

Findlay City Schools Board of Education

February 5, 2024

Mr. Chris Aldrich, President

Dr. Karthy Siebenaler Wilson, Vice President

Mrs. Susan Russel, Member

Ms. Laura Eier, Member

Mr. Matt Cooper, Member

Mrs. Pam Harrington, Treasurer

Re: Follow-up

Dear Distinguished Members of the Board,

On January 29, my father, Rick Eakin, and I sent a letter to the School Board members inviting clarification. On January 30, we received a reply from the FCS Board President, Chris Aldrich. The response from Mr. Aldrich did not clarify any elements of our letter. Consequently, I sent a follow-up email later that afternoon, asking which part of our letter his reply was addressing. Since then, we have not received any further response from members of the School Board.

Moreover, Mr. Aldrich's response raised more questions than it answered. For example, he stated, "I fully support the decisions and actions of our Superintendent, Assistant Superintendent, and our Building Principal, and I am proud of the actions they took to ensure the integrity of FFE." However, there are at least two Assistant Superintendents, leaving ambiguity as to which one Mr. Aldrich was referring to.

The attached request is broken into 4 sections to avoid redundancy and duplication:

Section 1: Requested Materials

Section 2: Date ranges of requested materials

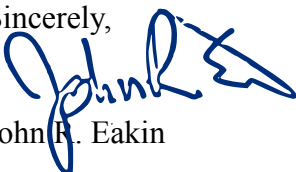
Section 4: Other requested materials

Section 3: Information related to fulfilling or denying PIRs

The fact that Kevin Manley is back directing FFE in no way diminishes the validity of our requested clarifications. As our original inquiry remains unanswered in a substantive manner, the attached request will assist me in clarifying what the School Board has not.

Thank you for your dedication to our schools and community.

Sincerely,



John R. Eakin

ATTACHMENT I

Pursuant to the *Ohio Rev. Code §149.43*, I hereby request the following records:

1. Requested Materials

- A) Text and email messages, sent to or written by Dr. Andy Hatton and the following individuals:
 - 1) Mrs. Krista Crates-Miller, Assistant Superintendent, Findlay City Schools
 - 2) Mrs. Krista (Voorhees) Bigger, Assistant Choir Director, Findlay High School
 - 3) Mr. Kevin Manley, Choral Director, Findlay High School
 - 4) Mrs. Alycia (Althaus) Fox, Band Director, Glenwood Middle School
- B) Text and email messages, sent to or written by Mrs. Krista Crates-Miller and the following individuals:
 - 1) Dr. Andy Hatton, Superintendent, Findlay City Schools
 - 2) Mrs. Krista (Voorhees) Bigger
 - 3) Mr. Kevin Manley, Choral Director
 - 4) Mrs. Alycia (Althaus) Fox
- C) Text and email messages, sent to or written by Ms. Megan Simon and the following individuals:
 - 1) Dr. Andy Hatton
 - 2) Mrs. Krista Crates-Miller
 - 3) Mrs. Krista (Voorhees) Bigger
 - 4) Mr. Kevin Manley, Choral Director
 - 5) Mrs. Alycia (Althaus) Fox
- D) Text and email messages directed to or written by:
 - 1) Dr. Andy Hatton
 - 2) Mrs. Krista Crates-Miller
 - 3) Mrs. Krista (Voorhees) Bigger
 - 4) Mrs. Alycia (Althaus) Fox
 - 5) Ms. Megan Simon, Head Principal, Findlay High School
 - 6) Mr. Mark Laux, Assistant Principal, Findlay High School

Containing any or all of the words below:

- | | |
|----------------------------|-------------------|
| a) "Kevin Manley" | h) "Choral" |
| b) "Manley" | i) "The Boingers" |
| c) "Findlay First Edition" | j) "Hazing" |
| d) "First Edition" | k) "The Courier" |
| e) "FFE" | l) "Newspaper" |
| f) "Choir" | m) "JD Smith" |
| g) "Show Choir" | n) "JD" |

2. Date ranges for requested materials

I am requesting each lettered item described under the criteria in **Section 1**. Each lettered item is considered an *element*. Each person contained in an *element* is an *individual component*.

There are four *elements* containing 19 *individual components* in total. I am requesting text and email messages from the 19 *individual components* based on the *element* for the six date ranges below. In total, there are 114 items being requested under this section.

- A) May 31, 2023 to July 12, 2023.
- B) July 13, 2023 to August 21, 2023.
- C) August 22, 2023 to October 3, 2023.
- D) October 4, 2023 to November 14, 2023.
- E) November 15, 2023 to December 27, 2023.
- F) December 28, 2023 to January 25, 2023.

3. Other requested materials

- A) A copy of the active collective bargaining agreement between the Findlay Education Association and Findlay City Schools.
- B) Kevin Manley's signed teaching contract.
- C) Kevin Manley's signed supplemental contracts.
- D) The signed agreement between Education Service Center of Central Ohio and Findlay City Schools.
- E) The signed agreement between Janice Collette and Findlay City Schools.
- F) All outstanding or paid invoices related to the FFE Investigation, including legal counsel.

4. Information related to fulfilling or denying PIRs

To clarify, the request for "Text and email messages" is irrespective of the application or device utilized, whether it be public or private. This inclusive scope is supported by the precedent set in the case of *Sinclair Media III, Inc. v. Cincinnati, 2019-Ohio-2623*.

Moreover, in reference to a statement in the FFE Investigation Report, it's worth noting that the Ohio Revised Code doesn't suggest you "should" provide the requested documents, but rather, it states that you "must."

Any denial concerning my request requires you to adhere to the provisions under *Ohio Rev. Code* § 149.43(B)(2), which states:

"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."

In accordance with the Ohio Revised Code, specifically under *Ohio Rev. Code* § 149.43(B)(3), it is not acceptable to deny the entirety of my request if certain elements can be fulfilled. This provision ensures that partial compliance is required when possible, and a blanket denial is not permitted:

"If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division."

I request that all information be delivered electronically in the form of a compressed folder (in either .zip or .7z format) and uploaded to a file-sharing platform such as Google Drive, Dropbox, or WeTransfer. This method ensures a more efficient and secure transfer.

Thank you in advance for your cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,



John R. Eakin