

Providing Insurance and Financial Services  
Home Office, Bloomington, IL



July 28, 2014

David Harrison Elementary School  
3055 W Kildee Ln  
Springfield MO 65810-1166

State Farm Claims  
PO Box 661007  
Dallas TX 75266-1007

RE: Claim Number: [REDACTED]  
Date of Loss: April 01, 2014  
Our Insured: Jason & Aleasha Coons  
Claimant Name: [REDACTED]

David Harrison Elementary School:

We have the Homeowners Insurance policy for Jason and Aleasha Coons and have been put on notice of an injury on the school playground which occurred on April 1, 2014 to [REDACTED] by his attorney at Douglas, Hahn and Heidemann.

It is my understanding that your accident report has been concluded and we are, under the Freedom of Information Act, requesting a copy of the report and copies of any and all photographs taken in the course of the report, together with any other data acquired or assembled in the course of the report, including statements and testing.

If there is other or further information that is required in order to obtain this information, please advise and we will attempt to so comply. Please advise of any charges for copying and/or handling.

Thank you for your cooperation in this matter.

From:

08/05/2014 09:19

#223 P.003/003

[REDACTED]

Page 2  
July 28, 2014

Sincerely,

*Alane Laughlin*

Alane Laughlin  
Claim Representative  
Ph: (918) 641-2953

Fax: (800) 647-4683

State Farm Fire and Casualty Company

cc: Jason & Aleasha Coons

[REDACTED]

[REDACTED]



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

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

August 12, 2014

Ms. Alane Laughlin  
Claim Representative  
State Farm Fire and Casualty Company  
P.O. Box 1007  
Dallas TX 75266-1007

***Certified, Return Receipt Requested***

Dear Ms. Laughlin:

This letter will respond to your letter dated July 28, 2014, which was addressed to David Harrison Elementary School. The letter was forwarded to me on August 8, 2014. Your letter requests certain public records pursuant to the "Freedom of Information Act."

Please be advised that the State of Missouri does not have a Freedom of Information Act. In the event you are referring to the federal Freedom of Information Act, 5 U.S.C. § 552, it applies only to agencies of the Federal Government and does not apply to the States or political subdivisions of the States. Notwithstanding, the District will treat your request as being brought pursuant to the Missouri Sunshine Law, Section 610.010 RSMo *et seq.* and provide you with a response pursuant to that statute.

It is also noted that all requests pursuant to the Missouri Sunshine Law should be directed to me as the District's Custodian of Records. The fact that you misdirected your request to a school building, especially during the Summer months, has slowed the processing of the request.

Further, 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 request 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.

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).

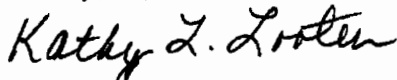
Your letter requests the following public records:

**Request:** "It is my understanding that your accident report has been concluded and we are, under the Freedom of Information Act, requesting a copy of the report and copies of any and all photographs taken in the course of the report, together with any other data acquired or assembled in the course of the report, including statements and testing."

**Response:** As we understand your letter, State Farm is the carrier for Jason and Aleasha Coons and you are requesting that the District provide you with an accident report and other documents concerning an accident that you indicate occurred on April 1, 2014, which allegedly injured a child named [REDACTED] who is not related to Mr. and Mrs. Coons. Please be advised that, to the extent that any such records actually exist, such records would contain personally identifiable information regarding [REDACTED] and are protected from disclosure by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and its regulations, 34 C.F.R. Part 99 ("FERPA"). Because these records, if they exist, are subject to the FERPA protections, they constitute closed records under the Missouri Sunshine Act, Section 610.021(14). Accordingly, the District declines to provide you with the records you have requested, to the extent that they exist.

Thank you for your request.

Sincerely,



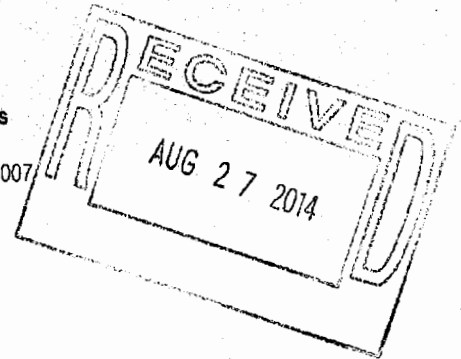
Kathy Looten  
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III  
Nancy Ragains

August 22, 2014

Springfield Public Schools  
Attn: Kathy Looten  
1359 E St Louis St  
Springfield MO 65802-3409

State Farm Claims  
PO Box 661007  
Dallas TX 75266-1007



RE: Claim Number: [REDACTED]  
Date of Loss: April 01, 2014  
Our Insured: Jason Coons  
Claimant Name: Aiden Bailey

Dear Ms. Looten:

I appreciate you responding to our request even though we referred to the wrong law, statute or act. As the school had not responded to my voicemails which was before the beginning of summer vacation I did not know where to send our request. As such, thankfully it did get directed to you.

I understand your response of not providing any information as [REDACTED] is not related to Mr. and Mrs. Coons. However, what I need from the school is whether [REDACTED] was involved in the accident with [REDACTED] attorney is pursuing a claim against Mr. and Mrs. Coons alleging that [REDACTED] pushed [REDACTED] off the playground equipment.

Please respond and let me know if [REDACTED] was reported to have been involved.

Sincerely,



Alane Laughlin  
Claim Representative  
Ph: (918) 641-2953

Fax: (800) 647-4683

State Farm Fire and Casualty Company

cc: Jason Coons  
3517 S Sunrise Ave  
Springfield MO 65807-0966



Helping today's kids fill tomorrow's promise.

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John E. Jungmann, Ed.D.  
Superintendent

August 29, 2014

Ms. Alane Laughlin  
Claim Representative  
State Farm Fire and Casualty Company  
P.O. Box 1007  
Dallas TX 75266-1007

***Certified, Return Receipt Requested***

Dear Ms. Laughlin:

This letter will respond to your letter dated August 27, 2014, which is a follow-up letter to my letter to you dated August 12, 2014.

The District treated your previous letter as a request pursuant to the Missouri Sunshine Law, Section 610.010 RSMo *et seq.* Your request in that letter was that the District provide you with "public records" involving an accident you indicated occurred on April 1, 2014, which involved two children. In our letter to you we indicated that any records, if they exist, are subject to the privacy protections of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and its regulations, 34 C.F.R. Part 99 ("FERPA"). Because these records, if they exist, are subject to the FERPA protections, they also constitute closed records under the Missouri Sunshine Act, Section 610.021(14).

In your most recent letter, you state that you need to know "whether [REDACTED] [REDACTED] was involved in the accident with [REDACTED]". The information you have requested, if it exists, constitutes "personally identifiable information" concerning present or former students of the District. As such, if the information exists, it is protected from disclosure to you by FERPA, as we indicated to you in our previous letter. Accordingly, the District is unable to provide you with an answer to your question.

Hopefully this letter has provided you with a full explanation concerning your request.

Sincerely,

*Kathy L. Looten*

Kathy Looten  
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III  
Nancy Ragains