AMERICAN OVERSIGHT

June 11, 2025

VIA EMAIL

Henderson County Public Schools
Kimbrell Arrowood
Public Information Officer
414 4th Ave. W.
Hendersonville, NC 28739
klarrowood@hcpsnc.org

Re: Public Records Act Request

Dear Public Records Custodian:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 132, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records as promptly as possible:

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

   Henderson County Public Schools Officials:
   a. Mark Garrett, Superintendent
   b. Shannon Marlowe, Assistant Superintendent, Instructional Services
   c. Shannon Auten, Director, Student Services
   d. Simone Wertenberger, Director, ESL and Migrant Education Programs

   Key Terms:
   i. "citizenship status"
   ii. "immigration status"
   iii. "mixed status"
   iv. "mixed-status"
   v. Plyler
   vi. undocumented
   vii. alien
   viii. nationality
   ix. "lawfully present"
   x. immigrant

xi. migrant
xii. "welfare check"
xiii. "wellness check"

In an effort to accommodate your agency 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 and containing any of the above key terms. To be clear, however, American Oversight still 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 1 of this request, please provide all responsive records from August 1, 2024, through the date the search is conducted.

2. All records reflecting any formal or informal directives (including informal email communications), guidance, assessments, protocol, policies, reports, or analyses related to efforts to collect and/or track the citizenship status, immigration status, and/or social security number of students, parents, or guardians.

3. All records reflecting any formal or informal directives (including informal email communications), guidance, assessments, protocol, policies, reports, or analyses related to welfare or wellness checks for migrant or unaccompanied children conducted by members of law enforcement, including, but not limited to, officials from Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and/or the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

4. Any record that both (a) is part of the student registration, enrollment, and/or information verification process and (b) requests information regarding citizenship status, immigration status, and/or social security number of a student, parent, or guardian, including, but not limited to a student information verification form or similar form that collects any information regarding citizenship status, immigration status, and/or social security number.

   To be clear, American Oversight is not asking for release of names of students, parents or guardians, nor their personal information, and does not object to the withholding of such information.

For parts 2-4 of this request, please provide all responsive records from January 1, 2024, 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.[1]
- 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 Act.[2]
- 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

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[1] N.C. Gen. Stat. Ann. § 132-1(a) (public records consist of documentary material "regardless of physical form or characteristics.").

[2] *See* Atty. Gen. Josh Stein, *North Carolina Open Government Guide* at 22 (2019), https://ncdoj.gov/wp-content/uploads/2020/01/2019-Open-Government-Guide-2.pdf ("Emails about official business are public records even if they are sent using the personal email account of an employee or official.").

efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. 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).[3]

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 Chloe Dennison at records@americanoversight.org or 202.516.7117.

Sincerely,

/s/ Chloe Dennison
Chloe Dennison
on behalf of
American Oversight

[3] American Oversight currently has approximately 16,000 followers on Facebook and 94,600 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited June 7, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited June 7, 2025).