

Looten, Kathy

From: Riley, Claudette <criley@springfi.gannett.com>
Sent: Tuesday, November 17, 2015 12:23 PM
To: Looten, Kathy
Subject: Sunshine Law request

Nov. 17, 2015

Kathy Looten
Custodian of Records, Springfield Public Schools
1359 St. Louis St.
Springfield, MO 65802

RE: Sunshine Request - delivered via email

I am requesting the following information under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri:

- Copies of any and all school police incident reports involving a weapon at Portland Elementary during the 2015-16 school year.

I request that the records be provided in an electronic database or spreadsheet format and that all fees for copies be waived. I ask for this waiver because the information obtained under this request will be used in the public interest and is "likely to contribute significantly to public understanding" of government operations and is not primarily in the commercial interest of myself or the news organization I represent, as defined under RSMo 610.026.1(1).

If costs are involved and are expected to exceed \$50, please contact me before proceeding at one of the phone numbers below.

If portions of the requested records are exempt from disclosure, the state Sunshine Law requires you to segregate those portions and release the remainder of the records. The state law also requires you to justify all deletions in writing by citing specific statutory exemptions.

If you have any questions regarding this request, please do not hesitate to contact me using the addresses or telephone numbers listed below. Thank you for your prompt attention to this request.

Sincerely,

CLAUDETTE RILEY

Education reporter

Office: 417-836-1240

Cell: 417-225-0210

Criley@news-leader.com

@CrileyNL



Helping today's kids fill tomorrow's promise.

John E. Jungmann, Ed.D.
Superintendent

November 23, 2015

Ms. Claudette Riley
Springfield News Leader
criley@news-leader.com

Electronic Mail

Dear Ms. Riley:

This letter will respond to your email which was received by me on November 17, 2015. Your email requests certain public records pursuant to the Missouri Sunshine Statute. Your email requests the following:

"I am requesting the following information under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri:

"Copies of any and all school police incident reports involving a weapon at Portland Elementary during the 2015-16 school year."

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]

Response To Your Request

Your email sets forth a request for “any and all school police incident reports involving a weapon at Portland Elementary during the 2015-16 school year.”

Response:

To the extent that the District (as opposed to the District’s School Police) has any documents which constitute “school police incident reports involving a weapon at Portland Elementary during the 2015-16 school year,” such records are “closed public records” pursuant to:

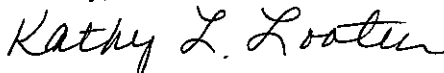
- Section 610.021(6) RSMo, because the documents contain “personally identifiable information” concerning students in the District and such information is not readily capable of being redacted; and,
- Section 610.012(14) RSMo, because the documents contain “personally identifiable information” concerning students in the District which is protected from disclosure by the Family Educational Rights and Privacy Act and its regulations, 34 C.F.R. Part 99.

To the extent that the District’s School Police (as opposed to the District) has any documents which constitute “school police incident reports involving a weapon at Portland Elementary during the 2015-16 school year,” such records are “closed public records” pursuant to:

- Section 610.012(14) RSMo, because the documents contain “personally identifiable information” concerning juvenile individuals; and,
- Section 610.100.3 RSMo, because the documents are “Investigative Reports” and it is the understanding of the District that they are a part of an ongoing investigation and the release of such documents may jeopardize a criminal investigation.

Thank you for your request.

Sincerely,



Kathy Looten
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III