

September 15, 2023

VIA EMAIL

Custodian of Records
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, AR 72201
Kalee.Haywood@ade.arkansas.gov

Re: Arkansas Freedom of Information Act Request

Dear Custodian of Records:

Pursuant to the Arkansas Freedom of Information Act of 1967, Ark. Code § 25-19-101, I, a citizen of Arkansas, make the following request to the Arkansas Department of Education (ADE).

Requested Records

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) the ADE officials listed in Column A below and (B) the external entities and individuals listed in Column B below, including, but not limited to, anyone communicating from the listed email address(es) or an email address ending in the listed domain(s).

Column A: ADE Officials	Column B: External Entities and Individuals
<ol style="list-style-type: none">1. Secretary of Education Jacob Oliva, or anyone communicating on his behalf2. Former Secretary Johnny Key, or anyone communicating on his behalf3. Chief of Staff Courtney Salas-Ford4. Former Chief of Staff Gina Windle5. Deputy Commissioner Stacy Smith6. Assistant Commissioner of Learning Services Kiffany Pride7. Chief Legal Counsel Andres Rhodes8. Director of Curriculum Projects Amy Counts	<ol style="list-style-type: none">1. Alliance Defending Freedom (adflegal.org)2. Family Research Council (frc.org or frcaction.org)3. Family Policy Alliance (familypolicyalliance.com)4. American Family Association (afa.net)5. Concerned Women for America (concernedwomen.org or cwfa.org)6. Heritage Foundation (heritage.org and heritageaction.com)7. Moms for Liberty (momsforliberty.org, moms4libertycraighead@gmail.com, or m4lwacoar@gmail.com)8. Fight for Schools (fightforschools.com)

<p>9. Public School Program Advisor Kandys Triplett</p> <p>10. Administrative Analyst LaToya Macon</p>	<p>9. America First Legal (aflegal.org and athospr.com)</p> <p>10. PragerU (prageruniversity.com or prageru.com)</p> <p>11. Liberty Institute (liberty.edu)</p> <p>12. American Enterprise Institute (aei.org)</p> <p>13. Independent Women’s Forum (iwf.org)</p> <p>14. Center for Renewing America (americarenewing.com)</p> <p>15. Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, or crufu@manhattan-institute.org)</p> <p>16. Hillsdale College (hillsdale.edu)</p> <p>17. Family Council (familycouncil.org)</p> <p>18. Manhattan Institute (manhattan.institute or manhattan- institute.org)</p> <p>19. Arkansas Policy Foundation (arkansaspolicyfoundation.org)</p> <p>20. US Parents Involved in Education (uspie.org)</p> <p>21. Goldwater Institute (goldwaterinstitute.org)</p> <p>22. Young America’s Foundation or Young Americans for Freedom (yaf.org)</p>
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Please note that I do 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. For example, if Secretary Oliva received a mass-distribution news clip email from Alliance Defending Freedom, that initial email would not be responsive to this request. However, if Secretary Oliva responded to or forwarded that email to another individual at a listed email domain with his own commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from October 1, 2022, through the date the search is conducted.

Fee Waiver Request

In accordance with Ark. Code Ann. § 25-19-105, I request a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures

by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

I request a waiver of fees because disclosure of the requested information is in the public interest.¹ The public has a significant interest in the ADE's decision to remove AP African American Studies from the state's approved course list.² Records with the potential to shed light on that decision, as well as on Secretary Oliva's request for statements and materials from school superintendents, would contribute significantly to public understanding of operations of the government, including input, if any, of external actors. I am committed to transparency and intend to make records provided in response to this FOIA request publicly available, and the public's understanding of the government's activities would be enhanced through publication of these records.

This request is primarily and fundamentally for noncommercial purposes. I am a Little Rock resident who cares about public education and our local schools, and my request for these records has no commercial purpose.

Accordingly, I qualify for a fee waiver.

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 our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email, unless otherwise noted above.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email

¹ Ark. Code Ann. § 25-19-105(3)(A)(iv).

² See, e.g., Char Adams, *Arkansas Education Department Won't Allow Credit for AP African American Studies Course*, NBC News (Aug. 14, 2023, 5:56 PM), <https://www.nbcnews.com/news/nbcblk/arkansas-education-department-wont-allow-credit-ap-african-american-st-rcna99791>.

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.

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 in response to this request, **please do not hesitate to make contact through American Oversight to discuss this request**, at the contact information below:

Elizabeth Haddix, American Oversight
Telephone: (252) 359-7424 ext. 1031
Email: records@americanoversight.org

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 at the following addresses: Ashley@rsalawgroup.com and records@americanoversight.org. 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, please also provide responsive material on a rolling basis.

We look forward to working with your agency on this request. **If you do not understand any part of this request, or if my request for a fee waiver is not granted in full, please make contact using the information listed below.**

Sincerely,

/s/ Ashley Stepps
Ashley Stepps