-ORD-17 (internal quotations omitted). This standard is generally not met by requests that are unlimited in temporal scope or do not “describe records by type, origin, county, or any identifier other than relation to a subject.” 13-ORD-077.

In 15-ORD-212, a request for records “documenting the contacts and/or communications” by detectives of the Lexington Police Department with judges, law enforcement agencies, prosecutors, or “any person of the public nature,” which was unlimited in temporal scope, did not meet the standard for precise description. Even with a specified temporal scope, a request for copies of “[a]ny and all records related to the granting of easements by the City of Indian Hills to its property owners for the purpose of connecting to any MSD sewer line . . . from January 1, 1990 to January 1, 1999” was properly denied for lack of a precise description. 00-ORD-79. Similarly, a request specifying the temporal scope for “records indicative of [a named individual’s] assistance with Kentucky State Police matters, including tips given to [the] department,” failed to describe an identifiable class of records and was properly denied. 13-ORD-077.

Here, the Appellant requested “the number of complaints or reports filed against Sublimity Elementary Staff or educators for alleged misconduct, policy violations, or ethics concerns from 2020-2025”; and “[t]he resulting outcomes or resolutions of those complaints.” Although the Appellant’s request is limited in temporal scope, it fails to identify a specific set of records limited “by type . . . or any

² The Appellant does not dispute any other aspect of the System’s handling of her requests.

³ The Appellant’s requested “access to public records,” but she also “request[ed] these records in electronic format.” As such, the Appellant’s request is ambiguous as to whether she merely sought to inspect the records or, rather, sought copies of the records. However, even a request to inspect public records must describe the records in a manner “adequate for a reasonable person to ascertain the nature and scope of [the] request.” *Commonwealth, Dep’t of Corr. v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008).

identifier other than relation to a subject.” 13-ORD-077. A request does not precisely describe records if it is “so nonspecific as to preclude the custodian from determining what, if any, existing records it might encompass.” 96-ORD-101. Because the Appellant’s request did not “precisely describe” records within the meaning of KRS 61.872(3)(b), the System did not violate the Act by requiring greater specificity.

The second issue on appeal is the System’s failure to meet its own self-imposed deadline to respond to the first part of the Appellant’s amended November 17, 2025, request. Under KRS 61.872(5), “[i]f the public record is in active use, in storage or not otherwise available,” an agency may provide the record after the five-day deadline imposed by KRS 61.880(1) if “a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection.” Here, the System’s initial response did not grant or deny the first part of the amended request, but merely stated it would respond by December 3, 2025. Subsequently, the System stated that its response to the first part of her amended request “is not complete” and that it would respond to that part “by the close of business on Friday,” December 5, 2025. This response did not provide a “detailed explanation” for why the System could not timely provide the requested records. Moreover, the System failed to meet both of its self-imposed deadlines with respect to the first part of the amended request.

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. Here, the System gave itself two separate extensions of time to fulfill the first part of the Appellant’s November 17 request, and it never provided a detailed explanation for why either of the two extensions was necessary; it then missed both self-imposed deadlines.⁴ As a result, the System 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 adequately invoke KRS 61.872(5) and when it failed to make a final disposition of the Appellant’s request by the dates on which it said the records would be made available.⁵

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

⁴ The System does not attempt to justify its delay on appeal.

⁵ On Appeal, the System states that the “data does not exist” and that “[t]here are no records on any ‘Aggregate Statistical Data.’”

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:

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Conrad Cessna