



June 17, 2022

VIA Electronic Mail

ATTN: Krissy LaMont, Board Clerk
Board of Trustees
Nampa School District
619 S Canyon St,
Nampa, ID 83686
board@nsd131.org
c_klamont@nsd131.org

Re: Request Pursuant to Idaho Public Records Act

Dear Krissy LaMont, Nampa School District Board of Trustees, and/or Custodian of Records:

Pursuant to the Idaho Public Records Act (“Act”), Idaho Code Ann. § 74-101 *et seq.* (2018), “[e]very person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection,” unless otherwise exempted. *Id.* § 74-102(1). The Act applies to public agencies within Idaho, including school districts. *Id.* § 74-101(11), (8). Under the Act, we are requesting an opportunity to obtain copies of the following public records:

- Board meeting minutes, agendas, and associated material relating to the Board of Trustee’s decision on May 9, 2022, to remove “forever” the following books from libraries within the Nampa School District:
 - “Kite Runner,” by Khaled Hosseini
 - “Leah on the Offbeat,” by Becky Albertalli
 - “The Prince and the Dressmaker,” by Jen Wang
 - “Thirteen Reasons Why,” by Jay Asher
 - “The 57 Bus,” by Dashka Slater
 - “Drama,” by Raina Telgemeier
 - “Looking for Alaska,” by John Green
 - “The Bluest Eye,” by Toni Morrison
 - “The Handmaid’s Tale,” by Margaret Atwood
 - “18r, g8r,” by Lauren Myracle
 - “Out of Darkness,” by Ashley Hope Perez
 - “The Perks of Being a Wallflower,” by Stephen Chbosky
 - “Crank,” by Ellen Hopkins
 - “The Absolutely True Diary of a Part-time Indian,” by Sherman Alexie
 - “City of Heavenly Fire,” by Cassandra Clare
 - “Clockwork Princess,” by Cassandra Clare

- “Eleanor and Park,” by Rainbow Rowell
 - “Extremely Loud and Incredibly Close,” by Jonathan Safran Foer
 - “Sold,” by Patricia McCormick
 - “Speak,” by Laurie Halse Anderson
 - “33 Snowfish,” by Adam Rapp
 - “It’s Perfectly Normal: Changing Bodies, Growing Up, Sex, and Sexual Health,” by Robie H. Harris.
- Any challenges submitted or complaints made to any book located in any school library within the Nampa School District, from January 1, 2022, to present.
 - Any communication, between January 1, 2022 to present, to, from, between, and among any member of the Board of Trustees regarding any challenge to, or complaint about, any book located in Nampa School District libraries.
 - Any communication to, from, between, and among any member of the Board of Trustees regarding the process for reviewing a challenge to a book available in a Nampa School District library.
 - Any communication, between January 1, 2022 to present, to, from, between, and among any member of the Board of Trustees regarding the creation of a committee to review the challenge brought to any or all of the above-listed books in the Nampa School District libraries.
 - Any communication to, from, between, and among any staff members of Nampa School District relating to the following:
 - The process for reviewing any challenge to any of the above-listed books, including but not limited to the creations of a committee.
 - Any review conducted of any of the above-listed books.
 - Any document discussing the challenge to the above-listed books.
 - Any document discussing the process for reviewing the above-listed books.
 - Any documents showing the Nampa School District’s annual budget for purchasing or acquiring books for Nampa School District libraries, from schools years between 2018 and 2022.
 - Any document discussing the May 9, 2022, decision to remove “forever” the above-listed books from all school libraries within the Nampa School District.
 - Any documents provided to others in response to public records requests related to the May 9, 2022, decision, made pursuant to Idaho Public Records Act, Idaho Code Ann. § 74-101 *et seq.*, and directed to the Nampa School District or the Board of Trustees.

Under Idaho law, “public record” is defined to include, “but is not limited to, any writing containing information relating to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.”¹ *Id.* at § 74-101(13). Thus, for purposes of this request, please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. In searching for responsive records, however, please exclude publicly available news clips that mention otherwise responsive search terms.

If requested records are located in another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in a searchable, electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within three business days, as required by Idaho Code Ann. § 74-103(2). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If access to any of the records we are requesting will take longer than three days, please contact me with information about when we might expect copies or the ability to inspect the requested records.

Request for Fee Waiver

Democracy Forward requests a waiver of document search, review, and duplication fees associated with processing records for this request.

Under the Idaho Public Records Act, a public agency “shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester’s examination and/or copying of public records . . . [i]s likely to contribute significantly to the public’s understanding of the operations or activities of the government.” *Id.* at § 74-102(10)(f)(i).

The disclosure of the records sought here will contribute significantly to understanding of an issue of profound public importance. Democracy Forward also has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes and intends to publicize records Democracy Forward receives that contribute significantly to

¹ “Writing” is further defined to include, “but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.” Idaho Code Ann. § 74-101(16).

the public's understanding of the decision of the Board of Trustees of the Nampa School District to ban the above-listed books. Indeed, records received by Democracy Forward have often formed the basis of news reports.²

Democracy Forward is not filing this request to further any commercial interest, and any information obtained by Democracy Forward as a result of this request will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

² See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *"Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron.'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available to us under the law. We reserve the right to initiate legal proceedings for injunctive or declaratory relief if denied the opportunity to inspect the public records requested. Idaho Code Ann. §§ 74-115-16.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the five-day period, please contact me at JoAnn Kintz jkintz@democracyforward.org or call 202-517-6600.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ JoAnn Kintz

JoAnn Kintz

Senior Counsel

Democracy Forward Foundation

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