

IN THE TENTH DISTRICT COURT OF APPEALS
FRANKLIN COUNTY, OHIO

THE BUCKEYE INSTITUTE)
88 E. Broad St., Suite 1300)
Columbus, Ohio 43215)

Relator,)

v.)

COLUMBUS CITY SCHOOLS BOARD OF)
EDUCATION)
270 E. State Street)
Columbus, Ohio 43215)

and)

JONATHAN SCHIRG, in his official capacity)
as Public Records Manager)
2945 Cordella Street)
Blacklick, Ohio 43004)

Respondents.)

CASE NO.

ORIGINAL ACTION IN MANDAMUS

For his Complaint in Mandamus, Relator The Buckeye Institute (“Buckeye”) states as follows:

NATURE OF THE ACTION

1. This is a mandamus action seeking an order compelling the Columbus City Schools Board of Education and Jonathan Schirg to provide public records to Relator Buckeye, as well as costs and reasonable attorneys’ fees expended in seeking that relief.

2. This Court has original jurisdiction over this action pursuant to Ohio Revised Code § 149.43 (C)(1)(b), which authorizes a person who is aggrieved by the failure of a public office or person responsible for public records to comply with the requirements of R.C. 149.43(B) to commence a mandamus action to obtain a judgment ordering the public office or the person responsible for the public record to comply with its obligations under the statute.

PARTIES AND JURISDICTION

3. Relator Buckeye is a resident of Franklin County.

4. Respondent Columbus City Schools Board of Education is a political subdivision of the State of Ohio that operates the Columbus City Schools in Franklin County.

5. Respondent Jonathan Schirg is the public records manager for Columbus City Schools.

6. This Court has personal jurisdiction over the parties and venue is proper in this County because at all times relevant, the parties were located in Franklin County, Ohio, all the actions or failures to act relevant to this Complaint occurred in Franklin County, Ohio, and upon information and belief, the public records that Relator seeks to obtain through this action are being kept in Franklin County, Ohio.

7. This Court has subject matter jurisdiction over this action pursuant to R.C. 149.43(C)(1)(b), which allows an aggrieved party to “commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action” in “the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.”

FACTS

A. Public Records Request Regarding Union Deductions

8. On August 24, 2022, Buckeye, pursuant to R.C. 149.43, sought to obtain public records relating to union deductions from Columbus City Schools.

9. On August 24, 2022, Buckeye sent an e-mail to Columbus City Schools, requesting copies of:

1. Any documents evidencing a request or authorization to withhold or deduct any union membership dues or fees relating to Christin Wilkins, whether signed or unsigned, and for all time periods during which Christin Wilkins was employed by the Columbus City School District (the "District"). This includes documents from Christin Wilkins or any union or union official.

2. Any documents which show or provide the amounts of union membership dues or fees which should be deducted from Christin Wilkins's pay specifically or generally from employees of the District. This applies during all times during which Christin Wilkins as employed by the District.

3. Any requests by Christin Wilkins to terminate any withholding or deduction of union membership dues or other union-related fees.

4. Any responses by the District to Christin Wilkins related to the requests referenced in #3 above.

5. Any internal memos, emails or other communications regarding any requests or responses referenced in #3 and #4 above (excluding any documents protected by the attorney client privilege).

Exhibit A.

10. On August 24, 2022, Buckeye sent an e-mail to Columbus City Schools requesting copies of the same documents listed in paragraph 9, *supra*, but for Ronnie Legg instead of Christin Wilkins. Exhibit B.

11. On August 29, 2022, Columbus City Schools declined to produce those records or provide a reason why they are not records subject to production. Exhibit C.

12. On August 31, 2022, Buckeye responded to Columbus City Schools explaining why the requested information were records subject to production. Exhibit D.

13. On September 6, 2022, Columbus City Schools responded to Buckeye's counsel that in reference to request number two, the thereto attached CEA deduction schedule showed deductions made generally from employees of the District. Exhibit E. The deduction schedule only showed the general deductions for employees in Christin Wilkin's bargaining unit's representative union and not Ronnie Legg's representative union. Exhibit F. Columbus City Schools refused to produce any other documents responding to the public records requests.

B. Public Records Requests Regarding Staff Training Materials and Curriculum

14. On November 2, 2022, Buckeye, pursuant to R.C. 149.43, sought to obtain specific public records relating to staff training materials and curriculum from Columbus City Schools.

15. On November 2, 2022, Buckeye, sent an e-mail to Columbus City Schools, requesting copies of:

1. All staff training materials or documents provided to the district or any of its individual schools or employees (collectively, the "District") by Panorama Education, Inc., Chiarello Consulting Education for Good, The Collaborative for Academic, Social, and Emotional Learning, Diversity Center of Northeast Ohio, or Insight Education Group Inc. (collectively, the "Training Companies").
2. Any presentations, in whatever form, including but not limited to handouts, articles, worksheets, surveys, self-diagnostic exercises, Powerpoint or similar computer-generated presentations, or statements of teaching goals provided by any of the training companies to the District.
3. Any documents relating to any proposed or recommended additions or changes to the District's curriculum (including but not limited to forms, handouts, self-diagnostic exercises, articles, or other written material) (a) which the District received from any of the Training Companies or (b) which resulted from any recommendation, or suggestion from any of the Training Companies.

4. Any documents which the District has in its possession relating to “The 1619 Project” or curriculum or training based on or related to “The 1619 Project.”

5. Any documents which the District has in its possession relating to the College Board’s “AP African American Studies Course,” curriculum or training based on the “AP African American Studies Course” or any curriculum or training for any AP African American Studies course, class or program.

6. Any communications, including emails, letters or other correspondence between the District and any of the Training Companies.

Exhibit G.

16. On November 16, 2022, Columbus City Schools declined to produce those records, claiming that the requests were overly broad and that the records were not kept in the manner being requested. Columbus City Schools did not inform Buckeye of the manner in which the records are maintained and accessed in the ordinary course of business as required by R.C. 149.43(B)(2). See

Exhibit H.

17. On November 21, 2022, Buckeye responded to Columbus City Schools explaining why the requested information were records subject to production. Buckeye also provided additional information to assist Columbus City Schools in providing the records. Exhibit I.

18. On December 6, 2022, Columbus City Schools responded to Buckeye that:

A. Regarding request one and two, “‘Staff training materials or documents’ and ‘presentations’ could exist within many different District departments and District schools,” and that “such records are not categorized by ‘training company.’”

Columbus City Schools continued to deny requests one and two because “without identifying a specific department or school, a District-wide search for ‘Staff training materials or documents’ or ‘presentations’ by the specified companies would need to occur.

B. Regarding request three, the requested records are not categorized by training company, and that the previous determination that the request was overly broad stands.

C. Regarding requests four and five, the topics of “The 1619 Project” and the “African American Studies Course” were overbroad, even when limited by the category of training and curriculum documents because a search of each school and department in the District would need to be conducted. Columbus City Schools provided two documents related to the “African American Studies Course.”

D. Regarding request six, Columbus City Schools “deem[ed] requests for emails without specified party names/email addresses, keyword, and reasonable timeframe to be overly broad in nature.” Based on additional domain names and timeframe that Buckeye had provided in its response to the original public records request denial, Columbus City Schools provided emails for two of the training companies. Columbus City Schools stated that it had search results for Panorama Education but did not provide those documents.

Exhibit J1–J4.

19. Columbus City Schools refused to produce any other documents responding to the public records requests. See *id.*

COUNT ONE: VIOLATION OF OHIO PUBLIC RECORDS ACT

20. Relator restates the foregoing allegations and incorporates them hereat.

21. Ohio’s Public Records Act, codified at R.C. 149.43(B), requires, with certain exceptions, that public offices provide citizens with access to or copies of public records:

Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt.

R.C. 149.43(B)(1).

22. Further, under R.C. 149.43(B)(2), in denying a request as ambiguous or overly broad, the public office must inform “the requester of the manner in which the records are maintained by the public office and accessed in the ordinary course of the public office’s or person’s duties.”

23. The documents that Buckeye requested, specifically those pertaining to correspondence in the District’s possession or control, are public records as defined by R.C. 149.43 (A)(1).

24. The records that Buckeye requested are not subject to any statutory exemption.

25. Buckeye’s requests were made with sufficient specificity for Respondents to understand what records were requested.

26. Respondents intentionally violated R.C. 149.43 by failing to provide the requested records, either in whole or in part, and by failing to provide the manner in which the records are maintained and accessed in the ordinary course of the public office’s or person’s duties.

27. Based on his dealing and correspondence with Columbus City Schools, Buckeye believes that Respondents have public records that are responsive to its request that Respondents are intentionally withholding without any valid claim of exemption.

28. Buckeye has a clear legal right under R.C. 149.43 to obtain the requested public records, and a writ of mandamus should issue from this Court to enforce that right pursuant to R.C. 149.43(C)(1)(b).

29. Buckeye has incurred costs and attorneys' fees in attempting to obtain the requested public records.

30. In addition, R.C. 149.43(C)(2), provides for statutory damages of \$100 per day from the day of the filing of this action, up to \$1,000.

WHEREFORE; Relator prays for relief as follows:

- (1) As to all Respondents, a writ of mandamus ordering Columbus City Schools to comply with R.C. 149.43 and provide the requested records;
- (2) As to all Respondents, an award of all costs incurred, its reasonable attorneys' fees, and statutory damages under R.C. 149.43(C)(2);
- (3) As to all Respondents any other relief that the Court deems just and equitable.

Respectfully submitted,

/s/ David C. Tryon

David C. Tryon (#0028954)

Jay R. Carson (#0068526)

Alex M. Certo (#0102790)

The Buckeye Institute

88 East Broad Street, Suite 1300

Columbus, Ohio 43215

(614) 224-4422

Email: d.tryon@buckeyeinstitute.org

Attorneys for Plaintiff The Buckeye Institute

Subject: Public Records Request

Date: Wednesday, August 24, 2022 at 1:47:42 PM Eastern Daylight Time

From: David C. Tryon

To: publicrecordsrequest@columbus.k12.oh.us

BCC: David C. Tryon

To whom it may concern:

Pursuant to the Ohio Open Records Law, R.C. 149.43, I am requesting the following documents:

1. Any documents evidencing a request or authorization to withhold or deduct any union membership dues or fees relating to Christin Wilkins, whether signed or unsigned, and for all time periods during which Christin Wilkins was employed by the Columbus City School District (the "District"). This includes documents from Christin Wilkins or any union or union official.
2. Any documents which show or provide the amounts of union membership dues or fees which should be deducted from Christin Wilkins's pay specifically or generally from employees of the District. This applies during all times during which Christin Wilkins as employed by the District.
3. Any requests by Christin Wilkins to terminate any withholding or deduction of union membership dues or other union-related fees.
4. Any responses by the District to Christin Wilkins related to the requests referenced in #3 above.
5. Any internal memos, emails or other communications regarding any requests or responses referenced in #3 and #4 above (excluding any documents protected by the attorney client privilege).

I request that the information be emailed to my address below.

Please inform me if there are any fees for searching or copying these records.

Please let me know whether that information is available and whether you expect any delays in fulfilling the request.

Thank you for your time.

Sincerely,

David C. Tryon, *Director of Litigation*

D.Tryon@BuckeyeInstitute.org

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | BuckeyeInstitute.org

Exhibit A

Page 1 of 1

Subject: [External] Public Records Request

Date: Wednesday, August 24, 2022 at 1:45:33 PM Eastern Daylight Time

From: David C. Tryon

To: publicrecordsrequest

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To whom it may concern:

Pursuant to the Ohio Open Records Law, R.C. 149.43, I am requesting the following documents:

1. Any documents evidencing a request or authorization to withhold or deduct any union membership dues or fees relating to Ronnie Legg, whether signed or unsigned, and for all time periods during which Ronnie Legg was employed by the Columbus City School District (the "District"). This includes documents from Ronnie Legg or any union or union official.
2. Any documents which show or provide the amounts of union membership dues or fees which should be deducted from Ronnie Legg's pay specifically or generally from employees of the District. This applies during all times during which Ronnie Legg as employed by the District.
3. Any requests by Ronnie Legg to terminate any withholding or deduction of union membership dues or other union-related fees.
4. Any responses by the District to Ronnie Legg related to the requests referenced in #3 above.
5. Any internal memos, emails or other communications regarding any requests or responses referenced in #3 and #4 above (excluding any documents protected by the attorney client privilege).

I request that the information be emailed to my address below.

Please inform me if there are any fees for searching or copying these records.

Please let me know whether that information is available and whether you expect any delays in fulfilling the request.

Thank you for your time.

Sincerely,

David C. Tryon, *Director of Litigation*

D.Tryon@BuckeyeInstitute.org

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | BuckeyeInstitute.org

Exhibit B

Page 1 of 1

Franklin County Ohio Court of Appeals Clerk of Courts- 2023 Feb 02 8:50 AM-23AP000078

Subject: RE: [External] Public Records Request
Date: Monday, August 29, 2022 at 11:50:52 AM Eastern Daylight Time
From: publicrecordsrequest
To: 'David C. Tryon'
CC: publicrecordsrequest
Attachments: [External] Public Records Request.eml

Greetings,

Your below and attached requests relating to Christin Wilkins and Ronnie Legg were received. We have found that your requests are not for "Records" of the District, as defined by R.C. 149.011(G). Please see: State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn., 2017-Ohio5564 ([State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn. \(ohio.gov\)](#)), and Mohr v. Colerain Twp., 2018-Ohio-5015 ([Mohr v. Colerain Twp. \(ohio.gov\)](#)). Therefore, the requests do not seek public records.

If you would like to revise your requests, please advise. Thank you.

From: David C. Tryon <d.tryon@buckeyeinstitute.org>
Sent: Wednesday, August 24, 2022 1:48 PM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Subject: [External] Public Records Request

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To whom it may concern:

Pursuant to the Ohio Open Records Law, R.C. 149.43, I am requesting the following documents:

1. Any documents evidencing a request or authorization to withhold or deduct any union membership dues or fees relating to Christin Wilkins, whether signed or unsigned, and for all time periods during which Christin Wilkins was employed by the Columbus City School District (the "District"). This includes documents from Christin Wilkins or any union or union official.
2. Any documents which show or provide the amounts of union membership dues or fees which should be deducted from Christin Wilkins's pay specifically or generally from employees of the District. This applies during all times during which Christin Wilkins as employed by the District.
3. Any requests by Christin Wilkins to terminate any withholding or deduction of union membership dues or other union-related fees.
4. Any responses by the District to Christin Wilkins related to the requests referenced in #3 above.
5. Any internal memos, emails or other communications regarding any requests or responses referenced in #3 and #4 above (excluding any documents protected by the attorney client privilege).

Exhibit C

Page 1 of 1

Subject: Re: [External] Public Records Request

Date: Wednesday, August 31, 2022 at 3:11:35 PM Eastern Daylight Time

From: David C. Tryon

To: publicrecordsrequest

CC: publicrecordsrequest

BCC: David C. Tryon, Jay Carson, a.certo@buckeyeinstitute.org

To whom it may concern:

I am writing in response to your August 29, 2022, denial of the August 24, 2022, public records request related to Christin Wilkins and Ronnie Legg, employees of the Columbus City School District. For the reasons below, the requested information is a public record subject to disclosure under Ohio's Public Records Law. Failure to promptly produce the requested records will result in legal action, including a request for attorney's fees and damages. *State ex rel. School Choice Ohio, Inc. v. Cincinnati Pub. School Dist.*, 147 Ohio St.3d 256, 2016-Ohio-5026, 63 N.E.3d 1183, ¶ 46.

The requested information is a public record subject to disclosure under Ohio's Public Records Law. Under *State ex rel. Dispatch Printing Co. v. Johnson*, 106 Ohio St.3d 160, 2005-Ohio-4384, 833 N.E.2d 274, ¶ 19, public records subject to disclosure are "(1) documents, devices, or items, (2) created or received by or coming under the jurisdiction of the state agencies, (3) which serve to document the organization, functions, policies, *decisions*, procedures, operations, or other activities of the office." "Inherent in Ohio's Public Records Law is the public's right to monitor the conduct of government." *State ex rel. McCleary v. Roberts*, 88 Ohio St.3d 365, 369, 725 N.E.2d 1144 (2000).

The requested information satisfies the first prong of the definition of public record. "E-mail messages and correspondence are 'documents, devices, or items' under the first prong of the definition of 'records.'" *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, ¶ 21. The requests seek documents, correspondence, internal memos, e-mails or other communications. These are documents, devices, or items under the first prong of the definition of records under R.C. 149.011(G).

The requests seek documents, devices, or items created or received by or coming under the jurisdiction of a state agency. Under Ohio's Public Records Law, "'school district units' are specifically enumerated in the statutory definition of public offices." *School Choice Ohio, Inc.*, 147 Ohio St.3d 256, 2016-Ohio-5026, 63 N.E.3d 1183, at ¶ 13, quoting R.C. 149.43(A)(1). The requests seek documents from the District created or received by the District for the purpose of determining union dues. Specifically, request three seeks documents received by the District from Christin Wilkins and Ronnie Legg, and request four seeks documents created by the District in response to the documents it received. Further, request five seeks any internal memos, e-mails, or other communications regarding requests or responses referenced in requests three and four. *State ex rel. Wilson-Simmons v. Lake Cty. Sheriff's Dept.*, 82 Ohio St.3d 37, 42, 693 N.E.2d 789 (1998), fn. 1 (an e-mail message from a public office's e-mail system can be a public record if it documents the organization, functions, policies, decisions, procedures, operations, or other activities of the public office).

The requested information documents the organization, functions, policies, decisions, procedures, operations, or other office activities. Contrary to *State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn.*, 2017-Ohio-5564 and *Mohr v. Colerain Twp.*, 2018-Ohio-5015, the requested information directly relates to the District's conduct of reducing Christin Wilkins and Ronnie Legg's pay by the amount of the required union membership dues. See *State ex rel. Bowman v. Jackson City School Dist.*, 4th Dist. Jackson No. 10CA3, 2011-Ohio-2228, ¶ 15. Further, the documents sought in request number two evidence a policy and procedure of the District of reducing Christin Wilkins and Ronnie Legg's pay. *Dispatch Printing Co.*, 106 Ohio St.3d 160, 2005-Ohio-4384, 833 N.E.2d 274, at ¶ 26. The requested information does not reveal personal information about individual employees, but rather is to monitor the conduct of the District to determine whether or not the District is complying with *Janus v. Am. Fedn. of State, Cnty., & Mun. Employees, Council 31*, 138 S.Ct. 2448, 201 L.Ed.2d 924.

The Supreme Court of Ohio has regarded personal information that the state agency is storing to be exempt from disclosure only where the information reveals little about the agency's conduct, and the release of the information would invade the privacy of the subject individual. *State ex rel. McCleary v. Roberts*, 88 Ohio St.3d 365, 368, 725 N.E.2d 1144 (2000). As outlined above, the requested information directly reveals the District's conduct, policies, and procedures for reducing pay for union membership dues in light of *Janus*. Information relating to the payment of union dues does not expose the personal information of the subject individuals. The disclosure of the requested information would not threaten harm to the subject individuals. *State ex rel. Quolke v. Strongsville City School Dist. Bd. of Edn.*, 142 Ohio St.3d 509, 2015-Ohio-1083, 33 N.E.3d 30, ¶ 25-26.

Exhibit D

Page 1 of 2

The requested information is a public record as defined by Ohio's Public Records Law. We request that the information sought be promptly produced. Failure to promptly deliver the requested information will result in prompt legal action. Feel free to contact me to discuss these matters.
Respectfully,

David C. Tryon, *Director of Litigation*

D.Tryon@BuckeyeInstitute.org

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | [BuckeyeInstitute.org](https://www.buckeyeinstitute.org)

From: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>

Date: Monday, August 29, 2022 at 11:50 AM

To: 'David C. Tryon' <d.tryon@buckeyeinstitute.org>

Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>

Subject: RE: [External] Public Records Request

Greetings,

Your below and attached requests relating to Christin Wilkins and Ronnie Legg were received. We have found that your requests are not for "Records" of the District, as defined by R.C. 149.011(G). Please see: State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn., 2017-Ohio5564 ([State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn. \(ohio.gov\)](#)), and Mohr v. Colerain Twp., 2018-Ohio-5015 ([Mohr v. Colerain Twp. \(ohio.gov\)](#)). Therefore, the requests do not seek public records.

If you would like to revise your requests, please advise. Thank you.

From: David C. Tryon <d.tryon@buckeyeinstitute.org>

Sent: Wednesday, August 24, 2022 1:48 PM

To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>

Subject: [External] Public Records Request

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To whom it may concern:

Pursuant to the Ohio Open Records Law, R.C. 149.43, I am requesting the following documents:

1. Any documents evidencing a request or authorization to withhold or deduct any union membership dues or fees relating to Christin Wilkins, whether signed or unsigned, and for all time periods during which Christin Wilkins was employed by the Columbus City School District (the "District"). This includes documents from Christin Wilkins or any union or union official.

Exhibit D

Page 2 of 2

Subject: RE: [External] Public Records Request
Date: Tuesday, September 6, 2022 at 4:35:44 PM Eastern Daylight Time
From: publicrecordsrequest
To: 'David C. Tryon'
CC: publicrecordsrequest
Attachments: SKM_C25822082211500.pdf, OAPSE DUES 22_23.xlsx

Greetings,

In response to your request: "2. Any documents which show or provide the amounts of union membership dues or fees which should be deducted from Christin Wilkins's pay specifically or generally from employees of the District. This applies during all times during which Christin Wilkins as employed by the District," please find the attached documents. The CEA deduction schedule shows deductions made generally from employees of the District. We feel this document is a "record" as defined by R.C. 149.011(G) as it relates to District procedure. The OAPSE Dues spreadsheet contains specific amounts deducted from specific employees. However, specific employee identifying information is being withheld as it is not a "record" as defined by R.C. 149.011(G). For more information related to dues deduction for OAPSE and CEA, please see the below agreements:

[2021-2023 OAPSE Agreement.pdf \(ccsoh.us\)](#) – Section 4.2 - The Board agrees to honor dues deduction authorizations executed by the employee in favor of the Union in accordance with provisions of the Revised Code of Ohio. Dues deduction revocation shall be in accordance with the terms specifically listed on the signed membership application/dues check-off authorization. The OAPSE State Office shall notify the Treasurer in writing when dues deductions shall be terminated.

[CEA-Master-Agreement-2019_2022.pdf \(ccsoh.us\)](#) - 109.03 Membership Dues Deduction A. Membership dues of the Association and its district, state and national affiliates, shall be deducted in nineteen (19) equal installments for teachers on plan A and twenty-four (24) equal installments for teachers on plan B on dates defined in Chapter 1400 on the basis of written authorizations supplied by the Association to the Treasurer. The Treasurer shall transmit dues to the Association one (1) Columbus City School business day following the pay date in which the pay was received by the employee or as soon as possible thereafter. Such deduction shall be irrevocable for periods of one (1) year except that authorizations may be withdrawn during a period of fifteen (15) days each year ending September 15, providing that notifications of withdrawal are submitted to the Treasurer during such fifteen (15) day period. The Association shall keep on file a copy of each individual's deduction authorization form. B. Authorization shall be on a continuing basis from year to year unless withdrawn in keeping with provision 109.03(A) above. Such withdrawal must be submitted in writing to the Treasurer of the Board, with a copy to the Association. The effective date for a new authorization or a change in an existing authorization shall not be later than the earning period following submission of the new or changed authorization. C. The Association shall supply the Treasurer with the dues structure for the following school year by July 1 of each year.

As previously stated, your remaining requests seek items that document optional Union dues choices made by specific employees. The items sought do not document the employees' performance of work on the "organization, functions, policies, decisions, procedures, operations, or other activities" of the public office. See State ex rel. Louisville Edn. Assn., OEA/NEA v. Louisville City School Dist. Bd. of Edn., 2017-Ohio-5564; Mohr v. Colerain Twp., 2018-Ohio-5015.

Thank you.

Exhibit E

Page 1 of 1

2022-2023 CEA PAYROLL DEDUCTION SCHEDULE

CODE	DESCRIPTIONS	PLAN A (1)								PLAN B (2)							
		CEA	OEA	NEA	DIST.	PER PAY	# OF PAYS	DATE	ANNUAL	CEA	OEA	NEA	DIST.	PER PAY	# OF PAYS	DATE	ANNUAL
A	Full-Time	9.49	29.58	10.74	1.32	51.13	19	9/30/2022	971.40	7.52	23.42	8.50	1.04	40.48	24	9/30/2022	971.40
B	Full-Time w/ LSP	35.81	29.58	10.74	1.32	77.44	19	9/30/2022	1,471.40	28.35	23.42	8.50	1.04	61.31	24	9/30/2022	1,471.40
C	Half-Time Contract	5.00	16.50	5.97	0.66	28.13	19	9/30/2022	534.50	3.96	13.06	4.73	0.52	22.27	24	9/30/2022	534.50
E	Half-Time w/ LSP	31.32	16.50	5.97	0.66	54.45	19	9/30/2022	1,034.50	24.79	13.06	4.73	0.52	43.10	24	9/30/2022	1,034.50
G	Tutor	5.00	16.50	5.97	0.66	28.13	19	9/30/2022	534.50	3.96	13.06	4.73	0.52	22.27	24	9/30/2022	534.50
I	PT Hourly Half-Time	5.00	16.50	5.97	0.66	28.13	19	9/30/2022	534.50								
L	PT Hourly QTR-Time	2.79	9.96	3.61	0.33	16.68	19	9/30/2022	317.00								

Annual Local Dues Calculation		Other Annual Dues Amounts	
2021-22 B.A. Base Salary	45,600.00	OEA plus UNISERV	
Dues Calculation	0.004	FULL-TIME DUES	562.00
CEA Annual Dues Rollback	-12.00	HALF-TIME DUES	313.50
TOTAL FULL-TIME DUES	170.40	QTR-TIME DUES	189.25
(Rounded up to the nearest .10)		NEA	
HALF-TIME DUES	85.00	FULL-TIME DUES	204.00
(Rounded to the nearest 1.00)		HALF-TIME DUES	113.50
QTR-TIME DUES	43.00	QTR-TIME DUES	68.50
(Rounded to the nearest 1.00)		CAPITAL DISTRICT	
CEA Scholarship Assessment	10.00	FULL-TIME DUES	25.00
(To be paid by all active members)		HALF-TIME DUES	12.50
		QTR-TIME DUES	6.25

07/19/21

Exhibit F

Page 1 of 1

From: Public Records <publicrecords@buckeyeinstitute.org>
Sent: Wednesday, November 2, 2022 10:31 AM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Subject: [External] Public Records Request- Columbus City School District

You don't often get email from publicrecords@buckeyeinstitute.org. [Learn why this is important](#)

Caution: This email originated from outside the district. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

Attached, please find a public records request. If you have any questions, please feel free to contact me.

Thank you,

Alex Certo

Alex M. Certo, *Legal Fellow*

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | BuckeyeInstitute.org

Disclaimer: This message and any attachments are for the intended recipient's use only. It may contain confidential, proprietary or legally privileged information or otherwise be protected from disclosure by other legal rules. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and destroy all copies. If you are not the intended recipient, you may not use, disclose or reproduce this message, its attachment or any part thereof, or take any action in reliance thereon. Emails are not secure and cannot be guaranteed to be error free as they can be intercepted, amended, or contain viruses. Anyone who communicates with us by email is deemed to have accepted these risks.

Exhibit 6

Page 1 of 3

November 2, 2022

Columbus City School District
Attention: Custodian of Records
270 E. State Street
Columbus, Ohio 43215

Re: **Public Records Request**

Dear Custodian of Records:

Pursuant to the Ohio Revised Code § 149.43, The Buckeye Institute respectfully requests that you provide the following public records as outlined below.

For the purposes of these requests “document” means any and all information in tangible form, of any nature whatsoever, including the originals and all non-identical copies thereof, in your possession, custody or control, including all letters, emails, correspondence, text messages, contracts, drafts, agreements, notes to files, reports, memoranda, mechanical and electronic recordings, tapes, or transcripts, information stored in computers or other data storage or processing equipment translated or translatable into usable form, calendar or diary entries, memoranda of conversations, telephonic or otherwise, and of meetings or conferences. “Communications” mean any contact or exchange of information whether in oral, written, recorded, or electronic form from one or more persons for the purpose of preserving, documenting or conveying information. The terms “relate,” “relating,” or “relative to,” as used herein, shall mean: referring to, relating to, embodying, connected with, commenting on, responding to, supporting, showing, describing, analyzing, discussing, reflecting or constituting.

The term “document” also includes reports, surveys, data or other information available on any vendor platform or other electronic platform. This request does not seek direct access to an such platform.

Please Provide copies of the following:

1. All staff training materials or documents provided to the district or any of its individual schools or employees (collectively, the “District”) by Panorama Education, Inc., Chiarello Consulting Education for Good, The Collaborative for Academic, Social, and Emotional Learning, Diversity Center of Northeast Ohio, or Insight Education Group Inc. (collectively, the “Training Companies”).

(Note: The term “District” has the meaning set forth above in the remainder of the requests.)

2. Any presentations, in whatever form, including but not limited to handouts, articles, worksheets, surveys, self-diagnostic exercises, Powerpoint or similar computer-generated presentations, or statements of teaching goals provided by any of the Training Companies to the District.

Exhibit 6

Page 2 of 3

3. Any documents relating to any proposed or recommended additions or other changes to the District's curriculum (including but not limited to forms, handouts, self-diagnostic exercises, articles, or other written material) (a) which the District received from any of the Training Companies or (b) which resulted from any recommendation, or suggestion from any of the Training Companies,
4. Any documents which the District has in its possession relating to "The 1619 Project" or curriculum or training based on or related to "The 1619 Project."
5. Any documents which the District has in its possession relating to the College Board's "AP African American Studies Course," curriculum or training based on the "AP African American Studies Course" or any curriculum or training for any AP African American Studies course, class or program.
6. Any communicaitons, including emails, letters or other correspondence between the District and any of the Training Companies.

Please produce the records in electronic format if possible to the email address of publicrecords@buckeyeinstitute.org. Or, if you would prefer, a confidential SharePoint file may be set up for you to upload the documents. Please advise if you would prefer to upload the documents to a SharePoint file. If you need to send hard copies, please send them to the address set forth above, Attn: Alex Certo.

If it is not possible to provide the records in electronic format and if you anticipate that the district will incur more than \$50 in copying or scanning expenses, please contact me before incurring these costs.

If you anticipate a delay longer than ten (10) days, please notify me when you expect the materials to be ready.

If you have any questions or need additional information, please do not hesitate to contact me at (614) 224-4422. Thank you in advance for your cooperation.

Very truly yours,

Alex Certo
Legal Fellow
The Buckeye Institute

Exhibit 6

Page 3 of 3

Subject: RE: [External] Public Records Request- Columbus City School District
Date: Wednesday, November 16, 2022 at 4:21:07 PM Eastern Standard Time
From: publicrecordsrequest
To: 'Public Records'
CC: publicrecordsrequest
Attachments: Columbus City School District Public Records Request (training).pdf

Greetings,

Please find the below responses to your requests:

1. All staff training materials or documents provided to the district or any of its individual schools or employees (collectively, the "District") by Panorama Education, Inc., Chiarello Consulting Education for Good, The Collaborative for Academic, Social, and Emotional Learning, Diversity Center of Northeast Ohio, or Insight Education Group Inc. (collectively, the "Training Companies").

Response: In accordance with R.C. 149.43(B)(2), we have deemed your request for "any documents provided by" the several listed entities to be ambiguous and overly broad in nature. See State ex rel. Samara v. Byrd, 8th Dist. Cuyahoga No. 103621, 2016-Ohio-5518, ¶ 14 (finding request for qualifications of various officials too broad and vague as "this category raises a host of educational, statutory, and bureaucratic possibilities to fulfill this request" and "presents a perpetual moving target"); Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). Please note that the District does not keep documents in the manner being requested (by entity). In addition, there is no time frame cited in your request to assist in identifying such documents that you are seeking. We respectfully ask that you describe such records that you seek in further detail.

2. Any presentations, in whatever form, including but not limited to handouts, articles, worksheets, surveys, self-diagnostic exercises, Powerpoint or similar computer-generated presentations, or statements of teaching goals provided by any of the Training Companies to the District.

Response: In accordance with R.C. 149.43(B)(2), we have deemed your request for "presentations" provided by the several listed entities to be ambiguous and overly broad in nature. See State ex rel. Samara v. Byrd, 8th Dist. Cuyahoga No. 103621, 2016-Ohio-5518, ¶ 14 (finding request for qualifications of various officials too broad and vague as "this category raises a host of educational, statutory, and bureaucratic possibilities to fulfill this request" and "presents a perpetual moving target"); Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records

request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). Please note that the District does not keep "presentations" in the manner being requested (by entity). In addition, there is no time frame cited in your request to assist in identifying such documents that you are seeking. We respectfully ask that you describe such records that you seek in further detail.

3. Any documents relating to any proposed or recommended additions or other changes to the District's curriculum (including but not limited to forms, handouts, self-diagnostic exercises, articles, or other written material) (a) which the District received from any of the Training Companies or (b) which resulted from any recommendation, or suggestion from any of the Training Companies.

Response: In accordance with R.C. 149.43(B)(2), we have deemed your request to be ambiguous and overly broad in nature. See State ex rel. Samara v. Byrd, 8th Dist. Cuyahoga No. 103621, 2016-Ohio-5518, ¶ 14 (finding request for qualifications of various officials too broad and vague as "this category raises a host of educational, statutory, and bureaucratic possibilities to fulfill this request" and "presents a perpetual moving target"); Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). Please note that the District does not keep records in the manner being requested (by entity). In addition, there is no time frame cited in your request to assist in identifying such documents that you are seeking. We respectfully ask that you describe such records that you seek in further detail.

4. Any documents which the District has in its possession relating to "The 1619 Project" or curriculum or training based on or related to "The 1619 Project."

Response: In accordance with R.C. 149.43(B)(2), we have deemed your request to be ambiguous and overly broad in nature. See State ex rel. Samara v. Byrd, 8th Dist. Cuyahoga No. 103621, 2016-Ohio-5518, ¶ 14 (finding request for qualifications of various officials too broad and vague as "this category raises a host of educational, statutory, and bureaucratic possibilities to fulfill this request" and "presents a perpetual moving target"); Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). Please note that the District does not keep records in the manner being requested. In addition, there is no time frame cited in your request to assist in identifying such documents that you are seeking. We respectfully ask that you describe such records that you seek in further detail.

5. Any documents which the District has in its possession relating to the College Board's "AP African American Studies Course," curriculum or training based on the "AP African American Studies Course" or any curriculum or training for any AP African American Studies course, class or program.

Exhibit H

Page 2 of 3

Response: In accordance with R.C. 149.43(B)(2), we have deemed your request to be ambiguous and overly broad in nature. See *State ex rel. Samara v. Byrd*, 8th Dist. Cuyahoga No. 103621, 2016-Ohio-5518, ¶ 14 (finding request for qualifications of various officials too broad and vague as “this category raises a host of educational, statutory, and bureaucratic possibilities to fulfill this request” and “presents a perpetual moving target”); *Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ*, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 (“A request to search for information ‘regarding,’ or ‘relating’ to, a topic is generally improper.”); *DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ*, 2018-Ohio-3476 (finding a request for “all correspondence from the Division of Fire’s drug-testing contractor between December 1, 2017 and February 1, 2018” overbroad where the requested correspondence is not kept in one file or location and would appear in a “broad category of records and locations” requiring an office-wide search); *State ex rel. Griffin v. Sehlmeier*, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). Please note that the District does not keep records in the manner being requested. In addition, there is no time frame cited in your request to assist in identifying such documents that you are seeking. We respectfully ask that you describe such records that you seek in further detail.

6. Any communications, including emails, letters or other correspondence between the District and any of the Training Companies.

Response: For “communication” requests, due the District records not being kept in the manner in which you have requested (i.e. communications between the District and listed entities), we require specificity in order to perform a search for the record being sought. As stated, your request would require a search of each and every office within the District in order to determine if responsive records are kept. Ohio law, as cited below, does not require such duty of a public office. Please see:

Kanter v. City of Cleveland Hts., Ct. of Cl. No. 2018-01092PQ, 2018-Ohio-4592 (holding that a request for all “communications, messages, schedules, logs, and documents shared” regarding requester between City of Cleveland Heights and a newspaper for a specific date range was overbroad); *DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ*, 2018-Ohio-3476 (finding a request for “all correspondence from the Division of Fire’s drug-testing contractor between December 1, 2017 and February 1, 2018” overbroad where the requested correspondence is not kept in one file or location and would appear in a “broad category of records and locations” requiring an office-wide search); *State ex rel. Griffin v. Sehlmeier*, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.).

Specific to email communication requests, the District has a searchable email database, which can be searched using party email addresses, keywords, and time frame limitations. Your request provides none of those elements. The district has no method to search for emails with/between the District and an entire organization, such as the listed training companies. In accordance with established case law, we deem those without specified party name/email address, keyword and reasonable timeframe to be overly broad in nature. Please see the following case law on this topic:

State ex rel. Kesterson v. Kent State Univ., 156 Ohio St.3d 22, 2018-Ohio-5110, 123 N.E.3d 895, ¶¶ 23-26 (holding a request for all communications between specified individuals regarding certain subject during specified period of time not overbroad); *State ex rel. Bristow v. Baxter*, 6th Dist. Erie No. E-17-060, 2018-Ohio-1973, ¶¶ 9-13 (finding requests for every incoming and outgoing email sent and received by certain public officials and their employee overbroad because they seek “a complete duplication of the respondents’ email files, albeit in one-month increments”; public office properly invited requester to revise request to “specific topics or subject matter”); *Gupta v. City of Cleveland, Ct. of Cl. No. 2017-00840PQ*, 2018-Ohio-3475, ¶ 25 (holding request for two years of all “emails and any other correspondence” between named individuals overly broad); *King v. Dept. of Job & Family Servs., Ct. of Cl. No. 2018-00416PQ*, 2018-Ohio-3478 (finding request for all emails between twenty-four pairs of correspondents for a nine-month period overbroad). Taking the above into consideration, we respectfully request that you adjust your request to include specified individuals regarding certain subject during specified period of time.

Thank you.

Exhibit H

Page 3 of 3



THE BUCKEYE INSTITUTE

To whom it may concern:

I am writing regarding your November 16, 2022, reply to the November 2, 2022, public records request related to the Columbus City Schools training materials. For the reasons below, the requested materials are a public record subject to disclosure under Ohio's public records law. Failure to promptly produce the requested records will result in legal action, including a request for attorney's fees and damages. *State ex rel. School Choice Ohio, Inc. v. Cincinnati Pub. School Dist.*, 147 Ohio St.3d 256, 2016-Ohio-5026, 63 N.E.3d 1183, ¶ 46.

First, for each request, please provide responsive documents for the school years ending June 30, 2021, to the present.

Second, in denying a request as ambiguous or overly broad, the public office must inform "the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties." R.C. 149.43(B)(2).¹ The cumulation of your responses is that the District does not keep policy and training materials by author or subject. The District's record retention policy expressly retains teacher lesson plan books, Sch. 206, annual training documentation, Sch. 222, and inventories (textbooks and other materials purchased and used in the building), Sch. 413. Columbus City School District, Records Retention Schedule (Jan. 8, 2021), <https://tinyurl.com/yee859xn>.

Pursuant to R.C. 149.43(B)(2), please specify how the requested documentation for requests one through five are kept. The manner requested for request one is staff training materials or documents provided to the District. The manner requested for request two is presentations, in whatever form. The manner requested for request number three is documents relating to any proposed or recommended additions or other changes to the District's curriculum (including but not limited to forms, handouts, self-diagnostic exercises, articles, or other written material). The limitation of these requests to those provided by the Training Companies is intended to prevent an overly broad request. Further, requests four and five seek curriculum or training documents about specific topics.

Specifically, regarding your denial of requests four and five. Both requests seek documents about specific topics (The 1619 Project and the AP African American Studies Course), and both limit the request to categories of documents (curriculum or training). Contrary to the cited authority, the requests do not seek purely information or "require the records custodian to *create a new record* by searching for selected information." (Emphasis added.) *State ex rel. Griffin v. Sehlmeier*, 167

¹ "If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties." R.C. 149.43(B)(2).

Ohio St.3d 566, 2022-Ohio-2189, 195 N.E.3d 130, ¶10. Rather, they seek documents (curriculum or training) that “serve to document the organization, functions, policies, decisions, procedures, operations, or other activities” of the District. R.C. 149.011(G). Thus, the requested documents are records, and the requests are sufficiently limited for the District to identify the requested records.

Regarding your denial of request number six, the Ohio Supreme Court has “‘never held that in order to constitute a viable request, the requester must specify the author and date of the records requested.’ And ‘[a]lthough this may be helpful in identifying the requested records, the failure to do so does not automatically result in an improper request for public records.’” *State ex rel. Kesterson v. Kent State Univ.*, 156 Ohio St.3d 22, 2018-Ohio-5110, 123 N.E.3d 895, ¶ 23, quoting *State ex rel. Morgan v. New Lexington*, 112 Ohio St.3d 33, 2006-Ohio-6365, 857 N.E.2d 1208, ¶ 37. Here, the request specifies that the requested communications are those between the District and the training companies. While not necessary to constitute a viable request, the sought-after communications may be limited to those relating to the school years ending June 30, 2021, to the present. Further, the District’s retention policy specifically requires the retention of correspondence of the administrative staff dealing with significant aspects of the administration of the District, including policies, procedures, and programming, for at least five years. Columbus City School District, Record Retention Schedule, Sch. 902, <https://tinyurl.com/yee859xn>.

Additionally, the request is by no means a “complete duplication” of all of the District’s e-mail files. In *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, ¶ 17-19, the Ohio Supreme Court found the relators request for all communications to be a complete duplication only because it sought every text message, e-mail, and correspondence sent or received by the public official during her entire tenure. The court found that the public official acted reasonably in limiting the responses to the topic in which the relator was interested. Here, request number six does not seek all communications to and from the District. The request is expressly limited to the communications between the District and any of the Training Companies with which the District has had contact. A duplication of this limited subset of communications is not the sort of duplication the Ohio Supreme Court has held to be overly broad. See *State ex rel. Kesterson v. Kent State Univ.*, 156 Ohio St.3d 22, 2018-Ohio-5110, 123 N.E.3d 895, ¶ 25.

Concerning e-mail specific communications, your response notes that “the District has a searchable email database, which can be searched using party email addresses, keywords, and time frame limitations.” The names of the Training Companies provided in the public records request are sufficient “keywords” for the District to search and determine which communications are responsive to the request. In the spirit of cooperation, the following domain names are “e-mail addresses” and “keywords” that could assist with the District’s response. However, this additional information should not be construed as a limit to request number six. Any communications, including e-mails, letters, or other correspondence between the District and any of the Training Companies, must be provided.

@panoramaed – Panorama Education
 @Casel – The Collaborative for Academic, Social, and Emotional Learning
 @diversitycenterneo – Diversity Center of Northeast Ohio
 emily.chiariello@gmail.com – Chiariello Consulting Education for Good
 @insighteducationgroup – Insight Education Group

Finally, your refusal to provide any documents at all suggests a lack of good faith and candor. Ohio’s sunshine laws “are based on the notion that there should be ‘openness’ in government, with public access to records and meetings and the conduct and activities of government.” Richard Goehler, Ohio Bar Association, *What You Should Know about Ohio’s Sunshine Laws* (Nov. 24, 2015), <https://tinyurl.com/mr6da8uv>. We would appreciate your prompt compliance with these requests. Feel free to contact me to discuss these matters.

Respectfully,



David C. Tryon, *Director of Litigation*

The Buckeye Institute

88 East Broad Street, Suite 1300 | Columbus, Ohio 43215

Office: (614) 224-4422 | BuckeyeInstitute.org

Franklin County Ohio Court of Appeals Clerk of Courts- 2023 Feb 02 8:50 AM-23AP000078

Subject: RE: [External] Public Records Request- Columbus City School District
Date: Tuesday, December 6, 2022 at 8:49:27 AM Eastern Standard Time
From: publicrecordsrequest
To: 'Public Records'
CC: publicrecordsrequest
Attachments: ap-afam-studies-pilot-course-overview.pdf, Sign Up to Pilot AP African American Studies.pdf

Greetings,

We appreciate the timeframe limitation that you have placed on your updated requests.

Columbus City Schools is comprised of over 100 schools and employs over 9,000 individuals. "Staff training materials or documents" and "presentations" could exist within many different District departments and District schools. As we have previously stated, such records are not categorized by "training company." In order to locate all responsive records, we would need to know the specific Department or School under which such trainings occurred. Our intent is not to be difficult in responding to your request, but without identifying a specific department or school, a District-wide search for "Staff training materials or documents" or "presentations" by the specified companies would need to occur. Therefore, our previous response remains applicable to your requests, including Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.).

In your request 3, you are seeking "Any documents relating to any proposed or recommended additions or other changes to the District's curriculum (including but not limited to forms, handouts, self-diagnostic exercises, articles, or other written material) (a) which the District received from any of the Training Companies or (b) which resulted from any recommendation, or suggestion from any of the Training Companies." It should also be noted that your request defines "documents" as "any and all information in tangible form, of any nature whatsoever, including the originals and all non-identical copies thereof, in your possession, custody or control, including all letters, emails, correspondence, text messages, contracts, drafts, agreements, notes to files, reports, memoranda, mechanical and electronic recordings, tapes, or transcripts, information stored in computers or other data storage or processing equipment translated or translatable into usable form, calendar or diary entries, memoranda of conversations, telephonic or otherwise, and of meetings or conferences." Further, it "also includes reports, surveys, data or other information available on any vendor platform or other electronic platform." You also indicate that "related to" shall mean: referring to, relating to, embodying, connected with, commenting on, responding to, supporting, showing, describing, analyzing, discussing, reflecting or constituting." Again, neither documents, staff training materials, nor presentations are categorized by "training company." Therefore, our previous response remains applicable to your requests, including Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 ("A request to search for information 'regarding,' or 'relating' to, a topic is generally improper."); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for "all correspondence from the Division of Fire's drug-testing contractor between December 1, 2017 and February 1, 2018" overbroad where the requested correspondence is not kept in one file or location and would appear in a "broad category of records and locations" requiring an office-wide search);

Exhibit 1

Page 1 of 2

Franklin County Ohio Court of Appeals Clerk of Courts- 2023 Feb 02 8:50 AM-23AP000078

State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). With that being stated, the District’s Curriculum Division was unaware of records that would be responsive to your request.

Your requests 4 and 5 seek “Any documents...relating to...”The 1619 Project” and “College Board’s “AP African American Studies Course.” Again, your definition of “documents” is above. Contrary to your reply, the requests are not limited to “training or curriculum” but seek “any documents...”. Concerning only “training or curriculum” records, we would still need further specification in order to identify all responsive records. If a specific school or department is provided, we can focus our search there. Otherwise, your request would require a District-wide search for records that relate to these topics. Therefore, our previous response remains applicable to your requests, including Hicks v. Newtown, Ct. of Cl. No. 2017-Ohio-00612-PQ, 2017-Ohio-8952, ¶ 8, ruling modified by 2018-Ohio-1540 (“A request to search for information ‘regarding,’ or ‘relating’ to, a topic is generally improper.”); DeCrane v. City of Cleveland, Ct. of Cl. No. 2018-00356PQ, 2018-Ohio-3476 (finding a request for “all correspondence from the Division of Fire’s drug-testing contractor between December 1, 2017 and February 1, 2018” overbroad where the requested correspondence is not kept in one file or location and would appear in a “broad category of records and locations” requiring an office-wide search); State ex rel. Griffin v. Sehlmeier, 2022-Ohio-2189 (A records request that places the burden on the public office to identify the responsive documents by searching for specified content is not a proper records request.). With that being stated, in our attempt for searching for records responsive to your request 5, we were able to locate the attached records.

Your request 6, for “Any communications...” will be addressed in a separate email due to the size of attachments.

Thank you.

From: Public Records <publicrecords@buckeyeinstitute.org>
Sent: Monday, November 21, 2022 3:11 PM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>; d.tryon@buckeyeinstitute.org
Subject: Re: [External] Public Records Request- Columbus City School District

You don't often get email from publicrecords@buckeyeinstitute.org. [Learn why this is important](#)

To whom it may concern:

Attached, please find a response to your November 16, 2022, denial of the November 2, 2022, public records request.

Thank you,

Alex M. Certo

Alex M. Certo, *Legal Fellow*
The Buckeye Institute
88 East Broad Street, Suite 1300 | Columbus, Ohio 43215
Office: (614) 224-4422 | BuckeyeInstitute.org

Subject: RE: [External] Public Records Request- Columbus City School District
Date: Tuesday, December 6, 2022 at 9:48:47 AM Eastern Standard Time
From: publicrecordsrequest
To: 'Public Records'
CC: publicrecordsrequest
Attachments: 1.pdf, 2.pdf, 3.pdf, 4.pdf, 5.pdf, 6.pdf

Greetings,

Please find the attached records responsive to your Request 6, and updated response from November 21. Again, we appreciate the time frame limitation that you have provided. However, we still find your request for "All communications...between the District and any of the Training Companies" to be overly broad. District communications are not categorized/organized by training company. As stated in our previous communication, Columbus City Schools is comprised of over 100 schools and employs over 9,000 individuals. In order to locate all responsive communications, we would need to know the individual employee(s) between such communications were made. See *Paramount Advantage v. Ohio Dept. of Medicaid*, Ct. of Cl. No. 2021-00262PQ, 2021-Ohio-4180, ¶ 19, 21-22 (finding request for documents "reflecting . . . internal communications" between individuals an overly broad discovery-style request).

With regard to email communications, again, we respectfully request that you adjust your request to include specified individuals. As previously stated, In accordance with established case law, we deem requests for emails without specified party name/email address, keyword and reasonable timeframe to be overly broad in nature.

With that being stated, in the spirit of cooperation, we searched the provided "email addresses," using your specified timeframe and the provided Training Companies as the keyword for the search. Responsive emails were located regarding Insight Education Group (attached), and CASEL (due to size limitations, the CASEL emails will be sent in a separate email). The search for Panorama Education yielded over 230,000 results. There were no results for any of the other "email addresses."

Thank you.

From: Public Records <publicrecords@buckeyeinstitute.org>
Sent: Monday, November 21, 2022 3:11 PM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>; d.tryon@buckeyeinstitute.org
Subject: Re: [External] Public Records Request- Columbus City School District

You don't often get email from publicrecords@buckeyeinstitute.org. [Learn why this is important](#)

To whom it may concern:

Attached, please find a response to your November 16, 2022, denial of the November 2, 2022, public records request.

Thank you,

Alex M. Certo

Exhibit J 2

Page 1 of 1

Subject: RE: [External] Public Records Request- Columbus City School District
Date: Tuesday, December 6, 2022 at 10:28:26 AM Eastern Standard Time
From: publicrecordsrequest
To: 'Public Records'
CC: publicrecordsrequest
Attachments: 1.pdf, 2 Attachment - for columbus.selrea contract template_2022.pdf, 2.pdf, 3 Attachment - for columbus.selrea contract 2022 final.pdf, 3.pdf, 4.pdf, 5 Attachment - done_collabortive for academic social and emotional learning - casel.pdf, 5.pdf, 6.pdf

Greetings,

Attached, please find responsive emails that were located regarding CASEL.

Thank you.

From: Public Records <publicrecords@buckeyeinstitute.org>
Sent: Monday, November 21, 2022 3:11 PM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>; d.tryon@buckeyeinstitute.org
Subject: Re: [External] Public Records Request- Columbus City School District

You don't often get email from publicrecords@buckeyeinstitute.org. [Learn why this is important](#)

To whom it may concern:

Attached, please find a response to your November 16, 2022, denial of the November 2, 2022, public records request.

Thank you,

Alex M. Certo

Alex M. Certo, *Legal Fellow*
The Buckeye Institute
88 East Broad Street, Suite 1300 | Columbus, Ohio 43215
Office: (614) 224-4422 | BuckeyeInstitute.org

From: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Date: Wednesday, November 16, 2022 at 4:21 PM
To: 'Public Records' <publicrecords@buckeyeinstitute.org>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Subject: RE: [External] Public Records Request- Columbus City School District

Greetings,

Please find the below responses to your requests:

Exhibit J 3

Page 1 of 1

Wednesday, January 18, 2023 at 11:50:49 Eastern Standard Time

Subject: RE: [External] Public Records Request- Columbus City School District
Date: Tuesday, December 6, 2022 at 10:36:21 AM Eastern Standard Time
From: publicrecordsrequest
To: 'Public Records'
CC: publicrecordsrequest
Attachments: 7.pdf, 8.pdf, 9.pdf, 10.pdf, 11.pdf, 12 Attachment - columbus selrea invoice.pdf, 12.pdf, 13.pdf, 13 Attachment - columbus selrea report.2022.11.15.pdf

Greetings,

Attached, please find additional responsive emails that were located regarding CASEL.

Thank you.

From: Public Records <publicrecords@buckeyeinstitute.org>
Sent: Monday, November 21, 2022 3:11 PM
To: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>; d.tryon@buckeyeinstitute.org
Subject: Re: [External] Public Records Request- Columbus City School District

You don't often get email from publicrecords@buckeyeinstitute.org. [Learn why this is important](#)

To whom it may concern:

Attached, please find a response to your November 16, 2022, denial of the November 2, 2022, public records request.

Thank you,

Alex M. Certo

Alex M. Certo, *Legal Fellow*
The Buckeye Institute
88 East Broad Street, Suite 1300 | Columbus, Ohio 43215
Office: (614) 224-4422 | BuckeyeInstitute.org

From: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Date: Wednesday, November 16, 2022 at 4:21 PM
To: 'Public Records' <publicrecords@buckeyeinstitute.org>
Cc: publicrecordsrequest <publicrecordsrequest@columbus.k12.oh.us>
Subject: RE: [External] Public Records Request- Columbus City School District

Greetings,

Please find the below responses to your requests:

Exhibit J4

Page 1 of 1

Franklin County Ohio Court of Appeals Clerk of Courts- 2023 Feb 02 8:50 AM-23AP000078