

Looten, Kathy

Subject: Freedom of Information Act Request

From: Fred Bentsen [<mailto:FBentsen@source4teachers.com>]

Sent: Monday, March 13, 2017 1:42 PM

To: Pelletier, David

Subject: Freedom of Information Act Request

Hello,

I believe that your district is partnering with Kelly Education Services for support with substitute teachers. I would like to review your contract with them as I believe that is a public document.

Kindest Regards,
Fred

Fred A. Bentsen
Director of Business Development

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March 14, 2017

Mr. Fred A. Bentsen
FBentsen@Source4Teachers.com

Sent By Electronic Mail

Dear Mr. Bentsen:

This letter will respond to your email dated March 13, 2017, and received by me on March 14, 2017.

Your email requests certain public records pursuant to the Missouri Sunshine Statute. Your email requests the following:

“I believe that your district is partnering with Kelly Education Services for support with substitute teachers. I would like to review your contract with them as I believe that is a public document.”

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 Board of Education for the District.

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 requests 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.

With this information in mind, the District provides you with the following response concerning your request for public documents.

Response To Your Request

Your request has been approved. I have attached a copy of the Kelly Educational Services contract with Springfield R-12 Public Schools.

Thank you for your request.

Sincerely,

Kathy L. Looten

Kathy Looten
Executive Office Liaison/Records Custodian

cc: Ransom A. Ellis, III