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26-ORD-290

June 30, 2026

In re: Allison Alessandro/Fort Thomas Independent School District

Summary: The Office cannot find that the Fort Thomas Independent School District (“the District”) violated the Open Records Act (“the Act”) because the Office declines to find that the delay in producing records was unreasonable where the District established by clear and convincing evidence that a series of requests posed an unreasonable burden under KRS 61.872(6).

Open Records Decision

On April 1, 2026, Allison Alessandro (“the Appellant”) submitted 14 separate requests to the District, seeking records related to an investigation of her husband.¹ On April 6, 2025, the District invoked KRS 61.872(5) and stated that it would issue its final response on or before May 4, 2026.

Under KRS 61.872(6), “[i]f the application places an unreasonable burden in producing public records[,] the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.” “When determining whether a particular request places an unreasonable burden on an agency, the Office considers the number of records implicated, whether the records are in a physical or electronic format, and whether the records contain exempt material requiring redaction.” 22-ORD-221. Of these, the number of records implicated “is the most important factor to be considered.” 22-ORD-182.

In 25-ORD-322, the Office found an agency had shown an unreasonable burden by clear and convincing evidence when its search resulted in 11,482 emails and attachments, which required review for “exemptions under personal privacy and [the

¹ The District states that the Appellant has actually submitted 31 individual requests to it. However, this appeal is limited to the 14 requests the Appellant provided as part of her appeal. See KRS 61.880(2)(a).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g], and potentially attorney-client privilege or preliminary drafts, notes, correspondence, or recommendations or memoranda.” Here, the District’s search retrieved more than 16,000 records requiring review, and the District anticipates redaction on FERPA grounds. Thus, the burden on the District is comparable to that determined to be unreasonable in 25-ORD-322. Therefore, the City has established by clear and convincing evidence that it could have denied the request under KRS 61.872(6). Because the District has elected to undertake the burden of reviewing and producing the records in the interest of transparency, the Office declines to find that the projected delay in producing records is unreasonable. *See* 25-ORD-410 (declining to determine whether the delay in responding to a request which posed an unreasonable burden on the agency was unreasonable). Accordingly, the Office cannot find that the District 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.

Russell Coleman
Attorney General

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

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Distributed to:

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