Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0834-I

KENTUCKY STATE UNIVERSITY STUDENTS — MOVANTS

v.

ON MOTION FOR INTERLOCUTORY RELIEF
ARISING FROM FRANKLIN CIRCUIT COURT
ACTION NO. 26-CI-00587

COMMONWEALTH OF KENTUCKY — RESPONDENT

ORDER
DENYING EMERGENCY RELIEF

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On July 6, 2026, Movants[1] filed an emergency motion pursuant to RAP[2] 20(D). Movants request an emergency order preserving the pre-Senate Bill 185 ("SB 185") educational and enrollment *status quo* while this Court considers Movants' contemporaneous RAP 20(B) motion to set aside the Franklin Circuit Court's order denying their motion for a temporary injunction and their supplemental emergency motion.

[1] Movants are current Kentucky State University Students. The Students' names have been kept anonymous. Thus, each Student named as a plaintiff below has been referred to as an individually numbered "Student Doe."

[2] Kentucky Rules of Appellate Procedure.

This action arises from Movants' challenge of the constitutionality of SB 185. On April 13, 2026, SB 185 was signed by the Governor, and was created for the purpose of transitioning Kentucky State University into a polytechnic school. Movants are current students at Kentucky State University that allege to be adversely impacted by SB 185. Movants argue that SB 185 will result in improper denial of registration and teach-outs that allow a student to finish a degree while the degree is being phased out lead to lost educational opportunities. Movants claim that they will face irreparable harm if relief is not granted by being denied: Fall 2026 registration, continued course participation, housing, financial clearance, scholarships, financial aid, transcripts, degree progress, and course access.

A party seeking emergency relief under RAP 20(D) must show that they will suffer irreparable injury before a motion for interlocutory relief may be heard by a three-Judge panel. *Sub judice*, Movants have also filed a RAP 20(B) motion to set aside the circuit court's orders. Motions made under RAP 20(B) and (D) both provide for a ten (10) day response period. RAP 20(B) motions are also expedited under the Rules of Appellate Procedure. The fact that the response times are co-terminus, along with the expedited nature of the RAP 20(B) procedure, weighs against the Court's granting of interim relief at this junction.

Movants will not face irreparable injury in the 10-day period that Respondent has to respond to the RAP 20(B) motion. The Fall 2026 semester at

Kentucky State University does not begin until August and the circuit court found that there are no "teach-out plans … in effect" that would affect students' current course of study.

The issues presented by Movants in their emergency motion are better suited for the three-Judge panel to address within the framework of the RAP 20(B) motion. The ruling herein on the RAP 20(D) motion does not reflect a position on the merits for the accompanying interlocutory relief motion. The RAP 20(B) motion shall be considered separately once the 10-day period has run for Respondent to file its response.

WHEREFORE, the Court having reviewed the record, and being otherwise sufficiently advised, it is ORDERED that the motion for emergency relief shall be, and is hereby, DENIED. The motion for interlocutory relief shall come before a three-Judge panel of this Court following the response time provided in the RAPs. This Order shall not be reconsidered. The Clerk of Court SHALL EMAIL a copy of this Order to counsel of record forthwith in addition to conventional service.

ENTERED: July 8, 2026

HON. JACQUELINE M. CALDWELL
JUDGE, COURT OF APPEALS