



July 8, 2024

VIA EMAIL

Kansas State Department of Education
900 S.W. Jackson St.
Suite 102
Topeka, KS 66612
sgordon@ksde.org

Re: Kansas Open Records Act Request

Dear Records Custodian:

Pursuant to the Kansas Open Records Act (KORA), Kan. Stat. §§ 45-215 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within three business days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the Kansas State Department of Education officials listed below and containing any of the key terms listed below.

Kansas State Department of Education Officials:

- i. Dr. Randy Watson, Commissioner
- ii. Dr. Ben Proctor, Deputy Commissioner of Learning Services
- iii. Scott Gordon, General Counsel
- iv. Bert Moore, Director of Special Education and Title Services
- v. Beth Fultz, Director of Research and Evaluation
- vi. Denise Kahler, Director of Communications

Key Terms:

- a. "migrant child labor"
- b. "migrant child work"
- c. "migrant children labor"
- d. "migrant children work"
- e. "migrant kid labor"
- f. "migrant kid work"
- g. "underage migrant work"
- h. "underage migrant labor"
- i. "underage immigrant work"
- j. "underage immigrant labor"
- k. "under-age migrant work"



- l. “under-age migrant labor”
- m. “under-age immigrant work”
- n. “under-age immigrant labor”
- o. “migrant truant”
- p. “migrant truancy”
- q. “Migrant Children Work Brutal Jobs”
- r. Dreier
- s. unaccompanied-migrant-child-workers-exploitation

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 1 of this request to emails sent by the specified individuals. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means that both an individual’s response to an email and the initial received message are responsive to this request and should be produced.

- 2. Records reflecting any final formal or informal directives (including informal email communications), guidance, protocols, assessments, reports, analyses, or recommendations regarding migrant child labor or truancy.
- 3. All dissent memoranda or complaints—both formal and informal—submitted to the relevant offices in your agency regarding migrant child labor practices or violations.

For part 3 of this request, American Oversight seeks copies of records submitted by employees, appointees, or contractors of the Kansas State Department of Education. To be clear, American Oversight is not seeking the release of, and does not object to withholding of, the names of any individuals who have submitted responsive documents.

For all parts of this request, please provide all responsive records from February 25, 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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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. 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.
- 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 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 X (formerly Twitter).¹

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 Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw

Khahilia Shaw

on behalf of

American Oversight

¹ American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 24, 2024); American Oversight (@weareoversight), X (formerly Twitter), <https://twitter.com/weareoversight> (last visited June 24, 2024).