



May 2, 2023

VIA EMAIL

Rebecca S. Askew
Virginia Department of Education
Policy Office
P.O. Box 2120
Richmond, VA 23218
foia@doe.virginia.gov

Re: Virginia Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700, I, Heather Sawyer, a resident of Virginia, make the following request for records.

Requested Records

I request that your office produce the following records within five working days:

1. All email communications (including any email messages, complete email chains, attachments, or calendar invitations) between (a) any of the Virginia Department of Education officials listed below and (b) anyone communicating on behalf of College Board or the Florida Department of Education, including, but not limited to, anyone communicating from an email address ending in one of the following domains: info.collegeboard.org, collegeboard.org, or fldoe.org.

Virginia Department of Education Officials:

- a) Secretary of Education Aimee Guidera
- b) Former Superintendent Jillian Balow
- c) Chief of Staff Jeremy Raley
- d) Superintendent Lisa Coons
- e) Former Chief of Staff Richard Shanor
- f) Deputy Superintendent Kimberly Richey
- g) Director of Policy Dr. Leslie Sale
- h) Assistant Superintendent Elizabeth Schultz
- i) Any Virginia Department of Education officials assigned to coordinate or work on the review of the A.P. African American studies course

For part 1 of this request, please provide responsive records from February 1, 2023, through the date the search is conducted.

2. All email communications (including any email messages, complete email chains, attachments, or calendar invitations) sent by any of the Virginia Department of Education officials listed above in part one to any individual outside of the Department of Education containing any of the following key terms, listed below:

Key terms:

- a) "African American studies"
- b) "College Board"
- c) "Black Lives Matter"
- d) Indoctrination
- e) Woke
- f) "Advanced Placement"

For part two of this request, please provide responsive records from December 1, 2022, through the date the search is conducted.

For part two of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that Assistant Superintendent Elizabeth Schultz's response to an email with a responsive key term and the initial received message are both responsive to this request and should be produced.

Please notify me of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with my request for records, I provide the following guidance regarding the scope of the records sought and the search and processing of records:

- 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. I 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.
- My 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 this request, this 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.
- 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.

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 me, please do not hesitate to reach out to my representative at the contact information listed below to discuss this request. We welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we 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 to the address listed below. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

We share a common mission to promote transparency in government. I look forward to working with your agency on this request. If you do not understand any part of this request, please contact Rachel Baron at records@americanoversight.org or (202) 897-2465.

Sincerely,

/s/Heather Sawyer
/Heather Sawyer