

HALLMAN LAW OFFICE, P.C.

ATTORNEY AT LAW
802 WEST MAIN STREET
POST OFFICE BOX 980
CLAXTON, GEORGIA 30417
TELEPHONE 912-739-4825
TELEFAX 912-739-3082

Ronald W. Hallman
hallman9@bellsouth.net

March 22, 2019

Jennifer Colangelo
Assistant Attorney General
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334-1300

VIA EMAIL TO JCOLANGELO@LAW.GA.GOV

RE: Evans County Board of Education - - Open Records Act Complaint

Dear Ms. Colangelo:

This acknowledges receipt of your letter to me of March 13, 2019, pertaining to the Open Records Act complaint filed by a representative of AllOnGeorgia, LLC. This letter will summarize the position of the Evans County Board of Education as stated in previous correspondence and during numerous telephone conversations. Unfortunately, as we have discussed at length, this is a matter upon which the two sides simply have “agree to disagree” based upon the current state of the law.

I am sure that your office has researched how school districts across Georgia handle this issue. Of the 183 public school districts in Georgia we are aware of only 11 districts that list specific positions on their meeting agendas. The Evans County School District has not taken a rogue, out-of-step position. Instead, the interpretation which your office and AllOnGeorgia has taken has been rather consistently rejected. Not only does no law require what you are asking, but to do so would be impractical and would in no way increase public participation or input into personnel decisions.

The Georgia Open Records Act, O.C.G.A. § 50-15-1 et. seq. does not require any specific degree of detail for meeting agendas but instead simply states that “prior to any meeting, the

HALLMAN LAW OFFICE, P.C

agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting.” O.C.G.A. § 50-14-1(e)(1). It is impractical and virtually impossible for the Board of Education to itemize, in advance of the meeting, every possible position or person which will or may be discussed during the executive session. At the very last Board of Education meeting held on March 11, 2019, personnel decisions were made regarding well over 100 positions. Even if the Board had chosen to use an agenda sufficiently itemized to show each of those positions, that would not in any way have affected the public’s right to participate in any of those personnel decisions since all discussions would by law have been in closed session.

Our legislature chose to exempt personnel decisions from the Open Meetings Act because of the degree of personal and privileged information that is considered in making those decisions. Even if each position should be made known to the public by way of a super-detailed itemized agenda, the public would still not in any way be allowed to participate in the discussion or deliberation of personnel issues. No public interest would be advanced by such a procedure.

The Evans County Board of Education has voluntarily opted to use a procedure when making personnel votes that goes far beyond any legal requirement and the practices of most boards. After executive session, our Board shows to the public a power-point listing on a large screen of all personnel matters and names upon which the Board will vote. This listing is fully visible to all persons present at the meeting and exceeds any disclosure requirements under the Open Meetings Act. For most school systems, the public is not made aware at any time during the meeting of any names or positions being voted upon and, with some school systems, the decisions made are not even reflected in the minutes of the meeting.

I cannot emphasize enough that the procedures being taken by the Evans County Board of Education is more transparent than what the law requires and greatly exceeds what is being done by most school systems throughout this state.

You have made it clear to us that you and your agency feel that further public disclosure should be made by all school districts. I suspect that it is also your goal to have a greater degree of consistency among the various school systems in the disclosure procedures employed. Taking legal action against our small school system would not in any way accomplish these goals. If it is your contention that all positions should be specifically listed on the agenda, and that more detailed information be given at the time of vote, then this needs to be accomplished by an amendment to the Open Record Acts by the state legislature. It could also be accomplished statewide through an executive order or through a rule enacted

HALLMAN LAW OFFICE, P.C

by the Georgia State Department of Education. Taking legal action against one school system of the more than 150 that, under your interpretation are acting illegally, would accomplish little other than to waste taxpayer dollars.

It would not be wise for our Board of Education to go down the slippery slope of giving more public disclosure of confidential information than is mandated by state law. The next argument by the media would be that confidential student information which is discussed in executive session should also be disclosed to the public. In addition to personnel matters and student discipline matters, the Open Records Act specifically exempts at least six other categories of information from public disclosure, ranging from real estate acquisition to discussion of school safety plans.

The Evans County Board of Education, like every such board, must exercise a delicate balancing act between recognizing the necessity of a practical and efficient meeting schedule, the privacy rights of employees and prospective applicants, and the public's right to expect transparency in governmental operations. The Evans County Board of Education takes these responsibilities seriously and has acted in good faith in this matter to come up with practical and reasonable procedures. The Board and the District will continue to respectfully consider all proposals set forth by you and by your office and appreciate whatever input you can give in that regard. Our primary goals are to educate students and exercise good stewardship of taxpayer dollars, all while protecting the legal rights of employees and students.

I am copying Ms. Szilagyi with this letter and trust that she will post this letter on her blog as she has done for correspondence from you.

I would be happy to discuss these matters further if you would like to give me a call.

Thank you and with personal regards, I am

Sincerely,



Ronald W. Hallman

RWH/ebh

cc: Jessica Szilagyi (via e-mail)
Marty Waters (via e-mail)