

**Subject:** RE: Virginia Freedom of Information Act (VA-GOV-22-0508)  
**Date:** Monday, July 18, 2022 at 4:36:01 PM Eastern Daylight Time  
**From:** Governor's FOIA Office  
**To:** AO Records  
**Attachments:** AO Records responsive documents batch 2 - 7.18.22.pdf

EXTERNAL SENDER

Good afternoon,

In further response to your FOIA request, please see attached additional responsive documents.

Denise Burch

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**From:** AO Records <records@americanoversight.org>  
**Sent:** Monday, July 18, 2022 2:20 PM  
**To:** Governor's FOIA Office <FOIA@governor.virginia.gov>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

Hi Denise,

Hope you are doing well. On our call on Friday you mentioned that you thought we would receive another production by the end of the day. We did not receive one. Do you have a new estimate on when we can expect the production? Thanks!

Rachel

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**From:** FOIA Office, Governor's <foia@governor.virginia.gov>  
**Sent:** Friday, July 8, 2022 4:45 PM  
**To:** AO Records <records@americanoversight.org>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

EXTERNAL SENDER

In further response to your FOIA request of May 24, 2022, attached please find our first rolling response. Duplicates have not been separately provided and some personal contact information has been redacted.

Denise Burch

On Tue, Jul 5, 2022 at 3:38 PM FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)> wrote:

Thank you for your follow up email. We are reviewing approximately 700 - 1,000 documents currently although others may be identified.

Our first rolling production should be provided to you by Friday, July 8th.

On Tue, Jul 5, 2022 at 1:21 PM AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> wrote:

Hello,

I wanted to follow up on the below. Thanks!

Rachel

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**From:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Sent:** Wednesday, June 29, 2022 12:17 PM  
**To:** FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

Thanks. Do you have an estimate of the volume of potentially responsive records? Additionally, is it possible to provide an estimate on when we might receive the first part of the rolling production?

Rachel

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**From:** FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)>  
**Sent:** Friday, June 24, 2022 2:39 PM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

EXTERNAL SENDER

We are in the process now of printing documents. We will need to review all documents to determine whether they are responsive or exempt. As a result, we do not anticipate that the process will be completed in less than the 5 and 7 days provided in the statute, but we will begin providing them on a rolling basis.

Denise Burch

On Fri, Jun 24, 2022 at 11:41 AM AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> wrote:

Wonderful! Is it possible for you to provide an estimate on when the production will be provided?

Thanks,  
Rachel

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**From:** FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)>  
**Sent:** Friday, June 24, 2022 10:24 AM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

EXTERNAL SENDER

Good morning,

Yes, we did in fact receive the check.

Thank you.

On Fri, Jun 24, 2022 at 10:04 AM AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> wrote:

Hello,

I just wanted to check in to see if you have any update on whether the check was received?  
Thanks!

Rachel

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**From:** FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)>  
**Sent:** Friday, June 17, 2022 3:05 PM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

EXTERNAL SENDER

Thank you for your email. We have not yet received your check.

Denise Burch

On Fri, Jun 17, 2022 at 11:17 AM AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> wrote:

Dear Ms. Burch,

I attempted to call your office a little while ago but was unable to reach you. I was hoping to get a confirmation that you have received the check for this request? If so, please let me know if you have a date by which the production can be expected. Thanks!

Rachel Baron

Rachel Baron (she/her)  
Legal Fellow\*  
American Oversight  
[rachel.baron@americanoversight.org](mailto:rachel.baron@americanoversight.org)  
202-897-2465

\*Admitted only in New York; DC practice pursuant to Rule 49(c)(8), supervised by members of the DC Bar at American Oversight.

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**From:** FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)>  
**Sent:** Thursday, June 9, 2022 3:34 PM  
**To:** AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)>  
**Subject:** Re: Virginia Freedom of Information Act (VA-GOV-22-0508)

EXTERNAL SENDER

In further response to your FOIA request of May 24, 2022, Section 2.2-3704.H. provides: "In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination." In your case, the advance determination is \$738.88. This includes the expense of reviewing documents for responsiveness and potential exemptions.

If you desire us to proceed with your request, please remit a check made payable to the Treasurer of Virginia, and mail it to my attention at 1111 E. Broad Street, Richmond, VA 23219.  
Denise Burch

On Tue, May 31, 2022 at 1:38 PM FOIA Office, Governor's <[foia@governor.virginia.gov](mailto:foia@governor.virginia.gov)> wrote:

Thank you for your FOIA request of May 24, 2022, at 10:23 am.

Based upon our ongoing inquiries, we find it necessary to invoke the seven day provision of Section 2.2-3704B4.

Denise Burch

On Tue, May 24, 2022 at 10:23 AM AO Records <[records@americanoversight.org](mailto:records@americanoversight.org)> wrote:

Dear FOIA Officer:

Please find attached a request for records under the Virginia Freedom of Information Act.

Sincerely,

--

Marwah Adhoob, on behalf of Karl Frisch

Pronouns: she/her

Paralegal

American Oversight

[records@americanoversight.org](mailto:records@americanoversight.org)

[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

VFOIA: VA-GOV-22-0508

## Burch, Denise (GOV)

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**From:** Martinez, Christian <christian.martinez@governor.virginia.gov>  
**Sent:** Friday, February 25, 2022 11:58 AM  
**To:** Burch, Denise (GOV)  
**Subject:** Re: CRT Report

Perfect— will do

On Fri, Feb 25, 2022 at 11:55 AM Burch, Denise <denise.burch@governor.virginia.gov> wrote:  
Hey Christian,

I don't have the link unfortunately.

I agree it should be housed with SOE / Dept. of Education.

If you get the link would you please share it with me?

Thanks!

Denise Burch  
Executive Assistant to the Counselor to the Governor and  
Chief Transformation Officer  
Office of Governor Glenn Youngkin  
1111 E. Broad Street  
Richmond, VA 23219  
804-663-7877

On Fri, Feb 25, 2022 at 11:50 AM Martinez, Christian <christian.martinez@governor.virginia.gov> wrote:  
I'm told that you may have a link for the CRT report?

If not-- we made edits and I think it should be housed under the department of education. I can work with Victoria to get it all set up

--  
Christian Martinez  
Deputy Press Secretary  
Work Cell: (804) 572-7319

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Christian Martinez  
Deputy Press Secretary  
Work Cell: (804) 572-7319

## Burch, Denise (GOV)

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**From:** Burch, Denise (GOV)  
**Sent:** Friday, February 25, 2022 3:12 PM  
**To:** Martinez, Christian  
**Subject:** Re: CRT Report

Thanks Christian!

Denise Burch  
Executive Assistant to the Counselor to the Governor and  
Chief Transformation Officer  
Office of Governor Glenn Youngkin  
1111 E. Broad Street  
Richmond, VA 23219  
804-663-7877

On Fri, Feb 25, 2022 at 1:57 PM Martinez, Christian <[christian.martinez@governor.virginia.gov](mailto:christian.martinez@governor.virginia.gov)> wrote:  
Here it is:

[https://www.doe.virginia.gov/statistics\\_reports/interim-30-day-report-on-inherently-divisive-concepts.pdf](https://www.doe.virginia.gov/statistics_reports/interim-30-day-report-on-inherently-divisive-concepts.pdf)

On Fri, Feb 25, 2022 at 11:58 AM Martinez, Christian <[christian.martinez@governor.virginia.gov](mailto:christian.martinez@governor.virginia.gov)> wrote:  
Perfect— will do

On Fri, Feb 25, 2022 at 11:55 AM Burch, Denise <[denise.burch@governor.virginia.gov](mailto:denise.burch@governor.virginia.gov)> wrote:  
Hey Christian,

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If you get the link would you please share it with me?

Thanks!

Denise Burch  
Executive Assistant to the Counselor to the Governor and  
Chief Transformation Officer  
Office of Governor Glenn Youngkin  
1111 E. Broad Street  
Richmond, VA 23219  
804-663-7877

On Fri, Feb 25, 2022 at 11:50 AM Martinez, Christian <[christian.martinez@governor.virginia.gov](mailto:christian.martinez@governor.virginia.gov)> wrote:  
I'm told that you may have a link for the CRT report?

If not-- we made edits and I think it should be housed under the department of education. I can work with Victoria to get it all set up

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Lynch, Jesse &lt;jesse.lynnch@governor.virginia.gov&gt;

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## AEI: New R2L Tracker - Enrollment Loss Explained

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Macy Heath <macy.heath@aei.org>  
Reply-To: macy.heath@aei.org  
To: jesse.lynnch@governor.virginia.gov

Wed, May 4, 2022 at 2:30 PM

Public schools suffered significant enrollment declines as the pandemic set in, but it seemed some districts bounced back and others did not. AEI scholar Nat Malkus' newest [Return to Learn enrollment tracker](#) suggests the difference can be explained by how much in-person school was offered.

In this [Washington Post article](#), Nat Malkus argues that while enrollment in the country's K-12 public schools has declined nationally, the AEI [R2L data](#) collected from 2019-20 to 2021-22 K-12 public school enrollments in over 12,000 school districts, shows enrollment dropped more sharply in districts that were more remote in 2021 when compared to those more in person.

This new data offers a glimpse into the long-term impact of COVID and COVID mitigation measures on public schools, like enrollment drops and academic achievement gaps in districts that stayed remote the longest, which is further discussed in this [latest piece](#). Malkus argues that this information is especially important for future decisions regarding reopening for in-person learning or remaining remote if there is a late summer surge.

Key points include:

- Enrollment declined in public schools across the board during COVID. This year, it's rebounding in districts that reopened in-person faster, but continuing to decline in those that did not.
- The updated [Return to Learn](#) includes other data on enrollments including [a national map](#) showing enrollments by state, 2020 presidential vote, community masking and grade level.
- Districts that offered the most in-person classes last year lost fewer students — falling by 2 percent last year. Their two-year net decline was 1.1 percent. Districts that stayed remote the longest experienced a two-year enrollment decline of roughly 4.4%, losing around 1 out of every 22 students, while districts that reopened sooner rebounded, losing around 1 out of every 93 students.
- Districts with high mask usage lost about 2.9% of students, and districts with low mask usage lost about 2.4% of students. But during the 2021-22 school year, enrollment in districts with low mask usage rebounded to a 1.9% enrollment decline, while enrollment at districts with high mask usage continued to decline to 3.4%.

If you would like to receive further information on the new [R2L tracker data](#) or if you would like to connect with Nat Malkus, please don't hesitate to ask.

Best,  
Macy



**Macy Heath**  
Government Relations Manager  
Domestic Policy  
macy.heath@aei.org

[aei.org](https://www.aei.org)



Lynch, Jesse &lt;jesse.lynnch@governor.virginia.gov&gt;

## AEI: New School Mask Requirement Tracker

Macy Heath <macy.heath@aei.org>  
 Reply-To: macy.heath@aei.org  
 To: jesse.lynnch@governor.virginia.gov

Wed, Mar 23, 2022 at 1:00 PM

After months of rigid mask mandates in schools nationwide, we are suddenly seeing a major shift in state masking requirements as statewide mandates begin to drop all over the country following more lenient CDC recommendations.

To better understand these changes, AEI's Deputy Director of Education Policy Nat Malkus has compiled data from over 8,000 school districts nationwide in his recent [Mask Requirements and CDC COVID-19 Community Risk Levels tracker](#). This AEI tracker is currently the largest scale tracker publicly available and is the only place to find the most complete and accurate national data on school mask policies.

Each week, the data provides an updated ranking of states by percentage of school mask requirements which are further categorized by various district-level characteristics including voting histories in the 2020 election, districts' in-person schooling policies in 2021, district size, poverty estimates, and more. To see your state ranking [click here](#).

This tracker aims to provide state policymakers with the knowledge necessary to help make informed decisions about reopening and continued closures with an up-to-date baseline of nationwide current masking requirements and how they change week by week during the 2021-22 school year. You can visit the [Return to Learn Tracker dashboard](#) each week to find the most recent data on the state of the nation's public schools.

If you would like to speak to Nat Malkus about the tracker data or have other education questions related to your state, please don't hesitate to contact me.

Thank you,  
 Macy



Key takeaways include:

- As of March 21, just 7% of students are under a mask mandate – down from 42% the week of February 21. This means that over 2000 school districts dropped their mask mandates in one month.
- Several governors lifted state-wide mask policies over the past several weeks, making an enormous impact on students.
- For the second year running, R2L beat the CDC to filling the data gap on monitoring how public schools are responding to COVID — last year on instructional models and this year on masking.
- In just six states – Nevada, Washington, South Dakota, Delaware, Florida, and Utah – no student is under a mask mandate.
- According to the data, the drop in masking came from a majority of districts that were:
  - Remote most of the 2020-21 school year
  - Historically mask friendly
  - Historically less vaccine hesitant
  - Voted for Biden

