



February 20, 2024

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 for records:

Requested Records

I request that the Arkansas Department of Education (ADE) produce the following records within three (3) business days, pursuant to Ark. Code § 25-19-105(e):

All email communications (including email messages, complete email chains, calendar invitations, and any attachments thereto) between (a) any of the ADE officials listed below—or anyone communicating on their behalf, such as an assistant or secretary—and (b) anyone communicating on behalf of Cornerstone Christian Academy, including, but not limited to, anyone communicating from an email address ending in ccwarriors.net.

ADE Officials:

- a. Secretary of Education Jacob Oliva
- b. Chief of Staff Courtney Salas-Ford
- c. Deputy Commissioner Stacy Smith
- d. Assistant Commissioner of School Choice and Parent Empowerment Darrell Smith
- e. Director of Communications Kimberly Mundell
- f. State Charter School Director Dustin Wood

Please provide all responsive records from October 15, 2023, 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 decision by ADE officials to release a video promoting a private religious school.² Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including how and to what extent ADE officials communicated with the private school. I am committed to transparency and intend to make records provided in response to this Arkansas 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 resident of Arkansas 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:

- 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, my 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 or specified individuals before the completion of

¹ Ark. Code Ann. § 25-19-105.

² See, e.g., David Ramsey, *Christian Private School Promoted by State Education Department Does Not Allow LGBT Students*, Ark. Times (Nov. 21, 2023, 8:35 AM), <https://arktimes.com/arkansas-blog/2023/11/21/christian-private-school-promoted-by-state-education-department-does-not-allow-lgbt-students>.

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.

- Please send responses to this request to me at Ashley@rsalawgroup.com.

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 contact Elizabeth Haddix at American Oversight, at (252) 359-7424 ext. 1031 or 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. 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.

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 contact records@americanoversight.org.**

Sincerely,

/s/ Ashley Stepps
Ashley Stepps