



March 6, 2024

VIA ONLINE PORTAL

Arizona Department of Education
1535 West Jefferson Street
Phoenix, AZ 85007
Via Online Portal

Re: Public Records Request

Dear Public Records Officer(s):

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Arizona Department of Education promptly produce the following records:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by any the Arizona Department of Education officials listed below, including anyone communicating on their behalf, such as a chief of staff, assistant, or secretary, and containing any of the following key terms.

Arizona Department of Education Officials:

- a. Superintendent of Public Instruction Tom Horne
- b. Deputy Superintendent Margaret Garcia Dugan
- c. Associate Superintendent of Academic Achievement Catherine Barrett

Key Terms:

- a. Prager
- b. PragerU
- c. Meckler

In an effort to accommodate the Arizona Department of Education and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part one 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. However, American Oversight requests that complete email chains be produced, displaying both sent and received messages. This means 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 part one of this request, please provide all responsive records from November 1, 2023, through the date the search is conducted.

2. All communications (including email messages, complete email chains, calendar invitations, email attachments, text messages, or messages on messaging platform—such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, or Signal) between (a) any of the Arizona Department of Education officials listed in part one of this request, including anyone communicating on their behalf, such as a chief of staff, 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.

For part two 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 such emails are responsive to this request. In other words, if a listed official received a mass-distribution news clip email from PragerU, that initial email would not be responsive to this request. However, if that official responded to or forwarded that email to another PragerU-associated individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

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

3. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) any of the Arizona Department of Education officials listed in part one of this request, including anyone communicating on their behalf, such as a chief of staff, assistant, or secretary, and (b) anyone communicating on behalf of any of the external Arizona officials listed below.

External Arizona Officials:

- a. State Senator Jake Hoffman
- b. State Senator Wendy Rogers
- c. State Senator Justine Wadsack
- d. State Senator Anthony Kern
- e. State Senator Warren Petersen
- f. State Representative Justin Heap
- g. State Representative Joseph Chaplik
- h. State Representative Neal Carter
- i. State Representative Austin Smith
- j. State Representative Michael Carbone
- k. State Representative Lupe Diaz
- l. Scottsdale Unified School District Board Member Carine Werner

For part three of this request, please provide all responsive records from January 1, 2024, through the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding the newly announced partnership between PragerU and the Arizona Department of Education.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including the manner in which officials present at the press conference announcing the partnership communicated leading up to the announcement, as well as whether and to what extent such officials were in direct communication with PragerU.²

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is 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.³

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.⁴ Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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:

¹ Nick Sullivan, *Arizona Schools Chief Promotes Conservative, 'Woke'-free Classroom Resources*, Ariz. Republic (Jan. 31, 2024, 1:53 PM), <https://www.azcentral.com/story/news/local/arizona-education/2024/01/31/tom-horne-promotes-prageru-as-classroom-resource/72418929007/>.

² For further identifying information, see, e.g., *PragerU Kids is Now in Arizona Schools*, PragerU, Feb. 7, 2024, <https://www.prageru.com/video/prageru-kids-is-now-in-arizona-schools>.

³ 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. 20, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 20, 2024).

⁴ A.R.S. § 39-121.01(D)(1); see also *Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes,

- 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.
- 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.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- 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 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

additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

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.

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 Elizabeth Haddix at records@americanoversight.org or 252.359.7424 ext. 1031.

Sincerely,

/s/ Elizabeth Haddix
Elizabeth Haddix
on behalf of
American Oversight