

# Franklin City Schools Investigation

**FOR IMMEDIATE RELEASE**

**February 21, 2013**

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On Thursday, February 14, 2013, a concerned Warren County resident brought to my attention a letter dated February 2013 (the "Letter") written by Franklin City Schools Superintendent Arnol Elam relating to his views as to the governor's recently announced school funding formula and its effects on the Franklin City School District ("FCSD"). The Letter was reportedly produced using funds from the FCSD, was sent home to the parents of each child in the FCSD, and was posted on the FCSD website.

As part of the Letter, Superintendent Elam included the following statement:

"As parents and friends of our district, I hope that you will do two things: First, please join me in an active campaign to ensure that Gov. Kasich and any legislator who supports him are not re-elected (the "Offending Language")."

On its face, the Offending Language appeared to violate Ohio Revised Code 9.03(C)(1)(e) which prohibits the use of public funds to publish or distribute any newsletter that "[s]upports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue." Upon reviewing the Offending Language, and on this basis alone, I immediately decided to initiate an investigation into the circumstances surrounding the Offending Language and to further determine whether it violated R.C. 9.03 or any related statutes. I advised Superintendent Elam of the investigation, and subsequently issued a press release on February 14, 2013, relating to the initiation of the investigation.

Since Sunday, February 17, 2013, I have had several conversations with FCSD representatives regarding the letter and my concern about the Offending Language. From our very first conversation, FCSD officials expressed their regret over including the Offending Language in a Letter that was both produced and distributed using public funds. Superintendent Elam and the FCSD Board of Education (the "FCSD Board") have acknowledged that the inclusion of the Offending Language did, in fact, violate R.C. 9.03(C)(1)(e) and Superintendent Elam intends to personally reimburse the district for the funds used to produce the page of the Letter that contained the Offending Language. The FCSD Board has also represented that they will adopt additional procedures and safeguards to insure that no violations of this type occur in the future. Finally, Superintendent Elam and/or the FCSD Board also intend to use their own

personal funds to notify the public of these facts utilizing the same manner of distribution as the original Letter. Based on these representations, and their prompt acceptance of responsibility for this mistake and prompt actions to rectify it, I have advised both Superintendent Elam and the FCSD Board that our office was satisfied with this outcome, and that our office would not be pursuing further action relating to the Offending Language.

Lastly, I wish to address allegations that our office's initiation of this investigation was politically motivated based upon the general content of the Letter. Those allegations are completely untrue. Neither Governor Kasich, the Ohio Republican Party, the Warren County Republican Party, local legislators, nor any of their representatives had anything to do with my decision to initiate an investigation into this matter. Rather, I made the decision to investigate immediately upon my review of the Offending Language in the Letter that had been forwarded to me by the concerned Warren County resident. I also reject the suggestion that our office, when presented with clear-cut evidence that a law has been violated, should look the other way simply because there may be negative publicity or political fallout as a result of a preliminary investigation.

Moreover, Superintendent Elam and the FCSD Board have every right to utilize public funds to notify parents of students in the FCSD, as well as the public itself, as to the effects of proposed legislation and its impact on students in the FCSD. However, it was the inclusion of the Offending Language that put Superintendent Elam and the FCSD Board in direct violation of R.C. 9.03(C)(1)(e) thereby warranting investigation.

In conclusion, it is my hope that this matter will serve to highlight and remind all political subdivisions in Warren County as to the proper uses of public funds so as to avoid these types of situations from occurring in the future.



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