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26-ORD-062

February 24, 2026

In re: WDRB News/Jefferson County Public Schools

**Summary:** The Jefferson County Public Schools (“JCPS”) violated the Open Records Act (“the Act”) by failing to provide a detailed explanation of the cause for delay in providing responsive and nonexempt records as required under KRS 61.872(5).

***Open Records Decision***

On January 16, 2026, Adi Schanie, on behalf of WDRB News (“the Appellant”), submitted a request to JCPS for copies of “[a]ll records documenting travel-related expenditures by [JCPS] for the 2025-2026 school year to date,” including but not limited to six categories of records.<sup>1</sup> In a timely response, JCPS stated, “The records you requested are voluminous, including hundreds of travel vouchers. They contain a mixture of exempt and non-exempt information which must be reviewed and redacted in accordance with state and federal law. This will require additional processing time.” Without further explanation, JCPS further advised the responsive records would be available “no later than April 24, 2026.” This appeal followed.

Under KRS 61.880(1), a public agency must determine within five business days whether to grant a request for public records or deny it. A public agency is permitted to extend the period for production of the records under KRS 61.872(5), but only if the records are “in active use, in storage or not otherwise available” and the agency provides “a detailed explanation of the cause . . . for further delay and the

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<sup>1</sup> In particular, the Appellant requested: (1) travel expense reports; (2) reimbursement requests and approvals; (3) receipts and invoices; (4) credit card statements or transaction logs related to travel; (5) airline, lodging, rental car, rideshare, mileage, meals, and conference registration; and (6) any spreadsheets, ledgers, or summaries tracking travel costs. For each travel expense, she requested copies of records that include, where available: the name and title of the employee or official traveling, the department or cost center; the date(s) of travel; the purpose or justification of the travel; the destination (city and state); the itemized cost amounts and total cost; and the funding source (general fund, grant, federal, etc.).

place, time, and earliest date on which the public record[s] will be available for inspection.”

Under KRS 61.872(5), the Office has consistently recognized that persons requesting large volumes of records may “expect reasonable delays in records production.” 12-ORD-228. A determination regarding the reasonableness of such a delay “is a fact-intensive inquiry.” 25-ORD-076; 24-ORD-063; 21-ORD-045. For example, the Office found that a four-month delay in providing 5,000 emails to a requester was not reasonable under the facts presented. *See, e.g.*, 21-ORD-045. However, the Office has also found that a six-month delay was reasonable to review 22,000 emails for nonexempt information. *See, e.g.*, 12-ORD-097. Further, the Office has recognized that a public agency may demonstrate its good faith in responding to a request that implicates a significant volume of records by releasing those records in batches on a rolling basis. *See, e.g.*, 21-ORD-045. Ultimately, the public agency carries the burden of proving that its delay is justified. KRS 61.880(2)(c).

The Appellant contends that JCPS has not complied with KRS 61.872(5) because it did not provide an estimated number of responsive records; explain why “phased or rolling production” is not feasible; identify steps taken to expedite production of the records; or provide a “more narrowly tailored timeline tied to the actual scope of review.” The Appellant further emphasizes that records documenting travel expenses and reimbursements are “routine fiscal records that public agencies are expected to maintain” and have accessible in the ordinary course of business.

To start, JCPS initially complied with KRS 61.880(1) by sending a written response within five business days. However, its initial response did not provide a detailed explanation of why it could not fulfill the Appellant’s request within those five business days. Rather, JCPS stated generally that the records were “voluminous, including hundreds of travel vouchers,” containing a mixture of exempt and nonexempt information that “must be reviewed and redacted” in accordance with unspecified “state and federal law.” A vague statement regarding the “volume” of records that a request implicates or the “voluminous” nature of the request, such as that made by JCPS here, does not constitute a “detailed explanation” under KRS 61.872(5). *See, e.g.*, 25-ORD-076; 22-ORD-164; 17-ORD-194. Moreover, the Office has previously held that such a generic response is not sufficiently detailed because “the Act contemplates that all those actions should be completed within five business days for every request, unless KRS 61.872(5) applies.” 25-ORD-076.

On appeal, JCPS explains its delay is based on a similar request it received previously:

In that instance, there were approximately 4,500 travel vouchers to be reviewed, each of which contained an employee's home address. The travel vouchers often included other information such as employee credit card statements, personal email addresses, and cell phone numbers. Each file ranges from 1-2 pages to 20 pages in length. Extrapolating from the previous request, the six months of travel vouchers requested here reasonably implicates approximately 2,300 documents and, at a minimum, 6,000 pages of records.<sup>2</sup>

JCPS further states that it “will be reviewing approximately 6,000 pages of records and redacting confidential employee information.”<sup>3</sup> Thus, JCPS estimates that it will require 65 business days to complete the review and redaction process and provide the Appellant with the requested copies, asserting that “[s]imilar time frames have been found to be reasonable.”

In determining whether a delay is reasonable, the Office considers such factors as the number, location, and content of the requested records. *See* 21-ORD-045. “Weighing these factors is a fact-intensive inquiry.” *Id.* On appeal, JCPS belatedly estimated the specific volume of records implicated (2,300 “documents” or “6,000 pages of records”). However, aside from implicitly relying on KRS 61.878(1)(a) to justify the proposed redactions of personal information, JCPS did not elaborate regarding the “state and federal law,” if any, it was invoking to further justify the delay in completing the review and redaction process.<sup>4</sup> The Office agrees that a reasonable delay was justified here given the volume of records implicated, which JCPS identified on appeal. But here, as in 24-ORD-063, the Office cannot find the length of the delay is reasonable given the lack of relevant information regarding the amount of time required to review and redact each record or any further context. Simply put, stating only that 2,300 “documents” or “6,000 pages of records” contain personal information and “a mixture of exempt and non-exempt information,” without further detail, is insufficient to justify a delay of nearly three months. Accordingly, JCPS has not met its burden of proof to justify its delay in providing the Appellant with the requested records.

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<sup>2</sup> JCPS did not provide a copy of that previous request, nor did it provide a copy of its response stating how long it extended the deadline for production of those records.

<sup>3</sup> JCPS is presumably invoking KRS 61.878(1)(a) in redacting personal information of public employees.

<sup>4</sup> The Office has previously recognized that whether the specific law governing the confidentiality of the records or portions thereof is mandatory or discretionary, is a relevant factor when determining whether a delay under KRS 61.872(5) is reasonable. *See, e.g.*, 24-ORD-063 (acknowledging “that the content of the records may be particularly relevant” where the records contain information that is confidential under laws that “carry consequences for a public agency’s failure to adhere to strict confidentiality”); 21-ORD-045 n.2 (recognizing the “tremendous disadvantage to a public agency” that could result from the disclosure of privileged material); 25-ORD-076.

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/ Michelle D. Harrison  
Michelle D. Harrison  
Assistant Attorney General

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Distributed to:

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