

Looten, Kathy

Subject: Freedom of Information Act Documents

From: Pete Kjorvestad <pkjorvestad@gmail.com>

Date: Monday, April 10, 2017 at 9:47 AM

To: SPS <jejungmann@spsmail.org>

Subject: Freedom of Information Act Documents

April 10, 2017

Dr. John Jungmann
Superintendent of Springfield Public Schools
jejungmann@spsmail.org

Dear Dr. John Jungmann:

Under the Missouri Sunshine Law § 610.023 et seq., I am requesting to obtain copies, via email, of public records that pertain to Kenneth (Pete) Kjorvestad over the last year, May 1 2016 to April 10, 2017. These documents would include, any and all correspondence and/or documentation (letters, emails, conversations, evaluations, notes texts ...etc.) about Kenneth (Pete) Kjorvestad, involving Kenneth (Pete) Kjorvestad's name or referencing Kenneth (Pete) Kjorvestad without his name being given, between the Parties listed below:

Springfield Board of Education and Dr. John Jungmann
Springfield Board of Education and Lisa Turner
Springfield Board of Education and Amber Salsman
Springfield Board of Education and Dr. Bill Powers
~~Springfield Board of Education and Kenneth (Pete) Kjorvestad~~
Dr. John Jungmann and Lisa Turner
Dr. John Jungmann and Amber Salsman
Dr. John Jungmann and Dr. Bill Powers
Dr. John Jungmann and Kenneth (Pete) Kjorvestad
Lisa Turner and Amber Salsman
Lisa Turner and Dr. Bill Powers
Lisa Turner and Kenneth (Pete) Kjorvestad
Amber Salsman and Dr. Bill Powers
Amber Salsman and Kenneth (Pete) Kjorvestad
Dr. Bill Powers and Kenneth (Pete) Kjorvestad

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. However, I would also like to request a waiver of all fees of the requested information. This information is not being sought for commercial purposes.


The Missouri Sunshine Law requires a response within three business days. If access to the records I am requesting will take longer than this time period, please contact me at 417-988-1841 or pkjorvestad@gmail.com

If you choose to deny any or all of the request, then you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial. If any records are denied please notify me of the appeal procedures available to me under the law.

Thank you for your assistance on this matter.

Respectfully,

Kenneth (Pete) Kjorvestad

 Sent with Mailtrack



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April 13, 2017

Mr. Kenneth W. Kjorvestad
2075 Melbourne Court
Springfield, MO 65810

Sent By Electronic Mail

Dear Mr. Kjorvestad:

This email will respond to your email which was dated April 10, 2017, and was received by me on April 10, 2017. Your email was sent to Dr. John Jungmann rather than to me as the District's Records Custodian, which caused a slight delay.

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

“Under the Missouri Sunshine Law § 610.023 et seq., I am requesting to obtain copies, via email, of public records that pertain to Kenneth (Pete) Kjorvestad over the last year, May 1, 2016 to April 10, 2017. These documents would include, any and all correspondence and/or documentation (letters, emails, conversations, evaluations, notes texts ...etc.) about Kenneth (Pete) Kjorvestad, involving Kenneth (Pete) Kjorvestad's name or referencing Kenneth (Pete) Kjorvestad without his name being given, between the Parties listed below:

Springfield Board of Education and Dr. John Jungmann
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Lisa Turner and Amber Salsman
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Lisa Turner and Kenneth (Pete) Kjorvestad
Amber Salsman and Dr. Bill Powers
Amber Salsman and Kenneth (Pete) Kjorvestad
Dr. Bill Powers and Kenneth (Pete) Kjorvestad.”

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]

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

Response To Your Requests

Please accept the following response to the requests contained in your email, which are set out above:

1. Your request generally asks for "Open Public Records" which constitute correspondence (letters, emails, conversations, evaluations, notes, texts, etc.) about you, naming or referencing you without naming you. With the exception of the Open Public Records specified below, any Public Records that exist are "Closed Public Records" for the following reasons:

- A. The Records are subject to Section 610.021(1) RSMo, and therefore "Closed Public Records," in that the Records constitute confidential or privileged communication between the District or its representatives and its attorneys;
- B. The Records are subject to Section 610.021(3) RSMo, and therefore "Closed Public Records," in that the Records involve the hiring, firing or disciplining of particular employees of the District where "personal information" about the employee is discussed;

- C. The Records are subject to Section 610.021(13) RSMo, and therefore “Closed Public Records,” in that the Records constitute “individually identifiable personnel records, performance ratings or records pertaining to an employee” of the District;
- D. The Records are subject to Section 610.021(14) RSMo, and therefore “Closed Public Records,” because the Records “are protected from disclosure by law” in that they constitute Attorney Work Product and confidential and privileged communications between the District, its representatives and its attorneys.
- E. The Records are “Closed Public Records,” because they are minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and are not otherwise required to be revealed.
- F. The Records are not “Public Records” of the “Public Governmental Body” as defined by Section 610.010 (4) and (6), RSMo.

2. We are only aware of the following Open Public Records which may meet your request:

- Statement of Charges Preferred Against Kenneth W. (“Pete”) Kjorvestad and Notice of Hearing which is dated April 7, 2017, with attached Exhibits;
- Notice of Deficiencies, dated February 10, 2017, with attached Exhibits;
- Email from Human Resources to all staff dated March 15, 2016;
- Email from William Powers to Amber Salsman dated May 6, 2016;
- Email from Amber Salsman to you and others dated December 2, 2016;
- Email from Amber Salsman to you and others dated December 12, 2016;
- Email from you to Amber Salsman dated December 22, 2016;
- Email from you to Amber Salsman dated January 3, 2017;
- Letter from Dr. Bill Powers to you dated January 24, 2017;
- Letter from Lisa Turner to you dated February 1, 2017
- Letter from Lisa Turner to you, dated February 10, 2017;
- Letter from Amber Salsman to you dated February 15, 2017;
- Letter from Amber Salsman to you dated February 21, 2017;
- Letter from Amber Salsman to you dated February 28, 2017;
- Letter from Amber Salsman to you dated March 7, 2017.

These documents constitute Open Public Records because they are the formal documents and exhibits to the formal documents in your upcoming hearing before the District’s Board of Education pursuant to the Teacher Tenure Act, Section 168.102 *et seq*, RSMo. All of these documents have previously been provided to you.

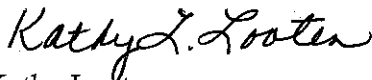
3. It is possible that your name was set out in the minutes of Open Board of Education meetings during the period May 1, 2016 to April 10, 2017. If so, the minutes of Open Board of Education meetings are “Open Public Records” to which you are entitled. The minutes of Open Board of Education meetings are available on-line at the following web address:

[http://www.springfieldpublicschools.org/pages/SPSMO/DistrictInfo/Board of Education](http://www.springfieldpublicschools.org/pages/SPSMO/DistrictInfo/Board_of_Education)

4. The District may have other documents which meet the description of the documents you are requesting, but which are not "Open Public Records." These documents, which are not subject to disclosure pursuant to the Missouri Sunshine Statute, may be contained in your personnel file. Access to your personnel file is governed by Board of Education Policy GBL – Personnel Files. The Policies of the District's Board of Education may be accessed on the District's Web page.

Thank you for your request.

Sincerely,



Kathy Looten
Executive Office Liaison/Records Custodian

cc: Ransom A Ellis, III