

## Looten, Kathy

---

**From:** C Mignard <mignard@gmail.com>  
**Sent:** Thursday, March 19, 2015 12:17 AM  
**To:** Looten, Kathy  
**Subject:** Sunshine Law Request - Central High School Kiltie Drum and Bugle Corps

Ms. Looten,

Under the Missouri Sunshine Law § 610.023, I am requesting copies of the following public records:

- All financial records including but not limited to:
  - Itemized accounts of any and all income and/or expenditures pertaining to Kiltie Operations including but not limited to:
    1. income such as participation fees, fundraisers and/or donations, as well as any and all other sources
    2. expenditures for clothing, shoes, uniform and/or instrument repairs and/or replacement, as well as other related expenses
    3. transportation such as performance busses, out of town and out of state trips, spirit busses, as well as other related transportation expenditures
    4. overnight lodging
    5. entertainment such as banquets, theme park and/or movie tickets, as well as other related expenses
    6. general Kiltie activity fund as well as other related records
    7. individual student activity accounts as well as other related records
    8. any and all additional records of income or expenditures
- any and all records regarding off-site trips including but not limited to records of arrangement approvals, Out-of-Town and/or Overnight travel applications and/or approvals, itineraries, as well as any and all additional related records
- any and all criteria, data collected, score sheets, voting records and/or any and all other additional related information used in assigning individual positions within the Kiltie Corps
- any and all additional records which are retained by the sponsor(s) of the Kilties, Central High School or Springfield Public Schools and do not fall within the exemptions provided by existing law(s)

with any and all personally identifiable data redacted in accordance with § 610.024, pertaining to the Central High School Kiltie Drum and Bugle Corps from the school years beginning 2010 through present as well as any and all proposed income and/or expenditures for 2015-16 school year.

I understand a "public record" is defined as:

"...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 for 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 described in this subdivision shall be retained by the public governmental body in the same manner as any other public record."

To the best of my knowledge I am not requesting any information which is exempted as specified in § 610.021. If any or all of this request denied, please do so in writing, cite each specific exemption you feel justifies the refusal to release the information and notify me of any and all appeal procedures available to me under existing law(s).

I also understand according to § 610.026 there may be reasonable fees associated with searching or copying these records. However, I would like to request a waiver of all fees as the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding. This information is not being sought for commercial purposes.

Thank you for considering my request.

Sincerely,  
Cory Mignard  
807 N Pickwick Avenue  
Springfield, MO 65802  
417/597-4664



*Helping today's kids fill tomorrow's promise.*

---

**John E. Jungmann, Ed.D.**  
**Superintendent**

March 24, 2015

Mr. Cory Mignard  
807 N Pickwick Avenue  
Springfield, MO 65802

***Certified, Return Receipt Requested***

Dear Mr. Mignard:

This letter will respond to your email which was received by me on March 19, 2015. Your email requests certain public records pursuant to the Missouri Sunshine Statute.

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]

KRAFT ADMINISTRATIVE CENTER

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

1

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

- 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.

It is also important to note that the Sunshine Law does not require a public governmental body to explain "public records" or "to create a new record upon request, but only to provide access to existing records held or maintained by the public governmental body." *American Family Mut. Ins. Co. v. Missouri Department of Insurance*, 169 S.W.3d 905, 914, (Mo. App. 2005), citing *Jones v. Jackson County Circuit Court*, 162 S.W.3d 53, 60 (Mo. App. 2005).

### **Responses To Your Requests**

Your email sets forth four (4) separate requests for public records "pertaining to the Central High School Kiltie Drum and Bugle Corps from . . . school years beginning 2010 through present as well as any and all proposed income and/or expenditures for 2015-16 school year." The following responses are made to your requests:

**Request No. 1.** "All financial records including but not limited to itemized accounts of any and all income and/or expenditures pertaining to Kiltie Operations including but not limited to:

- a. income such as participation fees, fundraisers and/or donations, as well as any and all other sources;
- b. expenditures for clothing, shoes, uniform and/or instrument repairs and/or replacement, as well as other related expenses;
- c. transportation such as performance buses, out of town and out of state trips, spirit buses, as well as other related transportation expenditures;
- d. overnight lodging;
- e. entertainment such as banquets, theme park and/or movie tickets, as well as other related expenses;
- f. general Kiltie activity fund as well as other related records;
- g. individual student activity accounts as well as other related records;
- h. any and all additional records of income or expenditures.

**Response:**

Generally responding to this Request, the District has public records which meet this request. However, since you have requested records covering four and one-half (4½) school years, we are not sure the extent of those records at this time. We also note that your request uses terms like: "including but not limited to" and "as well as other related records." Requests for public records must be made "with reasonable specificity" in order for the records custodian to be able to identify and provide access to the records. *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003).

With respect to **Request Number 1(a)**, you have requested "[a]ll financial records . . . pertaining to Kiltie operations including . . . income such as participation fees, fundraisers and/or donations, as well as any and all other sources." The District may have public records which meet this request, in whole or in part. Any information contained on a public record may be redacted or withheld for any of the following reasons:

- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(6) RSMo, in that the records contain personally identifiable student records.
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(14) RSMo, in that the records contain personally identifiable student records which are protected from disclosure pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et. seq* ("FERPA").
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(22) RSMo, in that the records contain credit card numbers and/or personal identification numbers of persons doing business with the District.

With respect to **Request Number 1(b)**, you have requested "[a]ll financial records . . . pertaining to Kiltie operations including . . . expenditures for clothing, shoes, uniform and/or instrument

repairs and/or replacement, as well as other related expenses.” Please see the District’s response to Request Number 1(a) above.

With respect to **Request Number 1(c)**, you have requested “[a]ll financial records . . . pertaining to Kiltie operations including . . . transportation such as performance buses, out of town and out of state trips, spirit buses, as well as other related transportation expenditures.” Please see the District’s response to Request Number 1(a) above.

With respect to **Request Number 1(d)**, you have requested “[a]ll financial records . . . pertaining to Kiltie operations including . . . overnight lodging.” Please see the District’s response to Request Number 1(a) above.

With respect to **Request Number 1(e)**, you have requested “[a]ll financial records . . . pertaining to Kiltie operations including . . . entertainment such as banquets, theme park and/or movie tickets, as well as other related expenses.” Please see the District’s response to Request Number 1(a) above.

With respect to **Request Number 1(f)**, you have requested “[a]ll financial records . . . general Kiltie activity fund as well as other related records.” Please see the District’s response to Request Number 1(a) above. In addition, the District disclaims any requirement to interpret the meaning of the term “as well as other related records.” See: *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003).

With respect to **Request Number 1(g)**, you have requested “[a]ll financial records . . . pertaining to Kiltie operations including . . . individual student activity accounts as well as other related records.” Individual student activity accounts do not constitute public records and will not be provided. To the extent that these documents, if they exist, may constitute public records:

- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(6) RSMo, in that the records contain personally identifiable student records.
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(14) RSMo, in that the records contain personally identifiable student records which are protected from disclosure pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et. seq* (“FERPA”).
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(22) RSMo, in that the records contain credit card numbers and/or personal identification numbers of persons doing business with the District.

Further, the District disclaims any requirement to interpret the meaning of the term “as well as other related records.” See: *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003). Accordingly, the District will not provide the documents requested in Request Number 1(g), if they exist.

With respect to **Request Number 1(h)**, you have requested “[a]ll financial records . . . any and all additional records of income or expenditures.” The District disclaims any requirement to interpret the meaning of the term “any and all additional records of income or expenditures.” See: *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003). Accordingly, the District will not provide the documents requested in Request Number 1(h), if they exist.

**Request No. 2.** “Any and all records regarding off-site trips including but not limited to records of arrangement approvals, Out-of-Town and/or Overnight travel applications and/or approvals, itineraries, as well as any and all additional related records.”

**Response:**

The District may have public records which meet this request, in whole or in part. Any information contained on a public record may be redacted or withheld for any of the following reasons:

- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(6) RSMo, in that the records contain personally identifiable student records.
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(14) RSMo, in that the records contain personally identifiable student records which are protected from disclosure pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et. seq* (“FERPA”).
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(22) RSMo, in that the records contain credit card numbers and/or personal identification numbers of persons doing business with the District.

**Request No. 3.** “Any and all criteria, data collected, score sheets, voting records and/or any and all other additional related information used in assigning individual positions within the Kiltie Corps.”

**Response:**

The requested documents, if they exist, do not constitute public records and will not be provided. To the extent that these documents, if they exist, may constitute public records:

- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(6) RSMo, in that the records contain personally identifiable student records.
- The documents, or portions thereof, constitute closed public records pursuant to Section 610.021(14) RSMo, in that the records contain personally identifiable student records which are protected from disclosure pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et. seq* (“FERPA”).
- The documents, or portions thereof, constitute closed public records pursuant to Section

610.021(22) RSMo, in that the records contain credit card numbers and/or personal identification numbers of persons doing business with the District.

Further, the District disclaims any requirement to interpret the meaning of the term "any and all other additional related information." See: *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003). Accordingly, the District will not provide the documents requested in Request Number 3, if they exist.

**Request No. 4. "Any and all additional records which are retained by the sponsor(s) of the Kilties, Central High School or Springfield Public Schools and do not fall within the exemptions provided by existing law(s)."**

**Response:**

This request is vague. Accordingly, the District disclaims any requirement to interpret the meaning of the term "any and all additional records." See: *Anderson v. Village of Jacksonville*, 103 S.W.3d 190 (Mo. App. W.D. 2003). Further, documents retained by the sponsor(s) of the Kilties do not constitute "public records." Finally, please see the District's response to Request Number 3 above.

Finally, due to the scope of your request, a sizeable number of public documents may exist which will require District personnel to search, retrieve and copy. In matters such as these, the District charges the reasonable fees allowed by the Missouri Sunshine Statute, Section 610.026 RSMo in order to reimburse District taxpayers for the costs attributable to your request for records.

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.

If you wish to have the District engage in a search of its records to determine: (1) if public records exist which are described in your request, or (2) to retrieve public records that may exist, then the District will need a check prior to starting the search and retrieval process. Since we will need to search and retrieve documents spanning a time period of over four (4) years, which may be located in several different locations within the District, we estimate that the cost of the search of our computer archives, retrieval of any documents which may exist, redacting (if necessary) and copying (if necessary) will be no more than one hundred dollars (\$100.00). At the conclusion of the process, the District will provide you with an itemized list of costs. If our estimate is high, the District will return the unused portion of your deposit.

**Based on this information, you may also wish to revise your request to scale down its scope. If that is the case, please let us know. Otherwise, we will wait for you to provide the deposit check to cover the cost of search, retrieval and copying before we begin the retrieval process.**

KRAFT ADMINISTRATIVE CENTER

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



Once your deposit has been received, we will begin the retrieval and copying process. We estimate that it will take ten (10) business days to complete that process from the day we receive your deposit.

Thank you for your request.

Sincerely,

*Kathy L. Looten*

Kathy L. Looten  
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III