



COMMONWEALTH OF KENTUCKY
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26-ORD-085

March 10, 2026

In re: Brittany Dixon/Laurel County Public Schools

Summary: The Laurel County Public Schools (“LCPS”) violated the Open Records Act (“the Act”) when it failed to respond to a request within five business days of receiving it.

Open Records Decision

On January 29, 2026, Brittany Dixon (“Appellant”) submitted a request to LCPS for four categories of records related to “complaints or reports of educator misconduct toward students at Sublimity Elementary School.” On February 6, 2026, having received no response from LCPS, the Appellant inquired as to the status of her request. On February 10, 2026, LCPS informed the Appellant that the records she requested were available.¹ The Appellant then initiated this appeal, claiming LCPS failed to issue a “timely written response or formal notice of delay was provided within the statutory timeframe.”

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.” This time may be extended under KRS 61.872(5) when records are “in active use, in storage or not otherwise available,” but only if the agency “immediately notif[ies] the applicant” and gives “a detailed explanation of the cause . . . for further delay and the place, time, and earliest date on which the public record will be available for inspection.”

¹ LCPS informed the Appellant that the records were on a flash drive available for pickup or to be mailed to her. That same day, the Appellant requested that LCPS mail the records to her.

Here, the Appellant submitted a request to LCPS on January 29, 2026, and received a response from LCPS on February 9, 2026. On appeal, LCPS states that, on February 9, it informed the Appellant that “the response was . . . ready to be picked up.”² LCPS admits its response was issued on the sixth business day after it received the Appellant’s request, but it does not assert it invoked KRS 61.872(5) to delay the Appellant’s access to the public records. As a result, LCPS violated the Act when it failed to respond to a request within five business days of receiving it, without invoking KRS 61.872(5) to delay access to the records.³

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

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Distributed to:

Brittany Dixon
Denise Griebel
Conrad Cessna

² LCPS’s response, which the Appellant provided to the Office as a part of this appeal, is dated February 10, 2026. LCPS does not provide a response dated February 9. Presumably, LCPS’s reference to February 9 is a typographical error.

³ LCPS, on appeal, states the person responsible for responding to requests “was out of the office upon receipt” and that “[i]t appeared to be redundant to advise of a delay when the documents would be available the next business day.”