



John Lewis
Senior Counsel
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043

July 11, 2022

Faith Barnes
Assistant to the Superintendent
Granbury Independent School District
217 N. Jones St.
Granbury, TX 76048

Dear Ms. Barnes:

My organization represents Christopher Tackett in several pending records requests relating to Granbury ISD's attempts to remove books from library shelves. We believe that the district has violated, and is continuing to violate, the Public Information Act by failing to produce text messages between Superintendent Dr. Jeremy K. Glenn and members of the Board of Trustees in response to Mr. Tackett's requests. **We therefore request that the district produce all such records within two weeks.** Failure to do so may result in the initiation of a lawsuit against the district.

As you are no doubt aware, "it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees." Gov't Code § 552.001(a). For that reason, "[a]n officer for public information of a governmental body shall promptly produce public information for inspection, duplication, or both on application by any person to the officer." *Id.* § 552.221(a). If a governmental body "refuses to supply public information," then "[a] requestor ... may file suit for a writ of mandamus compelling a governmental body to make information available for public inspection." *Id.* § 552.321(a). In such cases, the court may also award the requestor their "costs of litigation and reasonable attorney fees." *Id.* § 552.323(a).

Pursuant to the Public Information Act, Mr. Tackett has filed multiple records requests with the district, three of which are relevant here. *See* Exhibit A.

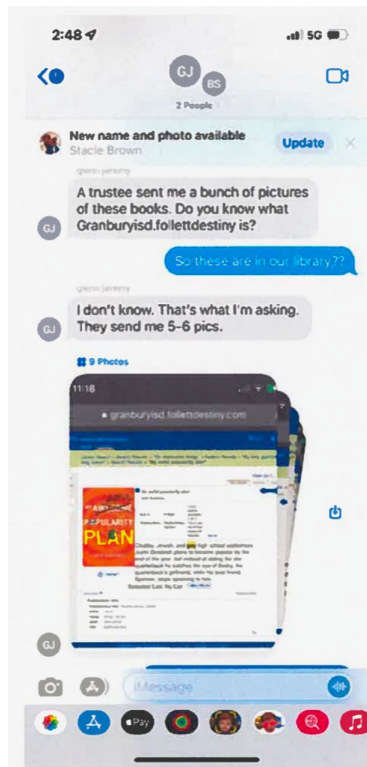
- On January 11, 2022, Mr. Tackett requested "[a]ny correspondence by Granbury ISD personnel or board trustees relating to the removal of books from ISD libraries from the past 2 months." After you produced a set of emails in response to this request, Mr. Tackett clarified that his request encompassed "email, IMs, *and text*." You then produced

16 pages of text messages, and asserted that, “[i]f there are not any text messages from specific people, that means they did not have text messages responsive.”

- On February 4, 2022, Mr. Tackett requested, among other things, “[a]ny and all records dating from October 25, 2021 to November 11, 2021, as well as January 12, 2022, to the present regarding removal of books from library shelves, including any and all communications or correspondence (dates gapped as previous ORR covered the period from November 12, 2021 to January 11, 2021, and the follow-up clarification that correspondence was meant to include all forms of written communications, including texts and instant messages).”
- On February 14, 2022, Mr. Tackett requested “[a]ll correspondence (emails, text messages, instant messages, etc.) between the Granbury ISD Superintendent and any Granbury ISD School Board Trustee.” In response, you replied that “I have confirmed that there are no text messages, instant messages or other forms of communication besides emails responsive to your request.”

As you can see, each of these requests, both as originally submitted and subsequently clarified, plainly encompassed text messages between Dr. Glenn and the trustees.

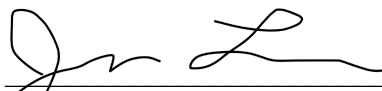
Contrary to your responses, we have substantial reason to believe that additional responsive text messages do exist, and that the district is simply “unwilling to supply public information.” *City of El Paso v. Abbott*, 444 S.W.3d 315, 324 (Tex. App. 2014) (quotation omitted). In particular, the text messages released to Mr. Tackett in response to his January 11 request include a conversation, apparently from the perspective of Assistant Superintendent Tammy Clark, where Dr. Glenn discusses conversations with trustees about removing books.



At a minimum, there should be (1) a mirrored, but distinct, version of these texts from Dr. Glenn's side (*i.e.*, where he is the sender and colored blue), and (2) text messages from the referenced trustee containing these "5-6 pics" (which appear to be iPhone screenshots) and likely accompanying descriptions. The failure to produce these messages alone violates the Public Information Act. However, the district's failure to produce these messages suggests that there are still more messages that the district has unlawfully withheld. Indeed, *none* of the texts in the district's production appear to have come from the perspective of Dr. Glenn himself—suggesting that the district simply did not attempt to obtain these texts for production.

We therefore reiterate our request that the district produce *all* text messages between Dr. Glenn and current members of the Board of Trustees relating in any way to the removal of books from Granbury ISD libraries.¹ If the district does not do so within two weeks, we may consider pursuing litigation to vindicate Mr. Tackett's rights under the Public Information Act. If you have any questions about this letter or foresee any difficulties in producing these records within the specified timeframe, please contact me by email at jlewis@democracyforward.org or by phone at 202-601-2487.

Sincerely,



John Lewis (State Bar No. 24095074)
Senior Counsel
Democracy Forward Foundation

¹ Because the February 14 request ran through to "the present," meaning the time the district completed its search for responsive records, that time should run through to the date the district produces records in response to this letter.

EXHIBIT A

Sent: Tuesday, January 11, 2022 8:14 AM
To: BARNES, FAITH <FAITH.BARNES@granburyisd.org>
Subject: Open Records Request

Ms Barnes,

I'm submitting an open records request for the following topics:

- All requests from any member of the community to have any books removed from Granbury ISD libraries during the 2021-2022 school year
- Any correspondence by Granbury ISD personnel or board trustees relating to the removal of books from ISD libraries from the past 2 months
- Any agendas from the last 2 months for any meetings in the district discussing libraries and the books they contain
- Any minutes captured from the last 2 months for any meetings in the district discussing libraries and the books they contain
- A copy of the state and local school board approved policies and any internal procedures relating to book review or removal
- A list of all books authorized for removal from Granbury ISD libraries, the date of their removal, the process used for removal, justification for removal, and potential votes by school board trustees on removal, by member, from August 1, 2021 - January 11, 2022
- A list of all books currently being considered for removal from Granbury ISD libraries and where they are in the process of removal (following district protocols)

If you could, please let me know an estimated date the request might be completed. Also, please let me know the best manner to receive the materials requested above. I can provide a usb flash drive if needed to transfer, if the size is too large to email.

If you need any additional information or documentation from me to complete the request, just reach out and I'll quickly provide.

Thank you,
Chris Tackett
682-936-9989
cjtackett@gmail.com

Sent: Tuesday, January 25, 2022 12:37 PM

To: BARNES, FAITH <FAITH.BARNES@granburyisd.org>

Cc: MEADOR, JEFF <JEFF.MEADOR@granburyisd.org>

Subject: Re: orr.tackett.pdf

Faith,

I have received the documents. The only question I've got is there doesn't seem to be any text messages or IMs, just emails. Probably my fault for not being clear, but when I had requested all correspondence, I was using the language from my business space, which encompasses email, IMs, and texts, as we leverage so many different mediums to correspond these days. If there is additional content in those mediums, that was a part of my initial intent.

As I know that can take time to research and gather, I'm more than happy to provide an additional 10 business days (or the district can let me know when it might be available if longer than that).

Thank you so much,
Chris

Subject: RE: ORR Originally dated Jan 11, 2022, Clarified on January 27

Date: February 11, 2022 at 2:32:14 PM CST

To: Christopher Tackett <cjtackett@gmail.com>

Cc: "MEADOR, JEFF" <JEFF.MEADOR@granburyisd.org>

Chris, I'm sorry, the pictures did not print out individually. I had to open them as separate files from Stacie Brown, who did have text messages on her phone responsive to the request. I have now attached them for you above.

Besides the pictures, the documents I have already produced where all documents response to the request. If there are not any text messages from specific people, that means they did not have text messages responsive.

Faith Barnes

Granbury ISD

Assistant to Superintendent

817-408-4007

Faith.barnes@granburyisd.org

217 N. Jones St.

Granbury, TX. 76048

On Feb 4, 2022, at 4:23 PM, Christopher Tackett <cjtackett@gmail.com> wrote:

Ms Barnes,

I'm submitting an open records request for the following topics:

1. Any and all records (including any communications or correspondence, to include text messages or instant messages) between October 25, 2021, and the present relating to the October 25, 2021, letter sent by State Representative Matt Krause titled "School District Content Inquiry" and / or the list of books attached to that letter
2. Any and all records dating from October 25, 2021 to November 11, 2021, as well as January 12, 2022, to the present regarding removal of books from library shelves, including any and all communications or correspondence (dates gapped as previous ORR covered the period from November 12, 2021 to January 11, 2021, and the follow-up clarification that correspondence was meant to include all forms of written communications, including texts and instant messages)
3. Any and all **formal challenges** to instructional resources and/or library books received from August 1, 2021 to the present
4. Any and all records relating to the investigation, evaluation, and resolution of **formal challenges** to instructional resources and library books received from August 1, 2021 to the present. This includes any and all communications or correspondence.
5. Any and all **informal complaints** regarding the appropriateness of instructional resources and library books received from August 1, 2021 to the present
6. Any and all records relating to the investigation, evaluation, and resolution of **informal complaints** regarding the appropriateness of instructional resources and library books received from August 1, 2021 to the present. This includes any and all communications or correspondence.

If you could, please let me know an estimated date the request might be completed.

If you need any additional information or documentation from me to complete the request, just reach out and I'll quickly provide.

Thank you,
Chris Tackett
682-936-9989
cjtackett@gmail.com

From: Christopher Tackett <cjtackett@gmail.com>

Date: February 14, 2022 at 8:11:40 AM CST

To: FAITH BARNES <FAITH.BARNES@granburyisd.org>, JEFF MEADOR <jeff.meador@granburyisd.org>

Subject: Public Information Request 2/14/2022 (1 of 2)

Attached is a public information request.

If you have any questions, please don't hesitate to reach out for clarification.

Thank you,
Chris

Sent from my iPhone so please excuse typos / crazy auto-corrects!

TEXAS PUBLIC INFORMATION ACT INFORMATION REQUEST FORM

For guidance regarding your rights as a requestor and the public information procedures adopted by this governmental body, you may review the governmental body's notice required under section 552.205 of the Government Code. You can find additional Public Information Act resources on the Office of the Attorney General's website at <http://www.texasattorneygeneral.gov/open-government>.

Requestor Contact Information

First Name: _____ Last Name: _____
Company/Organization: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
E-mail Address: _____ Phone Number: _____
Preferred Manner of Written Communication: _____

Description of the Information Requested

(Note: Describe the information as precisely as you can.)

Date Range (optional): From: _____ to: _____

Under the Public Information Act, some categories of information do not have to be released. Exceptions to disclosure fall into two general categories: 1) mandatory exceptions that make information confidential and require a governmental body to withhold information, and 2) discretionary exceptions that allow but do not require a governmental body to withhold information. You may find information about mandatory and discretionary exceptions [HERE](#).

In most instances, a governmental body is required to request a decision from the Attorney General in order to withhold information from a requestor. However, a requestor may permit a governmental body to redact information without requesting an Attorney General decision. You are not required to agree to the redaction of any information responsive to your request, but doing so may streamline the handling of your request. If you agree to redactions in this request, then you may request the redacted information in a future information request.

- Do you agree to the redaction of information that is subject to mandatory exceptions, provided such redactions are clearly labeled on the information you received?
- Do you agree to the redaction of information that is subject to discretionary exceptions, provided such redactions are clearly labeled on the information you receive?

INFORMATION PREFERENCES:

- How would you like to have the information provided?
- If available, do you wish to receive an electronic copy of the information?

Please Note: If the information requested is unclear or if a large amount of information is requested you may be contacted to discuss clarifying or narrowing your request. There may be charges associated with production of the requested information. You may find more information regarding the charges under the Public Information Act [HERE](#).

Date: April 21, 2022 at 8:53:51 AM CDT
To: Christopher Tackett <cjtackett@gmail.com>
Cc: "MEADOR, JEFF" <JEFF.MEADOR@granburyisd.org>
Subject: Re: Update on Open Records Request dated February 14, 2022

Good Morning Chris

I have confirmed that there are no text messages, instant messages or other forms of communication besides emails responsive to your request. This was done ahead of time, but I did confirm again. Regarding the supplemental request, gave the responsive documents to the attorney. They might have been left out inadvertently since I provided them in a cloud type system separate from the initial request. I have contacted them and they are working on it. I will let you know as soon as I can tell you when those documents will be ready.

Thanks in advance,

Faith Barnes
Granbury ISD
Assistant to Superintendent
faith.barnes@granburyisd.org
817-408-4007
217 N. Jones
Granbury, TX. 76048