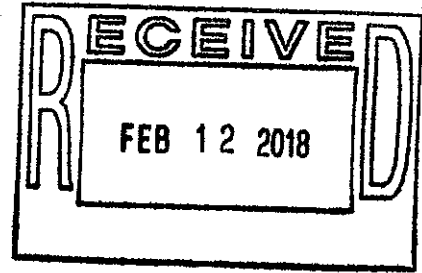


February 12, 2018

Human Resources Department  
Springfield R-12 School District  
1359 E. St. Louis St.  
Springfield, MO 65802



To Whom It May Concern:

This letter is a request under the Missouri Sunshine Law. Pursuant to the provisions of Chapter 610 of the Missouri Revised Statutes, we request that you provide a copy of the following:

The full employment contract, including salary and any benefits, for all individuals who have served as Superintendent of schools in the Springfield R-12 School District for the school year 2010-2011 through 2017-2018

Pursuant to the Missouri Sunshine Law (Mo. Rev. Stat. § 610.023.3), I would like the records to be in one of the following electronic formats: PDF or Word document.

This request must "be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received." Mo. Rev. Stat. § 610.023.3.

Because this records request is being submitted in the public interest and "is likely to contribute significantly to public understanding of the operation or activities" of the Springfield R-12 School District, we ask that you waive any fees or charge a substantially reduced fee pursuant to Mo. Rev. Stat. § 610.026.1(1). However, should you decline to waive or reduce fees, proceed without further approval if the cost does not exceed \$0.00 and send a detailed invoice with the records. If the cost will exceed \$0.00, please do not proceed and inform us of the estimated cost in advance with a detailed invoice.

Do not hesitate to contact us with any questions. We appreciate your attention to this matter.

Sincerely,

*Philip Oehlerking*

Philip Oehlerking  
Research Assistant  
Show-Me Institute



*Engaging. Relevant. Personal.  
Every Learner – Every Day*

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February 15, 2018

The Show-Me Institute  
Attn: Philip Oehlerking, Research Assistant  
[philip.oehlerking@ShowMeinstitute.org](mailto:philip.oehlerking@ShowMeinstitute.org)

Dear Mr. Oehlerking:

This letter will respond to your email/letter dated February 12, 2018, which was addressed to the Human Resources Office of the School District of Springfield, R-XII. Your email/letter was forwarded to me on February 12, 2018. Your email/letter requests certain public records pursuant to the Missouri Sunshine law, Section 610.010 RSMo *et seq.*

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-XII, the “public governmental body” is the Board of Education for the School District of Springfield, R-XII. 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).

**“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.”

Your email requests the following public records:

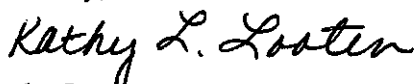
**Request:** “The full employment contract, including salary and any benefits, for all individuals who have served as Superintendent of schools in the Springfield R-12 School District for the school year 2010-2011 through 2017-2018.”

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

The records you have requested are public records and will be provided. We estimate that the cost of the search and retrieval of these documents will be no more than thirty-five dollars (\$35.00). At the conclusion of the process, the District will provide you with an itemized list of costs. If our estimate is high, the District will return that portion of your payment. Once payment is received, we will proceed with searching, retrieving and printing the requested public records.

Thank you for your request.

Sincerely,



Kathy L. Looten  
Executive Office Liaison/Records Custodian

cc: Ransom A. Ellis, III