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September 23, 2024

*Sent via email*

Attn: Government Services and Employment Division  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, GA 30334  
bwebb@law.ga.gov

**RE: Request for Investigation into Open Records Act and Open Meetings Act Violations by Cobb County School District**

Dear Sir/Madam:

Our firm represents Watching the Funds - Cobb, a nonprofit organization committed to promoting transparency and accountability within the Cobb County School District. Our client has identified a consistent pattern of non-compliance with Georgia's Open Records Act (ORA) and the Open Meetings Act (OMA) by the District, which warrants immediate attention and intervention.

Pursuant to O.C.G.A. §§ 50-18-73 (a) and 50-14-5(a), Watching the Funds - Cobb requests your support in its pursuit of protecting the public's interest in government oversight. Investigation and intervention into Cobb County School District's Open Records Act violations will uphold the important principles of transparency, accountability, and good governance. As such, we request that your office initiate such an investigation and take any action deemed necessary to remedy the ongoing situation.

**1) Persistent Delays in Responding to ORA Requests**

Over the past several years, Watching the Funds - Cobb has submitted several garden variety Open Records Act requests to the District. Unfortunately, the District frequently fails to respond within the mandated time frame. These persistent delays violate the letter and intent of the ORA.

**2) Prohibitive Fees for Public Records**

The District is imposing increasingly prohibitive costs for public records. One particularly concerning instance involved a request for documents related to a study conducted by Brown University on the Cobb Teaching and Learning

System. The District estimated that fulfilling this request would require 211.75 hours at a cost of \$14,947.65, equating to an hourly rate of \$70.58. This rate is significantly above what would be expected for a typical public records request and appears to be an attempt to deter information-seeking relating to the outcome of an evaluating study of the District's performance of its government function. The District declines to provide electronic copies of most requests, although they are able to do so when convenient as demonstrated in the email chain dated 10/26/2023. Exhibit 1. Such exorbitant fees and intentionally inconvenient policies are a clear tactic to chill public records requests, contrary to the ORA's purpose of ensuring public transparency. This fee structure not only stifles public inquiry but also undermines the community's ability to engage in informed dialogue regarding District matters.

### **3) *Open Meetings Act Violations***

In addition to Open Records Act violations, the District has also violated the Open Meetings Act by failing to place the consideration of Superintendent Chris Ragsdale's contract on the agenda prior to the meeting and subsequent vote. According to public statements by Board Chair Randy Scamihorn, the Board was expected to discuss and possibly vote on extending the Superintendent's contract for another year at its public meeting. Exhibit 2. Despite this anticipation, the District did not include this item on its public agenda. Exhibit 3. This lack of transparency and failure to properly notify the public raises significant concerns about the Board's compliance with the requirements of the Open Meetings Act.

### **4) *Illustrative Examples***

Below is a list of illustrative examples that demonstrate how the District has repeatedly violated the Open Records Act. Each instance not only reflects a failure to adhere to statutory obligations but also underscores a deliberate effort to inhibit public oversight and participation in the governance of the District.

#### **A) *Excessive Fees***

The following requests provide illustrative examples of the Cobb County School District using exorbitant fees as a tactic to chill public records requests, contrary to the ORA's purpose of ensuring public transparency.

#### **1. 02/14/2023 Request – Exhibit 4**

Requested information: Information related to the District's strategic plan which was created by District and school leaders, based on the feedback from Cobb students, teachers, parents, and community members.

Amount quoted: \$25,767.81 (724.5 hours) & 4 weeks

Outcome: Some records were provided after extensive communications with the District, after Watching the Funds - Cobb pointed out that the estimate of 724.5 hours, combined with the 4 week production timeline, was insupportable in that it would require the fulltime effort of five employees for the four week period.

**10/23/2023 Request – Exhibit 5**

Requested information: Documents related to a study by Brown University on the Cobb Teaching and Learning System

Amount quoted: \$14,597.00

Outcome: The request was abandoned due to the fees quoted.

**2. 11/06/2023 Request – Exhibit 6**

Requested information: Documentation demonstrating compliance, non-compliance, or waiver of compliance with Erin's Law (SB 401) in the last 10 years (2013 - present) for CCSD schools.

Amount quoted: \$6,642.06 (102.5 hours)

Outcome: The request was abandoned due to the fees quoted.

**B) Delayed Responses**

The following requests provide illustrative examples of the Cobb County School District failing to provide a response within three business days of the receipt of the request as required pursuant to the Georgia Open Records Law (O.C.G.A § 50-18-70 et seq.)

**1. 03/27/2024 Request – Exhibit 7**

Response date: 04/09/2024 (13 day wait for initial response)

**2. 02/14/2023 – Exhibit 4**

Response date: 03/07/2023 (21 day wait for initial response).

**5) Ongoing Pattern of Noncompliance**

This concerning pattern of noncompliance with the ORA and OMA has persisted despite longstanding efforts to ensure transparency. This is not the first instance in which the District has required remedial assistance in complying with these statutes. The longstanding nature of these issues is particularly evident considering the 2011 Memorandum of Understanding among the Cobb County School District, Cobb County Board of Education, and your office, which sought to promote accountability in governmental affairs. Exhibit 8. Additionally, a 2021 complaint filed by our client Watching the Funds - Cobb underscores the continued disregard by Cobb County School District for these vital statutory obligations. Exhibit 9.

## **6) Request for Investigation and Training**

Given these issues, we respectfully request the following actions from your office:

**1. Conduct an Investigation:** Initiate a thorough investigation into the Cobb County School District's practices regarding the handling of open records requests and open meeting practices in order to assess compliance and identify any violations of state law.

**2. Implement Corrective Measures:** Should your investigation confirm that violations have occurred, we urge your office to take corrective action to ensure that the District adheres to the ORA and OMA, both addressing any present violations and ensuring future compliance.

**3. Provide Training and Oversight:** Facilitate training for Cobb County School District personnel on the proper handling of open records requests. We request that such training covers legal obligations under the ORA and OMA, including timely response requirements and appropriate fee assessments. Additionally, we request that your office provide ongoing oversight to ensure implementation of the training provided.

The Cobb County School District's current practices are not aligned with the requirements of the ORA or OMA and are detrimental to the public's right to information. By addressing these issues, your office can help restore transparency and trust within the community.

Thank you for your attention to this matter. Please feel free to reach out if you have any further inquiries or require additional information. We value your cooperation in the pursuit of increasing government transparency in Cobb County School District.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gabriel M. Medford', with a stylized, flowing script.

Gabriel M. Medford