

Monday, March 18, 2024 at 13:57:41 Eastern Daylight Time

Subject: Public Records Request IA-WDMCS-24-105
Date: Monday, March 18, 2024 at 11:48:33 AM Eastern Daylight Time
From: Epstein, Peggy
To: AO Records
Attachments: DOC031824-03182024104431.pdf

EXTERNAL SENDER

Peggy Epstein

Executive Assistant to Superintendent & School Board Secretary
West Des Moines Community Schools
3550 Mills Civic Parkway
WDM, IA 50265
515-633-5025



February 13, 2024

VIA EMAIL

Peggy Epstein
Board Secretary
West Des Moines Community Schools
3550 Mills Civic Parkway
West Des Moines, IA 50265
epsteinp@wdmcs.org

Re: Public Records Request

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

Requested Records

American Oversight requests that West Des Moines Community Schools produce the following records promptly, or as soon as feasible:

All policies or other materials created by, provided to, or otherwise in the possession of West Des Moines Community Schools reflecting guidance for school officials on LGBTQ student affinity groups.¹

Such records may reflect, but are not to be limited to, guidance issued to ensure compliance with Iowa Code § 279.78, or Section 14 of Senate File 496 (SF496), titled "Parental Rights in Education."²

Please provide all responsive records from May 26, 2023, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

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 Such groups may include, but are not limited to GSAs, or Gender-Sexuality Alliances, Gay Student Associations, and Gay-Straight Alliances.

² For further identifying information, *see*, Senate File 496 (2023), <https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF496>.

- 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.³ We 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.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Law.⁴
- 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.

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

³ See Iowa Code § 22.1(3).

⁴ See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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 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.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission 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.⁵

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

⁵ 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. 12, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 12, 2024).

Policy 504.21: EQUAL ACCESS BY STUDENT GROUPS

Status: ADOPTED

Original Adopted Date: 07/08/1991 | **Last Revised Date:** 05/10/2021 | **Last Reviewed Date:** 05/10/2021

The West Des Moines Community School District believes that it is important for students to learn the meaning and practice of freedom of speech while in school, in order that as future citizens they will appreciate the proper exercise of this vital liberty. In adopting this policy, the school district does not forego its authority to maintain an orderly and disciplined school environment and to protect the well-being of students and staff.

The schools in this district will have a limited open forum for student-initiated groups which are not school-sponsored wishing to meet to engage in speech, subject to the following restrictions:

1. Students will be permitted to meet during the non-instructional time of the individual students involved in the meeting, including before school and/or after school. However, no student will be present at a meeting at a time when in a class or when required by school rules to be elsewhere, unless permission from the classroom teacher is obtained. This includes any time during which the school requires the particular student or all students to be off school property or outside the school building.
2. All meetings will be student-initiated and open to all students in the school. All student attendance at a meeting will be voluntary.
3. No meeting may include any activity that is unlawful or that materially and substantially interferes with the orderly conduct or efficient operation of the school.
4. It is understood that these student meetings are not sponsored by the school district. Student-initiated groups which are not school-sponsored shall not use the school name, mascot, or other sign or symbol that might imply school district sponsorship. Any announcements regarding such groups shall indicate that they are not school-sponsored. The school district is neutral as to the content of these meetings, if the meetings comply with paragraphs 2 and 3.
5. Students may invite outside speakers to their meetings subject to paragraphs 2, 3 and 4. However, non-school persons may not direct, control, conduct or regularly attend activities of student groups.
6. School officials or employees may be present at the meetings for monitoring purposes. School officials or employees present at religious meetings shall only be in attendance in a nonparticipatory capacity. If an official or employee is required to be present by state law or for insurance reasons, the students will be responsible for finding an official or employee to be present. No official or employee will be compelled to agree to be present at any student meeting.
7. If students wish to meet under this policy, they must file a request to meet with the principal which lists:
 - A. the room in which they wish to meet and time during which they will meet;
 - B. the name of one student who will serve as the contact between the group and the school authorities;
and
 - C. if required, the school official or employee, who will present.

The principal will approve a meeting if it meets the requirements of this policy and will notify the student contact person of the approval, or if it does not meet the requirements of this policy, reasons for disapproval will be provided within 2 days of the submission of the request to meet. Once approved, a student group may continue meeting for the remainder of the school year, unless it subsequently violates this policy.

Equal access with respect to such meetings will include access to school publications and bulletin boards, in accordance with board policies.