

SUPREME COURT OF OHIO

State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn.

2026-Ohio-164 · No. 2025-0262 · Decided January 22, 2026

SUMMARY

The Supreme Court of Ohio held that an email-distribution list used to disseminate a school superintendent’s newsletter is a public record under R.C. 149.011(G). The school district failed to establish that the list fell within the Public Records Act’s state-or-federal-law exemption because it did not submit the list for in camera inspection or provide evidence showing that it contained protected student information. The court granted a writ of mandamus, ordered production of the list with protected personally identifiable information redacted, and awarded statutory damages, court costs, and reasonable attorney fees.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice Kennedy; Justice DeWine; Justice Brunner; Justice Deters; Justice Hawkins; Justice Shanahan
JURISDICTION	Supreme Court of Ohio
DECIDED	January 22, 2026
DOCKET	2025-0262
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original action in mandamus under the Ohio Public Records Act seeking production of an email-distribution list, statutory damages, court costs, and attorney fees.
STANDARD OF REVIEW	The relator must establish by clear and convincing evidence a clear legal right to the requested records and a corresponding clear legal duty to provide them. The records custodian bears the burden of proving that a claimed exemption applies and must establish that the records fall squarely within the exemption.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio opinion
PARTIES	Darbi Boddy v. Board of Education of Xenia Community City School District, Thomas Massie, Treasurer of the Xenia Community City School District

TOPICS

administrative law

statutory interpretation

attorney client privilege

evidence

remedies

PRACTICE AREAS

Public records

Mandamus

Education law

Attorney-client privilege

Evidence

QUESTIONS PRESENTED

1. Whether the email-distribution list used to distribute the superintendent's newsletter is a record under R.C. 149.011(G) and therefore a public record subject to disclosure.
2. Whether the school district established that the email-distribution list fell within the Public Records Act's exemption for records whose release is prohibited by state or federal law.
3. Whether the school district waived attorney-client privilege by twice submitting allegedly privileged emails as evidence and failing to establish inadvertent disclosure under Evid.R. 502(B).
4. Whether Boddy was entitled to statutory damages, court costs, and attorney fees.
5. Whether the school district should receive leave to resubmit revised evidence.

HOLDINGS

1. Leave was properly granted to substitute an otherwise identical affidavit containing the omitted notary signature because the motion was unopposed and would not prejudice Boddy or delay the case.
2. The school district's second motion for leave to substitute evidence was denied because it sought to remove allegedly privileged materials after Boddy had relied on them in her merit brief, which would prejudice her and would be futile.
3. The school district waived attorney-client privilege as to two emails by voluntarily submitting them as evidence twice and failed to establish the inadvertent-disclosure exception in Evid.R. 502(B). Its motion to retrieve the materials was therefore denied.
4. The email-distribution list is a public record under R.C. 149.011(G) because it is an item created by and under the jurisdiction of the school district that documents particular functions and procedures of the district by showing how and to whom the superintendent's newsletter is distributed.
5. The school district failed to prove that the email-distribution list fell squarely within the Public Records Act's exemption for records whose release is prohibited by state or federal law.
6. Boddy established a clear legal right to production of the email-distribution list and the school district had a corresponding clear legal duty to produce it; the writ of mandamus was granted.
7. Boddy was entitled to \$1,000 in statutory damages, mandatory court costs, and reasonable attorney fees because the district failed to promptly produce a properly requested public record.

KEY QUOTATIONS

"A custodian does not meet this burden unless it proves that the requested records "fall squarely within" an exemption." (§ 21)

“That holding dictates a similar result here: the distribution list used to email the superintendent’s newsletter is a public record under R.C. 149.011(G).” (¶ 27)

“For the foregoing reasons, we grant a writ of mandamus ordering the school district to produce the email-distribution list requested by Boddy.” (¶ 37)

FACTUAL BACKGROUND

Boddy requested the email-distribution list used by the Xenia Community City School District to distribute the superintendent's weekly newsletter to the school community. The list was generated through the district's website and maintained by the district to disseminate the newsletter, which was sent primarily to parents of district students. The district denied the request, asserting that the list was not a public record and that it contained protected student information. Although ordered to submit the list under seal, the district did not do so and submitted no other evidence demonstrating that the list contained exempt information.

PROCEDURAL HISTORY

Boddy submitted a public-records request to the Xenia Community City School District for, among other things, the email-distribution list used for the superintendent's newsletter. The school district denied the request, asserting that the list was not a record and that disclosure was prohibited by state and federal student-privacy laws. Boddy filed an original mandamus action; the Supreme Court of Ohio granted an alternative writ, ordered the school district to submit the list under seal for in camera inspection, and then granted the writ after the school district failed to submit the list or evidence establishing an exemption.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The school district must produce the email-distribution list after redacting personally identifiable information protected from disclosure. Boddy must submit an itemized attorney-fee application within 20 days, and the school district may respond within 14 days after the application is filed.

CASES CITED

- Hicks v. Union Twp. Clermont Cty. Bd. of Trustees, 2024-Ohio-5449
- State ex rel. Dispatch Printing Co. v. Johnson, 2005-Ohio-4384
- State ex rel. Maxwell v. Brice, 2021-Ohio-4333, ¶ 24
- State ex rel. Slager v. Trelka, 2024-Ohio-5125, ¶ 13
- Am. Motors Corp. v. Huffstutler, 61 Ohio St.3d 343, 348 (1991)
- Travelers Indemn. Co. v. Cochrane, 155 Ohio St. 305, 316 (1951)
- State v. McDermott, 1995-Ohio-80
- State v. Post, 32 Ohio St.3d 380, 385 (1987)

- State ex rel. Dawson v. Bloom-Carroll Local School Dist., 2011-Ohio-6009, ¶ 31
- State ex rel. Cincinnati Enquirer v. Dupuis, 2002-Ohio-7041, ¶ 22
- State ex rel. Leslie v. Ohio Hous. Fin. Agency, 2005-Ohio-1508, ¶ 29
- Brinkman v. Toledo City School Dist. Bd. of Edn., 2024-Ohio-5063, ¶ 15
- Thevenin v. White Castle Mgt. Co., 2016-Ohio-1235, ¶ 25
- Thompson v. Hayes, 2006-Ohio-6000, ¶ 105
- Hollingsworth v. Time Warner Cable, 2004-Ohio-3130, ¶¶ 61, 66
- State ex rel. Castellon v. Cuyahoga Cty. Prosecutor's Office, 2025-Ohio-2787, ¶ 8
- State ex rel. Cincinnati Enquirer v. Sage, 2015-Ohio-974, ¶ 10
- State ex rel. Cincinnati Enquirer v. Jones-Kelley, 2008-Ohio-1770, paragraph two of the syllabus
- State ex rel. ESPN, Inc. v. Ohio State Univ., 2012-Ohio-2690, ¶ 41
- State ex rel. Ware v. Fankhauser, 2024-Ohio-5037, ¶ 22
- State ex rel. Horton v. Kilbane, State ex rel. Horton v. Kilbane, 2022-Ohio-205, ¶ 15
- State ex rel. Platt v. Montgomery Cty. Bd. of Elections, 2025-Ohio-2079, ¶¶ 41, 44
- State ex rel. Kesterson v. Kent State Univ., 2018-Ohio-5110, ¶¶ 35-36
- State ex rel. Boddy v. Grech, S.D. Ohio No. 3:24-CV-327
- State ex rel. Boddy v. Xenia Community City School Dist. Bd. of Edn., 2025-Ohio-1613

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