



P.O. Box 77208, Atlanta, GA 30357
770.303.8111 | ktucker@acluga.org

August 10, 2020

Superintendent of Schools
Dr. Brian Ott
Paulding County School District
botott@paulding.k12.ga.us

VIA EMAIL

RE: Request for Public Records from Paulding County School District

Dear Dr. Ott,

Pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.) and Georgia Open Meetings Act (O.C.G.A. § 50-14-1 et seq.), the American Civil Liberties Union Foundation of Georgia (“ACLU of Georgia”) respectfully requests the following public records¹ prepared, received, and/or possessed by the Paulding County School District:

Records Requested

Please provide us with copies of the records specified below from all Middle and High Schools² in the Paulding County School District for the 2019-2021 academic years, including the current academic year.

- 1. Any and all records sufficient to show school discipline data regarding violations of Section II, Subsection F of the Paulding County Student Code of Conduct, “Personal Communications/Electronic Devices” (attached as Exhibit A). These records should include, but are not limited to:**
 - a. Data sufficient to show Level 1 disciplinary action resulting from violations of Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Student Code of Conduct.**
 - b. Data sufficient to show Level 2 disciplinary action resulting from violations of Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Student Code of Conduct.**

¹ The term “records” includes, but is not limited to, any information, electronic information, reports, evaluations, memoranda, correspondence, drafts, notes, letters, emails, charts, graphs, flyers, meeting agendas and minutes, diagrams, forms, DVDs, tapes, CDs, notes, and other similar materials.

² The term “school” includes all magnet, charter, and alternative schools.

- c. **Data sufficient to show Level 3 disciplinary action resulting from violations of Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Student Code of Conduct.**
- d. **Data sufficient to show in-school suspensions and out-of-school suspensions resulting from violations of Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Student Code of Conduct.**
- e. **Data sufficient to show arrests and referrals for arrest resulting from violations of Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Student Code of Conduct.**

Additionally, please provide:

- 1. **E-mail communications to, from, and/or between Paulding County School District employees wherein Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Paulding County Student Code of Conduct is referenced, from January 2020 to present.**
- 2. **E-mail communications to, from, and/or between Paulding County School District employees wherein the terms “record(s, ing, ed),” “social media,” “Twitter,” “tweet,” “post (s, ing, ed)” and/or “mask,” appear, from August 1, 2020 to present.**
- 3. **Meeting notes, minutes, and/or transcripts from Paulding County Board of Education meetings wherein Section II, Subsection F (“Personal Communications/Electronic Devices”) of the Paulding County Student Code of Conduct is referenced, from August 2019 to present.**

This request seeks no personally identifiable information: Generally speaking, we request the same data the District already collects and submits to the Department of Education’s Office for Civil Rights. As such, we expect you to comply with your obligation to protect the privacy of your students and conform with all federal and state privacy protection requirements. Where necessary, responsive records should be redacted to remove confidential information. See O.C.G.A. § 50-18-72(b).

If your office does not maintain these public records, please let us know who does and include the proper custodian’s name and address. To the extent your office claims the right to withhold any record, or portion of any record, please describe each and every record or portion that is being withheld and the claimed reason for exemption, citing the exact language of the Open Records Act or Open Meetings Act upon which you rely. See O.C.G.A. §§ 50-18-71(d); 50-14-3.

We would prefer electronic copies of the records whenever possible. We request that you waive any retrieval or copying fees. Should your estimate of fees exceed \$10, please advise us of the costs before they are incurred. We seek a waiver of costs because the disclosure of the requested information is in the public interest.

If any records are unavailable within three (3) business days of receipt of this request, and responsive records exist, we seek a description of such records and a timeline of when access to the records will be provided. If you have suggestions for tailoring this request so as to ensure a more expeditious but still meaningful response, we would be happy to consider them. We reserve the right to appeal any decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kosha S. Tucker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kosha S. Tucker
Staff Attorney
American Civil Liberties Union Foundation of Georgia

EXHIBIT A

If a student has been found to have engaged in chronic and/or egregious behavior on the school bus, the student's parent/guardian shall be required to meet with the Principal or designee to execute a bus behavior contract.

F. PERSONAL COMMUNICATIONS/ELECTRONIC DEVICES:

1. Students shall not use, display, or turn on cellular phones or electronic devices during instructional time, class change time, breakfast or lunch without permission of the administration and/or teacher. The principal shall determine specified times on campus when electronic devices may be used for instructional purposes. The use of such devices outside of instructional time, i.e., during class change time, breakfast or lunch, in the hallways, is only permitted in grades 9-12 (Policy JCDAF). **(Level 1)**
2. Students shall not use personal technology resources to distribute or display inappropriate material. Inappropriate material does not serve an instructional or educational purpose and includes but is not limited to the following:
 - Is profane, vulgar, lewd, obscene, offensive, indecent, sexually explicit, pornographic or threatening;
 - Advocates illegal or dangerous acts;
 - Causes disruption to the District, its employees or students;
 - Advocates violence;
 - Contains knowingly false, recklessly false, or defamatory information; or
 - Is otherwise harmful to minors as defined by the Children's Internet Protection Act.**• Penalty: (Level 2-3 and contact law enforcement)**
3. Students shall not use personal technology devices to access chat rooms/social networking sites such as Facebook, Twitter, Instagram or Snapchat, etc., during the regular school day for non-instructional purposes and without the express permission of the teacher. **(Level 1-2)**
4. Students shall not use audio or visual recording devices without the permission of a school administrator. This includes, but is not limited to, using recording devices to video, photograph or record misbehaviors or to violate the privacy of others. **(Level 1-3)**

G. DISRESPECTFUL, INSUBORDINATE CONDUCT/STUDENT INCIVILITY:

1. No student shall use any type of profane, vulgar, obscene or ethnically offensive language (written or oral) or gestures. **(Level 1-2)**
2. No student shall possess or distribute profane, vulgar, pornographic, obscene, or ethnically offensive materials. **(Level 1-2)**
3. No student shall use profane, obscene, or abusive language (written or oral) or gestures toward District personnel or other adults on school property or at school sponsored events. **(Level 2-3)**
4. **Insubordination:** All students shall comply with reasonable directions or commands of all authorized District personnel or designees. **(Level 1-3)**
5. All students shall comply with the directions of a staff member to remove themselves from the location of a disruptive situation. **(Level 1-3)**
6. No student shall refuse to identify one's self upon request of any District employee/designee. **(Level 1-2)**
7. No student shall repeatedly violate the school dress code. **(Level 1-2)**
8. No student shall fail to attend Detention or In-School-Suspension. **(Level 1-2)**

H. DISRUPTION OF SCHOOL:

1. **Class Disruption:** No students shall intentionally make noise or act in any other manner so as to interfere with a teacher's ability to conduct a class or a student's ability to learn. **(Level 1-2)**
2. **School Disruption:** No student shall, in any manner, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process or function of the school, or engage in any such conduct for the purpose of causing the disruption or obstruction of any such lawful mission, process or function. **(Level 1-3)**
3. **Terroristic Threat:** No student shall threaten, either verbally, in writing, electronically,