

## Looten, Kathy

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**From:** Swayne Loftis <swayneloftis@hotmail.com>  
**Sent:** Wednesday, February 11, 2015 10:09 AM  
**To:** Looten, Kathy  
**Subject:** Sunshine Law request: Copy of Jan 26 letter and responses

Swayne Benson Loftis  
1108 E Locust St  
Springfield, MO 65803  
[swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)

RE: **Sunshine Law request**, copy of the January 26, 2015 email letter that was sent to you and the written responses, if any, from your office and from Superintendent Jungmann.

Date: February 11, 2015

Kathy L. Looten  
Executive Office Liaison/Board Secretary  
Office of the Superintendent  
Springfield Public Schools  
1359 E. St. Louis Street  
Springfield, MO 65802  
417-523-0026

Ms. Kathy Looten,

I respectfully request a copy of the following:

- A. Copy of the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)
- B. Copy of the response, if any, from you to the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)
- C. Copy of the response, if any, from Superintendent Dr. Jungmann to the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)

Please make these materials available to me by the 4:30 pm today, Wednesday, February 11, 2015. Please provide the copies in the same physical size as the originals and I request that they be clear copies.

Please do not mail these materials as that will waste important time. Please call, text, or email me when I can personally pick up these materials.

If it is impossible for you to provide these copies by the 4:30 pm today, Wednesday, February 11, 2015, please "give a detailed explanation of the cause for further delay and the place and the earliest time and date that the records will be available..." as per Missouri Revised Statutes 610.023.3. Copy of Statute below.

"Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause."

If cost is a factor, I will gladly pay what you are charging other citizens for this public material.

This material is time sensitive.

Sincere Thanks,

Swayne Benson Loftis  
Candidate for Springfield, MO R-12 School Board  
417-830-0264



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

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

February 11, 2015

Mr. Swayne Benson Loftis  
1108 E. Locust Street  
Springfield, MO 65803

*Electronic and Pick-up*

Re: Request for Public Records Dated February 11, 2015

Dear Mr. Loftis:

This letter will respond to your electronic mail message dated Wednesday, February 11, 2015, which was received by me that day. Your electronic mail message requests certain documents pursuant to the Missouri Sunshine Law, Section 610.010 *et seq.* The District provides you with the following response.

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 ("District"), the "public governmental body" is the District's Board of Education.

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; 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." [emphasis added]

KRAFT ADMINISTRATIVE CENTER

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

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Generally, the District will not provide you with any public documents which may be encompassed by your request and which are closed records under Section 610.021 RSMo. Included in these closed public documents 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 Section 610.021(1) 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
- 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

With this information in mind, the District's Board of Education provides you with the following response concerning your request for public documents. The request in your electronic mail and the District's response follows:

**Request:** "I respectfully request a complete copy of the following:

- A. Copy of the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)
- B. Copy of the response, if any, from you to the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)
- C. Copy of the response, if any, from Superintendent Dr. Jungmann to the email letter with a subject line of, "Emergency! It seems you didn't enforce all the written rules," sent to you and cc to Superintendent Jungmann, emailed to you at [klooten@spsmail.org](mailto:klooten@spsmail.org), on Monday January 26, 2015. This email was from me using the email address: [swayneloftis@hotmail.com](mailto:swayneloftis@hotmail.com)

**Response:**

- A. A copy of the email is attached.
- B. There are no records that match this request.
- C. There are no records that match this request.

Thank you for your request.

Sincerely,

*Kathy L. Looten*

Kathy L. Looten  
Executive Office Liaison/District Records Custodian

cc: Ransom A Ellis, III