



April 5, 2023

VIA ONLINE FORM

Arizona Department of Education
1535 West Jefferson Street
Phoenix, AZ 85007
Via Online Form

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Department of Education promptly produce the following records:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by empower@azed.gov.
2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by any employee of the Department of Education from that employee's individual email account in response to any message originally sent to the empower@azed.gov email address or tips called into the tip line phone number 602-771-3500.
3. Records sufficient to indicate the number of tips that have been sent to the empower@azed.gov email account or called into the tip line phone number 602-771-3500, the types of tips received if categorized by your office, and the number of investigations opened based on those tips.

Such records may include, but are not limited to, logs, reports, lists, spreadsheets, charts, summaries, and/or memoranda. To the extent that this information is aggregated and maintained in a database or spreadsheet, American Oversight requests a printout from the database.

For parts 1-3 of this request, please provide all responsive records from March 9, 2023, through the date the search is conducted.

4. Any policies or procedures governing or reflecting (a) the creation or operation of the empower@azed.gov email account and tip line phone number 602-771-3500 or (b) the review or investigation of any tips received



through the tip line (including, but not limited to, records concerning the documentation or preservation of any received tips, the process for investigating, corroborating, or determining the credibility of received tips, and the process for determining whether a received tip warranted any further review, investigation, or other action).

5. All email communications (including any email messages, attachments, or calendar invitations) sent by any of the Department of Education individuals listed below containing any of the key terms, also listed below:

Department of Education Individuals:

- a) Superintendent of Public Instruction Tom Horne
- b) Deputy Superintendent Margaret Garcia Dugan
- c) Associate Superintendent Joseph Guzman
- d) Associate Superintendent Sid Bailey
- e) Associate Superintendent Michelle Udall
- f) Associate Superintendent Catherine Barrett
- g) Chief Strategy Officer Edward Cota

Key terms:

- a. empower@azed.gov
- b. “tip line”
- c. Tipline
- d. “hot line”
- e. hotline
- f. CRT
- g. “Critical Race Theory”
- h. Divisive
- i. Racist
- j. “Parents Defending Education”
- k. PDE
- l. “Parents Against Critical Theory”
- m. PACT
- n. “Fight for Schools”
- o. FFS
- p. Woke
- q. Indoctrination

For parts 4-5 of this request, please provide all responsive records from January 9, 2023, through the date the search is conducted.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited parts 1, 2, and 5 of this request to emails sent by empower@azed.gov, Department of Education employees, and the specified Department of Education individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages.

For example, with respect to part 1, this means that if empower@azed.gov sent an email responding to an incoming message, both empower@azed.gov's response and the initial received message are responsive to this request and should be produced.

For all parts of this request, American Oversight does not object to the redaction of the names, phone numbers, or other personally identifying information of any tipster, or any person who is the subject of tips or complaints from records responsive to this request.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding a critical race theory tip line set up by the Arizona Department of Education.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including how the Department of Education is responding to tips submitted to the tip line.

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.³ Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

¹ See, e.g., *Arizona schools chief sets up critical race theory hotline*, AP News, Mar. 10, 2023, <https://apnews.com/article/arizona-critical-race-theory-hotline-5466b192f8209decb12c3650e749aaff>.

² American Oversight currently has approximately 16,000 followers on Facebook and 112,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited April 4, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited April 4, 2023).

³ A.R.S. § 39-121.01(D)(1); see also *Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes,

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate

additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks

Ben Sparks
on behalf of
American Oversight