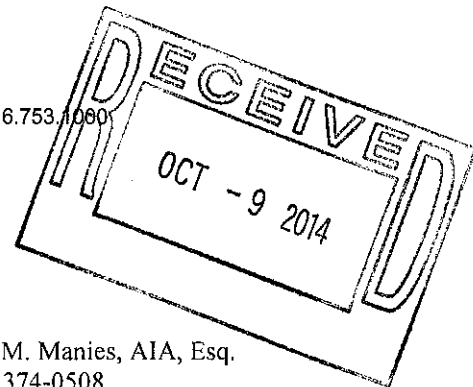




900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 • 816.753.1000



October 7, 2014

Ryan M. Manies, AIA, Esq.
(816) 374-0508
(816) 817-1887 Direct Fax
rmanies@polsinelli.com

Springfield Public Schools
ATTN: Kathy Looten
1359 E. St. Louis Street
Springfield, MO 65802

**Re: Facilities Master Planning – Request for Proposal No.: S13B-0051
Missouri Sunshine Law Records Request**

To Whom It May Concern:

Pursuant to Missouri's Sunshine Law, Chapter 610, R.S.Mo., we hereby request that you provide our Firm with digital copies (electronic scans or photocopies) of any and all proposals that were submitted, along with the proposed fees pertaining to the above-addressed Project regarding the Facilities Master Plan - RFP S13B-0051. Your contact person for this project was Dave Pelletier with the Purchasing Department.

We understand that there are costs associated with this request and we are willing to pay fees for searching and copy/scanning expenses up to \$100.00. If you estimate the processing costs will exceed this limit, please contact me.

If you have any questions or need any clarification, please do not hesitate to contact me.

Thank you for your prompt attention to this matter.

Sincerely,

Ryan M. Manies

RMM/ars

polsinelli.com

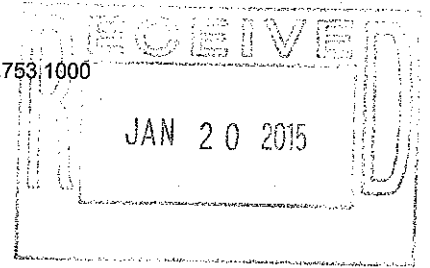
Chicago Dallas Denver Kansas City Los Angeles New York Phoenix St. Louis Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

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900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 • 816.753.1000



January 14, 2015

Ryan M. Manies, AIA, Esq.
(816) 374-0508
(816) 817-1887 Direct Fax
rmanies@polsinelli.com

Kathy L. Looten
Springfield Public Schools
1359 E. St. Louis Street
Springfield, MO 65802

**Re: Facilities Master Planning – Request for Proposal No.: S13B-0085
Missouri Sunshine Law Records Request**

Dear Ms. Looten:

Per Ryan Manies' request, enclosed is a check for the amount of \$52.50 as payment in regards to the above requested information. Please forward the documents to the attention of Ryan Manies.

Thank you for your prompt attention to this matter.

Sincerely,

Teresa Crane
Legal Administrative Assistant for
Ryan M. Manies

:tc
Enclosure

polsinelli.com

Chicago Dallas Denver Kansas City Los Angeles New York Phoenix St. Louis Washington, D.C. Wilmington
Polsinelli PC, Polsinelli LLP in California

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Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

January 8, 2015

Ms. Ryan M. Manies
Polsinelli
900 W. 48th Place, Suite 900
Kansas City, MO 64112-1895

Sent Via United States Mail

Dear Mr. Manies:

This email will respond to your letter dated December 17, 2014, which was received by me on December 29, 2014. I initially responded to that letter on December 30, 2014, and indicated that the delay in responding to your letter was caused by the Winter break and indicated that a response would be provided to you by January 9, 2015. Your letter indicates that it was sent pursuant to the Missouri Sunshine Statute and requests the following:

“... digital copies (electronic scans or photocopies) of any and all proposals that were submitted, along with the proposed fees pertaining to the above-addressed Project regarding the Facilities Master Plan – RFP S13B-0085.”

Initially it is noted that in order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In the case of the School District of Springfield, R-12, the “public governmental body” is the Board of Education for the School District of Springfield, R-12.

The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record,” *any record*, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student

KRAFT ADMINISTRATIVE CENTER

1359 E. SAINT LOUIS STREET - SPRINGFIELD, MISSOURI 65802-3409 - TELEPHONE 417/523-0026

is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as describe in this subdivision shall be retained by the public governmental body in the same manner as any other public record." [emphasis added]

Generally, the District will not provide you with any public documents which may be encompassed by your requests and which are closed records under the Sunshine Law. Included in these closed public documents, but not in limitation thereof, are the following:

- The minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and not otherwise required to be revealed;
- Privileged communications between the Board of Education or its representatives and its attorneys pursuant to Sections 610.021(1) and (14) RSMo;
- Records involving the hiring, firing, disciplining or promoting of particular employees by the Board of Education when personal information about the employee is discussed or recorded, except those public records which have been made public pursuant to Section 610.021(3) RSMo;
- Records involving software codes for electronic data processing and documentation thereof pursuant to Section 610.021(10) RSMo;
- Documents which constitute individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, pursuant to Section 610.021(13) RSMo;
- Records which are protected from disclosure by law pursuant to Section 610.021(14) RSMo, including but not limited to information covered by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the Board of Education and a person or entity doing business with the Board pursuant to Section 610.021(21) RSMo.

With this information in mind, the District's Board of Education provides you with the following response concerning your requests for public documents.

Request: "... digital copies (electronic scans or photocopies) of any and all proposals that were submitted, along with the proposed fees pertaining to the above-addressed Project regarding the Facilities Master Plan – RFP S13B-0085."

Response: The public records you have requested are available and will be provided to you upon payment of a reasonable copying fee which is set out below.

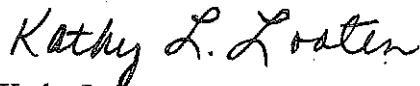
Retrieval, Processing and Copying Fees

In matters such as these, the District charges the reasonable fees allowed by the Missouri Sunshine Statute, Section 610.026 RSMo. Duplication fees include a per copy cost, not to exceed ten cents per regular sized page and an hourly fee for the time spent duplicating the documents. Retrieval and processing fees are based on the average hourly rate of pay for the staff involved in the retrieval and processing process.

The cost for copying the public records you have requested is fifty-two dollars and fifty cents (\$52.50). We will provide you with the requested records upon receipt of that amount.

Thank you for your request.

Sincerely,



Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III



Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

October 13, 2014

Ms. Ryan M. Manies
Polsinelli
900 W. 48th Place, Suite 900
Kansas City, MO 64112-1895

Sent Via United States Mail

Dear Mr. Manies:

This email will respond to your letter dated October 7, 2014, which was received on October 9, 2014, and addressed to me, as the Custodian of Records for School District of Springfield, R-12. Your letter indicates that it was sent pursuant to the Missouri Sunshine Statute and requests the following:

“ . . . digital copies (electronic scans or photocopies) of any and all proposals that were submitted, along with the proposed fees pertaining to the above-addressed Project regarding the Facilities Master Plan – RFP S13B-0051.”

Initially it is noted that in order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In the case of the School District of Springfield, R-12, the “public governmental body” is the Board of Education for the School District of Springfield, R-12.

The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record,” *any record*, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member

of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as describe in this subdivision shall be retained by the public governmental body in the same manner as any other public record.” [emphasis added]

Generally, the District will not provide you with any public documents which may be encompassed by your requests and which are closed records under the Sunshine Law. Included in these closed public documents, but not in limitation thereof, are the following:

- The minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and not otherwise required to be revealed;
- Privileged communications between the Board of Education or its representatives and its attorneys pursuant to Sections 610.021(1) and (14) RSMo;
- Records involving the hiring, firing, disciplining or promoting of particular employees by the Board of Education when personal information about the employee is discussed or recorded, except those public records which have been made public pursuant to Section 610.021(3) RSMo;
- Records involving software codes for electronic data processing and documentation thereof pursuant to Section 610.021(10) RSMo;
- Documents which constitute individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, pursuant to Section 610.021(13) RSMo;
- Records which are protected from disclosure by law pursuant to Section 610.021(14) RSMo, including but not limited to information covered by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g;
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the Board of Education and a person or entity doing business with the Board pursuant to Section 610.021(21) RSMo.

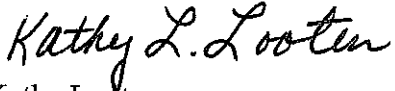
With this information in mind, the District’s Board of Education provides you with the following response concerning your requests for public documents.

Request: “. . . digital copies (electronic scans or photocopies) of any and all proposals that were submitted, along with the proposed fees pertaining to the above-addressed Project regarding the Facilities Master Plan – RFP S13B-0051.”

Response: The Request For Proposal – RFP S13B-0051, was cancelled on or about May 3, 2014, prior to the bid closing date. No responses were received by the District on this RFP. Accordingly, no public records exist that are responsive to your request.

Thank you for your request.

Sincerely,



Kathy Looten
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III