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Violations persist

When it comes to abiding by our state's Freedom of Information Act, the Huntsville School Board continues to have a dickens of a time following this important law.

You'd think after having its hands slapped in a courtroom over previous FOIA violations, they'd have enjoyed all that they could enjoy. Sadly enough, I feel certain Huntsville's board is far from being alone in FOIA violations.

What's so darned difficult about elected public figures comprehending this relatively simple and straightforward public transparency law?

Here's an idea: How about the Huntsville School District's attorney holds an FOIA tutorial for board members one morning over biscuits and gravy at Granny's Kitchen with Madison County Record publisher Ellen Kreth and a tape recorder? She might even buy.

The Huntsville board's FOIA shortcomings continue to mount week by week.

Most recently, Fourth District Circuit Judge Doug Martin issued an opinion letter saying the district violated the law by failing to produce text messages pursuant to an FOIA request submitted by Benjamin Rightsell, according to a story by Dennis McCaslin on Today in Fort Smith.

"Rightsell requested all documentation from the district — including text messages — related to allegations of sexual assaults and the practice known as 'baptism' and 'bean dipping,'" McCaslin wrote. "The district did not produce any documents in response to Rightsell's request and argued that all of the requested documents were protected from production. Rightsell only became aware of the text messages after learning that the district had previously provided them to the Madison County Record."

Fort Smith attorney Joey McCutchen, representing Rightsell, argued in

OPINION

Mike Masterson



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Fort Smith attorney Joey McCutchen, representing Rightsell, argued in a brief that the district violated FOIA by failing to produce even a single responsive document not subject to non-disclosure under privacy laws.

The court agreed, and the district was ordered to produce all remaining responsive documents to the court for private review to determine how many, if any, other responsive documents the district failed to provide.

Meanwhile, Judge Martin also ruled that the board didn't violate FOIA by removing a reporter from a disciplinary hearing before announcing publicly that a parent wanted a private hearing.

McCutchen reacted by saying, "The law regarding disciplinary hearings is ambiguous and should be clarified by the Arkansas Legislature."

The district already has admitted to a whopping 10 additional FOIA violations associated with Rightsell's lawsuit.

McCutchen called Martin's ruling a win for sunshine in the public interest. "While privacy is vitally important, it should not be used as an excuse to justify a blanket refusal to produce public documents. We now look forward to the court's ruling regarding whether the district wrongly withheld other documents in violation of FOIA."

