



February 13, 2024

**VIA EMAIL**

Peggy Epstein  
Board Secretary  
West Des Moines Community Schools  
3550 Mills Civic Parkway  
West Des Moines, IA 50265  
[epsteinp@wdmcs.org](mailto:epsteinp@wdmcs.org)

**Re: Public Records Request**

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that West Des Moines Community Schools produce the following records promptly, or as soon as feasible:

1. Records sufficient to identify the **number** of West Des Moines Community Schools student accommodation requests reported to a student's parent or guardian under the duties outlined in Iowa Code § 279.78, or Section 14 of Senate File 496 (SF496), titled "Parental Rights in Education."<sup>1</sup>

Example of a responsive records may include, but are not limited to, spreadsheets, lists, reports, or communications records, etc., with redactions applied to any personally identifiable information of students.

To the extent that this information is aggregated and maintained in a database or spreadsheet,<sup>2</sup> American Oversight would accept as responsive a printout from the database containing fields reflecting the date and key facts of the reports.

2. Records sufficient to identify the **number** of investigations opened since May 26, 2023, regarding or including potential violations of Iowa Code § 279.78.

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<sup>1</sup> For further identifying information, *see* Senate File 496 (2023), <https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF496>.

<sup>2</sup> American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.



To the extent that this information is aggregated and maintained in a database or spreadsheet,<sup>3</sup> American Oversight would accept as responsive a printout from the database containing fields responsive to this request.

3. Any final written decisions or findings of fact issued or resulting from any hearings or other disciplinary proceedings held for potential violations of Iowa Code § 279.78.
4. Records indicating the demotion or discharge (including resignation in lieu of termination) of a school district official or employee due to violations of Iowa Code § 279.78.

To be clear, American Oversight does not request—and all parts of this request specifically exclude—any personal information regarding students reported for matters related to their gender, sex, gender identity, or sexual orientation.

For all parts of this request, please provide all responsive records from May 26, 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:

- 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.<sup>4</sup> 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.

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<sup>3</sup> American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your agency maintains such data in a database or other format that can be readily exported into such format.

<sup>4</sup> *See* Iowa Code § 22.1(3).

- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Law.<sup>5</sup>
- 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

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<sup>5</sup> See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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.<sup>6</sup>

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 Taylor Stoneman at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman  
Taylor Stoneman  
on behalf of  
American Oversight

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<sup>6</sup> 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 Feb. 12, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 12, 2024).