



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-152

April 7, 2026

In re: Jackie Craig/Jefferson County Board of Education

Summary: The Jefferson County Board of Education (“the Board”) violated the Open Records Act (“the Act”) when it failed to respond timely to a request for records. However, the Board did not violate the Act when it denied a request that did not precisely describe the records sought.

Open Records Decision

On March 2, 2026, Jackie Craig (“the Appellant”) submitted a multi-part request to the Board for electronic copies of records related to her child’s Individualized Education Program (“IEP”). At issue in this appeal is the Appellant’s request for “[a]ll internal communications (emails, texts on district devices, memoranda) referencing [her] child’s IEP meetings or discussions of recordings.” In a response issued March 10, 2026, the Board denied this request on the grounds that it was “not able to search all staff communications” because “[w]ith nearly 18,000 staff members, that search would take 30 days of machine time alone and would yield millions of unresponsive results.” The Board claimed the request was “too broad to allow [it] to locate the responsive records” and the Appellant must “narrow [the] request, for example, by providing names of staff members whose communications [she was] seeking, date ranges, and/or keywords.” This appeal followed.

Under KRS 61.880(1), a public agency must respond to a request for public records within five business days “after the receipt of any such request.” Here, the Board received the Appellant’s request on March 2, 2026, and did not respond until March 10, 2026, the sixth business day. Accordingly, the Board violated the Act when it failed to respond timely.

On appeal, the Board argues the Appellant’s request was improper because it did not precisely describe the records sought. A request for copies of public records must “precisely describe[] the public records which are readily available within the public agency.” KRS 61.872(3)(b). A description is precise “if it describes the records

in definite, specific, and unequivocal terms.” 98-ORD-17 (quotation 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.

Here, the Appellant’s request identified the records by three specific types (“emails, texts on district devices, and memoranda”) as well as their relation to the subject of her child’s IEP meetings or recordings of them. However, as the District points out, the request did not specify a “date range.” Requests that are “unlimited in temporal scope” generally do not meet the standard of precise description under KRS 61.872(3)(b). *See, e.g.*, 22-ORD-123; 22-ORD-070; 20-ORD-017; *but see* 25-ORD-278 (finding an agency could not “claim ignorance” of the temporal scope when it was “evidently familiar with the specific incident” to which the request related). Because the Appellant did not provide a date range to which the records pertained, her request did not “precisely describe[]” the records within the meaning of KRS 61.872(3)(b).

As the Appellant is likely to make additional efforts to obtain the requested records, it is expedient to address the other arguments made by the Board. In its initial response, the Board claimed the request would require it to review all communications by “nearly 18,000 staff members” because the Appellant did not provide specific names. However, the Appellant did identify a specific student by providing her child’s name and birthdate. A public agency must “make a good faith effort to conduct a search using methods which can reasonably be expected to produce the records requested.” 95-ORD-96 (quotation omitted). In particular, the agency “is required to make a reasonable search of *persons* who are likely to have responsive documents.” 14-ORD-181 (emphasis added); *see also* 23-ORD-259; *but see* 17-ORD-104 (finding that agencies complied with the Act by searching the files of persons likely to possess responsive records); 14-ORD-123 (same). “The agency is the party responsible for ascertaining the location of responsive records or the personnel who may possess them.” 24-ORD-089 (citing *Univ. of Ky. v. Kernel Press, Inc.*, 620 S.W.3d 43, 48 n.2 (Ky. 2021)). The Board “cannot claim the Appellant has greater knowledge of its personnel than it does.” *Id.* Thus, in responding to an otherwise proper request, it is the Board’s responsibility to determine which of its personnel are likely to have been involved in discussions relating to IEP meetings concerning a specific student, or recordings thereof, and to conduct its search accordingly.

The Board also suggested, in its response, that the Appellant provide “keywords” for a search. However, it is not necessary for a requester “to provide search terms when her request [is] for records related to a discretely defined subject.” 25-ORD-169 n.1; *see also* 22-ORD-213 (finding a request need not be narrowed by search terms when it sufficiently describes the requested records). Because the Appellant has identified a discretely defined subject and the person to whom the records pertain, it would not be necessary for her to provide search keywords for an

otherwise proper request. Here, however, the Board did not violate the Act, because the Appellant's request lacked any restriction on temporal scope and therefore did not "precisely describe[]" the records as required by KRS 61.872(3)(b).

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/ Zachary M. Zimmerer
Zachary M. Zimmerer
Assistant Attorney General

#197

Distributed to:

Ms. Jackie Craig
C. Tyson Gorman, Esq.
Amanda Herzog, Esq.
Brian Yearwood, Superintendent
Corrie Shull, Board Chair