



November 16, 2023

VIA EMAIL

Office Of Public Instruction
General Information
P.O. Box 202501
Helena, MT 59620
Brian.O'Leary@mt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records in a timely manner:

1. All email communications (including email messages, complete email chains, calendar invitations, and any attachments thereto) between (a) any of the Montana Office of Public Instruction officials listed below, or anyone communicating on their behalf, such as an assistant or secretary, and (b) anyone communicating on behalf of PragerU, including, but not limited to, anyone communicating from an email address ending in prageruniversity.com or prageru.com.

Montana Office of Public Instruction Officials

- a) Superintendent of Public Instruction Elsie Arntzen
- b) Chief Legal Counsel Rob Stutz
- c) Assistant Superintendent Christy Mock-Stutz
- d) Scheduler Anna Hoerner
- e) Teaching & Learning Senior Manager Marie Judisch
- f) Chief Program Officer Julie Murgel

For part one of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if Chief Program Officer Julie Murgel received a mass-distribution news clip email from PragerU, that initial email would not be



responsive to this request. However, if Chief Program Officer Julie Murgel responded to that email with her own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) containing the term “Prager” sent by any of the Montana Office of Public Instruction officials listed below, or anyone communicating on their behalf, such as an assistant or secretary.

Montana Office of Public Instruction Officials

- a) Superintendent of Public Instruction Elsie Arntzen
- b) Chief Legal Counsel Rob Stutz
- c) Assistant Superintendent Christy Mock-Stutz
- d) Scheduler Anna Hoerner
- e) Teaching & Learning Senior Manager Marie Judisch
- f) Chief Program Officer Julie Murgel

For part two of this request, in an effort to accommodate the Montana Office of Public Instruction and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails sent by any of the officials listed above or anyone communicating on their behalf and containing the above key term. 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 both a listed official’s response to an email and the initial received message are responsive to this request and should be produced.

3. All records related to the Montana Office of Public Instruction’s evaluation and approval process that resulted in signing a textbook licensing agreement for PragerU educational materials.

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

Please notify American Oversight 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 its request for records, American Oversight provides 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. 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.
- 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 American Oversight, please do not hesitate 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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.com.¹

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 Rachel Baron at records@americanoversight.org or (202)897-2465.

Sincerely,

/s/ Rachel Baron

Rachel Baron

on behalf of

American Oversight

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,200 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 1, 2023); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Nov. 1, 2023).