



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

May 13, 2026

Via email

Yukon Public Schools
c/o Alicia Currin-Moore, Counsel
(acurrinmoore@wabsa.com)

Re: Public Access Counselor Advisement – Complaint No. 2026-033

Dear Counsel,

This is an official advisement regarding the above-referenced complaint (“Complaint”) submitted to this office pursuant to 51 O.S.Supp.2025, § 24A.40. The Public Access Counselor (“PAC”) received the Complaint from Matthew Raley, a private citizen and a parent of a Yukon Public Schools (“YPS”) student. The Complaint alleges that YPS improperly denied four records requests made under the Oklahoma Open Records Act (“ORA”). Per the terms of 51 O.S.Supp.2025, § 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from YPS.

Because the requests outlined in the Complaint raised separate issues and received separate responses from YPS, I address them individually below. Mr. Raley’s requests appear to relate to YPS disciplining his child. Upon review of the records provided by YPS and consideration of YPS’s response, I have determined the following:

Requests 25-57 & 26-2:

1. In these requests, Mr. Raley sought records related to YPS’s disciplinary action against, and certain class grades given to, his child. YPS claims that the responsive records contain information protected from disclosure by the federal Family Educational Rights Protection Act (“FERPA”), 20 U.S.C. § 1232g. YPS further claims that, even if it could produce the records, Mr. Raley refused to pay the costs for YPS to review the records and redact protected information, and he refused to provide key words to narrow the scope of the request.
2. The ORA “does not apply to records specifically required by law to be kept confidential.” 51 O.S.Supp.2025, § 24A.5(1). FERPA generally requires “education records,” as defined therein, to be kept confidential. Similarly, the ORA allows public schools to deny public access to individual student records and personal communications concerning individual students. 51 O.S.Supp.2024, § 24A.16. Accordingly, while the ORA generally requires

YPS to make its records available to the public, that requirement does not apply to FERPA-protected “education records.”

3. The records described in these requests meet the FERPA definition of “education records.” 20 U.S.C. § 1232g(4); 34 C.F.R. § 99.3. Accordingly, Mr. Raley’s right to access—including any fees YPS may lawfully charge and any applicable timelines for YPS’s production—is controlled by FERPA, not the ORA.
4. Because the PAC’s authority is limited to matters governed by the ORA, I cannot provide guidance regarding the requirements of FERPA. However, I would urge the parties to review carefully FERPA’s confidentiality protections for education records, as well as the parental right of access, and proceed in good faith to reach a reasonable resolution to these requests. *See, e.g.*, 34 C.F.R. §§ 99.4–99.5, 99.10–99.11.

Request 25-58:

1. This request is extraordinarily broad, seeking all records—including all communications between any YPS staff and any person at the Oklahoma Secondary School Activities Association—regarding student eligibility, transfers, and player safety between May 2022 and December 2025. YPS’s search yielded more than 36,000 responsive documents.
2. YPS claims that it charges \$25 per hour to review and redact responsive documents before making them publicly accessible. Based on YPS’s calculation, fees chargeable to Mr. Raley for review and redaction exceed \$36,000. YPS demanded payment of half that amount before it would begin processing the request or, alternatively, invited Mr. Raley to narrow his request.
3. The ORA does not explicitly allow a public body to charge fees for review and redaction of records. Fees are allowable only for searching for and copying records. *See* 51 O.S.Supp.2025, § 24A.5(4). Oklahoma courts have not addressed the question of whether the costs of staff time for review and redaction may be charged as a component of search and copying fees. Thus, I have no precedent from which to conclude that these fees are or are not allowable under the ORA.
4. Each party has a legitimate argument. In Mr. Raley’s favor, the ORA is to be interpreted “liberally in favor of access to public records to effectuate the Legislature’s intent.” *Okla. Ass’n of Broadcasters, Inc. v. City of Norman*, 2016 OK 119, ¶ 22. Moreover, the ORA is clear that a public body may not use fees to discourage records requests or as obstacles to public access. 51 O.S.Supp.2025, § 25A.5(4). Fees of over \$36,000, even if they were grounded in clear statutory authority, do not seem reasonable or consistent with the ORA’s underlying purpose.
5. On the other hand, YPS explained to Mr. Raley why his request generated so many responsive records—some of which may contain student information that is confidential under FERPA or other law—and invited him to engage in a collaborative process to narrow

his request. I cannot imagine that Mr. Raley wants to receive over 36,000 records any more than YPS wants to review them for necessary and appropriate redactions or withholding.

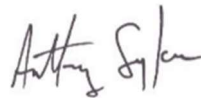
6. Neither party has the law clearly on their side. As a result, I would urge the parties to continue a dialogue in good faith to minimize the disruption to YPS while providing Mr. Raley with access to the records he is entitled to.

Request 25-59:

1. This request sought records related to a student's eligibility to participate in YPS class periods associated with school sports. Specifically, Mr. Raley claims he was advised by YPS that in order for a student to participate in a 6th hour strength class and a 7th hour sport-affiliated class, the student must be a member of the affiliated YPS sports team.
2. In response to Mr. Raley's request for records related to this policy, YPS claims that no such records exist. YPS further explained that the last class period of the school day has been used for athletics for over 20 years.
3. YPS correctly argues that the ORA does not require it to create new records to satisfy an ORA request. *See* 51 O.S.2021, § 24A.18. YPS has represented both to Mr. Raley and to me that it has no records that are responsive to this request. While it seems dubious that not a single record in YPS's possession refers or relates to this policy, I have little choice but to take YPS at its word that it conducted a reasonable search that yielded no responsive records.

Based on the information available to me at this time, I have reached the conclusions outlined above. I would encourage YPS to review title 51, section 24A.40(G) for any further steps required by the ORA. If you have any questions, please do not hesitate to contact me at (405) 522-2771 or by email at opengov@oag.ok.gov.

Sincerely,



Anthony Sykes
Assistant Attorney General
Public Access Counselor

cc: Matthew Raley (via email)