



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN  
ATTORNEY GENERAL

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

26-ORD-014

January 15, 2026

In re: Ricky Ladd/Graves County School District

**Summary:** The Graves County School District (“the District”) did not violate the Open Records Act (“the Act”) when it withheld a record that was a “preliminary draft” under KRS 61.878(1)(i).

### *Open Records Decision*

Ricky Ladd (“the Appellant”) submitted a request to the District for a copy of a “proposed policy change,” which he asserted had been “voted on and passed” at the November 20, 2025, meeting of the Graves County Board of Education (“the Board”). In a timely response, the District denied the request under KRS 61.878(1)(i) on the grounds that “the document [is] still a draft.” The District stated the record would “be available for review following the December board meeting assuming the Board approves the second reading.” This appeal followed.<sup>1</sup>

KRS 61.878(1)(i) exempts from disclosure “[p]reliminary drafts, notes, [and] correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.” A preliminary draft is “a tentative version, sketch, or outline” of a final document. 05-ORD-179. Preliminary drafts “by their very nature are rejected when a final [version] is approved.” 24-ORD-193. Thus, a preliminary draft does not lose its preliminary status when the agency takes final action. *See, e.g.,* 21-ORD-089. Rather, the final document becomes available to the public, unless it is exempt from disclosure under the Act.

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<sup>1</sup> The Appellant characterizes his appeal as pertaining to both the Open Records Act and the Open Meetings Act. However, to initiate an appeal under the Open Meetings Act, a complaining party must forward to the Attorney General a copy of his written complaint, submitted to the agency in accordance with KRS 61.846(1), and a copy of the agency’s written denial, if any. *See* KRS 61.846(2). Because the Appellant has not provided these documents, he has not perfected an appeal under the Open Meetings Act. *See* 40 KAR 1:030 § 1 (“The Attorney General shall not consider a complaint that fails to conform to KRS 61.846(2), requiring the submission of a written complaint to the public agency and the public agency’s written response, if the agency provided a response[.]”).

Here, the Appellant claims “the Board took action on the first reading of [the] policy revision” and it is therefore no longer a preliminary draft. However, the District explains that “the policy is not adopted until it has been passed by affirmative vote of the District at two (2) separate meetings” and that, “[u]ntil approved, the draft document remains tentative and subject to change.” Accordingly, the first vote on the proposed policy change did not constitute final action on the document. A draft does not lose its preliminary status under KRS 61.878(1)(i) merely because it has “been discussed at one or more public forums.” 15-ORD-087; *see also* 00-ORD-195. Because the proposed policy change remained a preliminary draft before its final approval by the Board, the District did not violate the Act when it denied the Appellant’s request under KRS 61.878(1)(i).<sup>2</sup>

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:

Mr. Ricky Ladd  
Jesse E. Wright, Esq.  
Ms. Tiffany Williams

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<sup>2</sup> The District argues that the record is also exempt as a “preliminary recommendation” under KRS 61.878(1)(j). Because KRS 61.878(1)(i) is dispositive of the issues on appeal, it is unnecessary to address this alternative argument.