

Looten, Kathy

From: Riley, Claudette <criley@springfi.gannett.com>
Sent: Monday, September 08, 2014 10:40 AM
To: Looten, Kathy
Subject: Sunshine Law request

Sept. 8, 2014

Kathy Looten, custodian of records
Springfield Public Schools
1359 E. St. Louis St.
Springfield, MO 65802

To Kathy Looten,

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri. I request that you make available to me the following records:

---Written reports for all weapons violations during the 2013-14 school year.

State Statutes Reports

---Reports for any weapons reports so far during the 2014-15 school year.

I request that all records be made available in electronic format, especially those sent electronically or in any PDF response.

I request that the records responsive to my request be sent to me via email, if possible, at criley@news-leader.com. If they require being copied to physical media, we may be able to pick them up at your office or they can be sent to:

Claudette Riley
c/o The Springfield News-Leader
651 N. Boonville Ave.
Springfield, MO 65806

I request that all fees for locating and copying the records be waived. The information I obtain through this request will be used to inform the public of how taxpayer dollars are being spent on personnel.

Please let me know in advance of any search or copying if the fees will exceed \$50.

If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.

Thank you for your help on this matter.

CLAUDETTE RILEY
K-12 education reporter
Office: 417-836-1240
Cell: 417-225-0210
Criley@news-leader.com
@CrileyNL

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John E. Jungmann, Ed.D.
Superintendent

September 11, 2014

Ms. Claudette Riley
c/o The Springfield News-Leader
651 N. Boonville Ave.
Springfield, MO 65806

Dear Ms. Riley:

This letter will respond to your email dated Monday, September 8, 2014, which was received by me that day. Your request asks for certain public records pursuant to the Missouri Sunshine Statute as follows:

“Written reports for all “state statute” weapons violations during the 2013-14 school year.
Reports for any “state statute” weapons reports so far during the 2014-15 school year.

I request that all records be made available in an electronic database or spreadsheet format.”

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 governmental body” also includes certain other defined entities, including:

“(e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body’s governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds . . .”

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]

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, Section 610.021 RSMo.

"610.026. Fees for copying public records, limitations--fee money remitted to whom--tax, license or fee as used in Missouri Constitution Article X section 22 not to include copying fees

1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

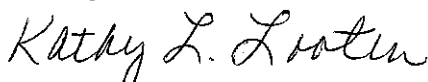
(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming."

With this explanation in mind, the Board responds as follows to your request:

The District will provide you with the documents you have requested. We estimate that the cost of research and retrieval of these documents will be eighty five dollars (\$85.00).

If you wish to have the District pull these records, as noted above, then the District will need a check in the specified amount prior to starting the retrieval process.

Sincerely,



Kathy L. Looten
Executive Office Liaison/District Records Custodian

cc: Ransom A Ellis, III