



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-232

May 26, 2026

In re: Travon Byers/Kentucky State University

Summary: Kentucky State University (“the University”) violated the Open Records Act (“the Act”) when it failed to send a written response within five business days of receiving a request.

Open Records Decision

On February 17, 2026, at 10:38 p.m., Travon Byers (“the Appellant”) submitted a request to the University for “copies of public records relating to student conduct cases for the period of August 1, 2025, through the date this request is fulfilled.” For all “student conduct cases initiated, investigated, referred, adjudicated, or resolved” during that period, the Appellant requested 16 categories of records and further asked the University to redact “only personally identifiable student information” under the Family Educational Rights and Privacy Act (“FERPA”) and KRS 61.878(1)(a), “including student names, student identification numbers, social security numbers, and personal contact information.” On March 16, 2026, the Appellant initiated this appeal, challenging the University’s failure to respond to his request within five business days of its receipt.

Upon receiving a request for public records, a public agency must determine within five business days whether to comply with the request or deny it and “shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1). A public agency may extend the deadline for production of the records, 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 place, time, and earliest date on which the public record[s] will be available for inspection.” KRS 61.872(5).

Here, the relevant facts are not in dispute. The University does not deny receiving Appellant’s February 17 request, sent after the close of business, on the following workday, February 18. Nor does the University dispute it failed to send a written response to the Appellant’s request within five business days of receiving it,

as KRS 61.880(1) requires. On appeal,¹ the University states it contacted the Appellant by telephone and, per its “discussions” with the Appellant, “which continued via email and via telephone,” the Appellant expressed his “understanding that it would take time to gather the requested documents as they were in multiple locations and involved multiple University departments.”

Notwithstanding any verbal communications between the University and the Appellant, KRS 61.880(1) requires a public agency to respond *in writing* to a request within five business days, and either comply with the request or deny it. Alternatively, the agency is permitted to delay the deadline for production of the responsive and nonexempt records, but only if the agency complies with KRS 61.872(5) by stating the records are “in active use, in storage, or not otherwise available” and providing a “detailed explanation” of the cause for the delay, and the “place, time, and earliest date” on which the agency will make the records available. The University did not comply with KRS 61.880(1) or attempt to invoke 61.872(5). By failing to send a written response within five business days of receiving the Appellant’s request, and either comply with it, deny it, or properly invoke KRS 61.872(5), the University violated the Act.

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.

¹ Upon receiving the notice of this appeal from the Office, the University sent a written response to the Appellant on April 1, 2026, stating it was denying the Appellant’s request “for student conduct or disciplinary records,” except for those related to him, which it already provided in response to a previous request. In so doing, the University cited FERPA, 20 U.S.C. § 1232g, and its implementing regulation, 34 C.F.R. Part 99, both of which are incorporated into the Act by KRS 61.878(1)(k), to justify its withholding of these “education records.” The University also cited KRS 61.878(1)(a) to further justify its denial of “other students’ records” because of “the inability to redact personally identifiable information without disclosing students’ identities.” In addition, the University withheld “police reports related to matters that are part of an active criminal investigation” under KRS 61.878(1)(h). However, issues regarding the University’s invocation of FERPA or KRS 61.878(1)(a), (h), and (k) are not ripe for review in this appeal because the Appellant filed this appeal based solely on the University’s failure to timely respond to his request. See 26-ORD-054; 25-ORD-252; 25-ORD-199; 24-ORD-258.

Russell Coleman
Attorney General

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

#213

Distributed to:

Travon Byers, Appellant
Nicole M. Sergent, General Counsel, KSU