



October 26, 2023

VIA EMAIL

Elizabeth Brown
New Hampshire Department of Education
25 Hall Street
Concord, NH 03301
RightToKnow@doe.nh.gov

Re: Right-to-Know/Public Records Request

Dear Records Custodian(s):

Pursuant to Part I, Article 8 of the New Hampshire Constitution, and New Hampshire's Right-to-Know Law, as codified at RSA Chapter 91-A, American Oversight makes the following request for records.

Requested Records

American Oversight requests that the New Hampshire Department of Education produce the following records within five business days:

1. All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) between (a) any New Hampshire Department of Education official listed below—or anyone communicating on their behalf, such as an assistant or secretary—and (b) anyone communicating on behalf of an external entity or individual listed below, including, but not limited to, anyone communicating from the listed email address(es) or an email address ending in a listed domain.
 - A. New Hampshire Department of Education Officials:
 - a. Board of Education Member Kate Cassady
 - b. Board of Education Member Ann Lane
 - c. Board of Education Member Phillip Nazzaro
 - d. Board of Education Member Drew Cline
 - e. Board of Education Member Ryan Terrell
 - f. Board of Education Member James Fricchione
 - g. Board of Education Member Richard Sala
 - h. Commissioner Louis Frank Edelblut
 - i. Deputy Commissioner Christine Brennan
 - j. Attorney Elizabeth Brown
 - B. External Entities and Individuals:
 - a. Alliance Defending Freedom (adflegal.org)
 - b. America First Legal (aflegal.org and athospr.com)



- c. American Enterprise Institute (aei.org)
- d. American Family Association (afa.net)
- e. Americans for Prosperity (americansforprosperity.org and americansforprosperityfoundation.org)
- f. Center for Renewing America (americarenewing.com)
- g. Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, and crufu@manhattan-institute.org)
- h. Concerned Women for America (concernedwomen.org and cwfa.org)
- i. Family Policy Alliance (familypolicyalliance.com)
- j. Family Research Council (frc.org or frcaction.org)
- k. Fight for Schools (fightforschools.com)
- l. Heritage Foundation (heritage.org and heritageaction.com)
- m. Hillsdale College (hillsdale.edu)
- n. Independent Women’s Forum (iwf.org)
- o. Liberty Institute (liberty.edu)
- p. Manhattan Institute (manhattan.institute or manhattan-institute.org)
- q. Moms for Liberty (momsforliberty.org), including any county chapters
- r. No Left Turn in Education (noleftturn.us)
- s. Parents Defending Education (defendinged.org)
- t. PragerU (prageruniversity.com and prageru.com)
- u. Vermilion Education (vermilioneducation.com)
- v. 1776 Project PAC (1776projectpac.com)

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 forwarding such emails are responsive to this request. In other words, for example, if a listed official received a mass-distribution news clip email from Alliance Defending Freedom (adflegal.org), that initial email would not be responsive to this request. However, if that official forwarded that email to another individual with his 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 either of the terms “Prager” or “cash course” sent by any the New Hampshire Department of Education official listed in part one of this request, or anyone communicating on their behalf, such as an assistant or secretary.

In an effort to accommodate the New Hampshire Department of Education and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 2 of 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.

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

Pursuant to RSA § 91-A:4, IV, I ask that any charges in connection with processing this request for records not exceed the actual cost of providing the copy, if any.

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. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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 any responsive records are exempt from disclosure, in whole or in part, please state specifically the justification for the withholding with reference

to the applicable section of the Right-to-Know Law or other legal authority that exempts the information from disclosure.

- 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

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 11, 2023); American

understand any part of this request, please contact Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight

Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Oct. 11, 2023).