



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-030

January 28, 2026

In re: Melanie Barker/Cabinet for Health and Family Services

Summary: The Cabinet for Health and Family Services (“the Cabinet”) did not violate the Open Records Act (“the Act”), when it fulfilled a request for records within five business days.

Open Records Decision

On November 25, 2025, Melanie Barker (“Appellant”) submitted a request to the Cabinet for “#19” of “the budget narrative” that was left out of the Cabinet’s response to her previous records request.¹ On December 4, 2025, at 8:11 a.m., the Appellant initiated this appeal, claiming the Cabinet failed to respond to her request.²

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, the Appellant submitted a request to the Cabinet on November 24, 2025, and as of December 4, 2025, at 8:11 a.m., she had yet to receive a response. On appeal, the Cabinet states it received the Appellant’s request on November 25, 2025, and responded to it on December 4, 2025, at 4:40 p.m., which was the fifth business day

¹ This request relates to a previous request the Appellant made on November 2, 2025, to the Cabinet for “the Public School Preschool Partnership Program (2021 – ARPA Stimulus Funds) – CONTRACT / SIGNED CONTRACT – that the Public Schools had to agree to – in order to accept the ARPA Funds as far as this Public School Preschool Partnership Program.” On November 24, 2025, the Cabinet granted the request and provided responsive records. That same day, the Appellant inquired as to why there were only 57 records provided, when there are 120 counties and some counties have more than one school district. Later the same day, the Cabinet responded and explained that not all counties or school districts would generate the type of record she requested.

² Specifically, the Appellant claimed, “No response and No record.”

after it received the request.³ Accordingly, the Cabinet did not violate the Act when it fulfilled a request for records within five business days of receiving it.⁴

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/ Matthew Ray
Matthew Ray
Assistant Attorney General

#700

Distributed to:

Melanie Barker
Peyton Sands
Natalie Nelson
Evelyn L. Miller

³ State offices were closed on November 27 and 28, 2025, for the Thanksgiving holiday. *See* KRS 2.110(1) (“[A]ll days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed.”); KRS 18A.190(1)(i) (requiring state offices to be closed on “[t]he fourth Thursday in November plus one (1) extra day”). November 29 and 30, 2025, were a Saturday and a Sunday, respectively.

⁴ The Cabinet, in its December 4, 2025, response, granted the Appellant’s request and made the records available to the Appellant.