

August 14, 2023

Ms. Angela Mattingly
District Secretary & Clerk of the Board
Emmett Independent School District
119 North Wardwell Avenue
Emmett, ID 83617
amattingly@isd221.net

Dear Ms. Mattingly –

Under Idaho public records law, Sinclair is requesting the following public records:

- All material provided to students relating to gender identity and sexual orientation.
- All material provided to students that includes the term "antiracism."
- All material provided to students that includes the term "drag queen."
- All public records relating to drag performances sponsored by Emmett Independent School District or held on school grounds.
- All materials provided to staff and students containing the term 'gender-affirming care.'
- All materials provided to staff containing term "restorative justice."
- All materials relating to district staff turnover.
- All materials relating to district graduation rates.
- All materials relating to student attendance.

Please note this request only pertains to the time period between January 1, 2022 and July 24, 2023.

The phrase “relating to,” and all its permutations, when used in conjunction with this request, means embodying, recording, evidencing, summarizing, digesting, referring to, commenting upon, describing, reporting, listing, analyzing, studying, or otherwise discussing in any way a subject matter identified in this request.

This request should be interpreted broadly and in accordance with its plain language, rather than narrowly construed, and includes all emails and text messages, including communications on private devices pertaining to city business. If you are uncertain as to the scope of this request, please contact me for clarification.

If there will be any fees charged, please let me know before you fulfill my request. I ask that you include a detailed invoice, including the employee(s) who will be filling the request. If you deny any part of this request, please cite each specific reason and state statute that you think justifies your refusal to release the information.

Best,

Gary M. Collins | News Researcher
Sinclair Broadcast Group
(410) 891-3437 – Office
(443) 320-6757 – Cell
gmcollins@sbqtv.com

August 18, 2023

Hello, Mr. Collins!

In accordance with Idaho Code §74-103, this letter is in response to the public records requests received by the Emmett School District on August 14, 2023.

Due to the scope of your request, in accordance with Idaho Code §74-103, the District will require additional time to respond, especially if your inquiry extends beyond what is provided here.

The following is what we have compiled thus far:

Please note: Though I provide details for each question asked, many of these issues fall under the jurisdiction of Emmett School District's policy [2340](#) and [2340F](#). This means that these controversial issues are NOT in our district curriculum. Should a teacher want to use supplemental materials mentioning such issues, they would need to go through the formal process of approval as outlined in [2340](#) and [2340F](#). (I have included the links to those policies for your review.)

Here is more specific information relating to each of the issues you presented.

Gender Identity and sexual orientation

All material provided to students relating to gender identity and sexual orientation.

Response: Gender Identity and sexual orientation is not a part of any materials provided to students. If more specific information is needed in this area, please provide a more detailed request.

Antiracism

All material provided to students that includes the term "antiracism."

Response: Sifting through all books and materials for the term antiracism would require a significant amount of staff hours and work. If interested in pursuing this, please provide specifics so we can narrow our search (grade level, subject, fiction vs nonfiction materials etc.) We will provide you with a cost estimate to complete such a task.

Drag Queen

All material provided to students that includes the term "drag queen."

Response: The district is not aware of any materials provided to students that use the term "Drag Queen." The possibility exists that the term may be used in the context of fiction material at the high school level. If you would like all such materials analyzed for this term, please provide more specific information to aid in our search. We can provide a cost estimate for the hours. Since the term is not a part of our curriculum, the final result after the hours and cost is likely to be a count of zero. Considerable cost and hours may be required for full verification.

Drag shows

All public records relating to drag performances sponsored by Emmett Independent School District or held on school grounds.

Response: No drag performances have been sponsored by the Emmett School District or on its Grounds.

Restorative Justice

All materials provided to staff containing the term “restorative justice.”

Response: Our staff at Black Canyon High School (Alternative School) has received training on restorative justice. Please provide more details as to the information sought and if you seek the actual training materials containing the term or reports of how and if and how it may or may not be used in practice at our schools.

Gender Affirming Care

All materials provided to staff containing the term “Gender Affirming Care”

Response: The term “Gender Affirming Care” is not part of the training or materials we provide our staff.

Attendance, Graduation, Staff Turnover

Before estimating a cost to retrieve all materials relating to attendance, graduation and staff turnover, please review the following information and assess whether it meets your needs. If it does not, please contact me about the specifics of what you need so that we can calculate a cost and a time period to fulfill your additional requests.

- **All materials relating to district staff turnover.**
 - The Idaho State Department of Education provides detailed reports for every school district and school within the state of Idaho.
 - You can access retention information for the past several years for the Emmett School District at this site:
 - <https://idahoschools.org/districts/221/teacher-quality>
- **All materials relating to district graduation rates.**
 - The Idaho State Department of Education provides detailed information for every school district and school within the state of Idaho.
 - You can access graduation information for the past several years for the Emmett School District and its schools at this site:
 - <https://idahoschools.org/districts/221/graduation>
- **All materials relating to student attendance.**
 - The Idaho State Department of Education provides detailed information for every school district and school within the state of Idaho.
 - You can access attendance and related absentee information at the following sites:
 - Chronic absenteeism:
<https://idahoschools.org/districts/221/chronic-absenteeism>

■ Average Daily Attendance:
<https://www.sde.idaho.gov/finance/#attendance>

Materials provided to students

You requested all materials provided to students relating to these specific terms:

- Gender identity
- Sexual orientation
- Antiracism
- Drag queen
- Gender affirming care

Response: Our district (and all Idaho districts) are required to follow Idaho Content Standards. These standards are available on the Idaho State Department of Education's [website](#).

The terms you listed are not part of Idaho's standards for learning, and our district has not adopted additional standards in these areas. We adopt curriculum based on those standards. Publishers do not create materials unique to each state so adopted materials could contain these terms but these sections or information would not be used in classroom instruction.

Curriculum

Our district adopted curricular materials that are available for your inspection in person. School starts Aug. 21 and 22, so access to these materials will need to be made by appointment, to provide staff time to pull the materials for your in-person review.

Supplemental materials

Our certified staff also use supplemental materials such as newspapers, novels etc. that could contain the terms specified. To fulfill your request, individual teachers would need to search their supplemental materials to determine if any of these terms are present and would be records to provide in response to your request. Again, any materials used are subject to the above-mentioned policies of 2340 and 2340F.

We estimate a search of supplemental materials for the five terms you have identified and for the time period specified would take significant time by our staff. Idaho law allows for two hours free of charge, which have been exhausted for this current request. Law provides for the charging requestors cost of providing the records beyond the two hours. In addition, the cost can be required in advance.

Costs

Given the time it will take to compile and review the records requested beyond what I have provided will require an estimate of the cost to fulfill your request. Idaho law and Emmett Independent School District policy allow the first 100 pages of paper copies and the first two (2) hours of labor to fulfill a request be provided free of charge.

For requests that will take longer than two (2) hours to fulfill, or where records must be reviewed by a staff member or attorney for confidentiality prior to disclosure, the law allows the District to charge to process the request. Based on these requirements, and your request, we will need to prepare an estimate of the cost to be pre-paid to complete your request should the above information provided not be found satisfactory.

Please let us know how you would like to proceed with this matter. We will not move forward with processing this request further until we hear from you about whether the above information satisfies your request, or if you would like to proceed with a cost estimate based on your further information request. Please note: more narrow, specified information will allow us to provide a better estimate.

Sincerely,

Amanda Weers
Community Liaison /Public Information Officer

Costs

Given the time it will take to compile and review the records requested, we are providing you with an estimate of the cost to fulfill your request. Idaho law and Emmett School District policy allow the first 100 pages of paper copies and the first two (2) hours of labor to fulfill a request be provided free of charge.

For requests that will take longer than two (2) hours to fulfill, or where records must be reviewed by a staff member or attorney for confidentiality prior to disclosure, the law allows the District to charge to process the request. Based on these requirements, and your request, we have prepared the following estimate of the cost to fulfill your request.

Estimated Cost to be Prepaid to Complete the Request			
Supplemental Materials Records			
Number of certified staff (teachers, counselors, administrators etc.)	Average # of hours to review supplemental materials	Average cost per hour	Cost to be pre-paid
151.6	3 hours	\$35	\$15,918
Other Potential Costs to Complete the Request			
Paper Copies, Attorney Review			
Idaho law provides 100 free paper copies	Cost per copy beyond the 100, \$.05 per copy		To be determined
Federal & Idaho law protects some records from disclosure. This required the review of an attorney	\$195 hourly rate		To be determined

The cost is a preliminary estimate. We would contact you if additional hours are needed to complete your request, attorney review needed, or copy costs exceed those allowed for in Idaho law. We will track hours spent and if it is less than the estimate, we would provide a refund if necessary.

Next steps

Please let us know how you would like to proceed with this matter. We will not move forward with processing this request until we hear from you about how you would like to proceed.

If wishing to proceed, please contact us regarding payment, further explanation of the information you seek, and creating an official public records request in accordance with ESD policy 4260, in compliance with Title 74 of the Idaho Statutes. This request should be made on the attached ESD public records request form. This allows the district to track and provide records of public records requests and our fulfillment of them. Any public records request then become public record, available for public perusal.

You may also let us know if you would like to narrow your search in order to reduce the estimated cost of processing and help us complete the information you request.

Sincerely,
Amanda Weers
Community Liaison/Public Information Officer

Gary Collins <gmcollins@sbgstv.com>

Aug 18, 2023,
4:27 PM

to Julian, Kristina, me, Gary

Ms. Weers:

Thank you for your timely response to our public record's request. In reviewing your attached notice, it does not appear you listed the estimated costs associated with providing all comprehensive records pertaining to this request.

Could you provide a cost estimate to fulfill our information request?

Best,

Gary M. Collins | News Researcher

Sinclair, Inc.

(410) 891-3437 – Office

(443) 320-6757 – Cell

gmcollins@sbgstv.com

Amanda Weers <aweers@isd221.net>

Aug 21, 2023,
11:36 AM

to Gary

Hello! The provided response explained that in order to prepare a more accurate estimate, we would appreciate clarification regarding the information sought (see original response). Since additional information was not provided, we have prepared an estimate based on the original request. However, without the requested clarification, this is a rough estimate as we are unsure of how many hours completion could take. The attached PDF provides the cost estimate, the procedures if the cost comes in above or below the estimate, and an outline for next steps.

Please note, if you wish to proceed further, ESD Policy 4260, in compliance with Title 74 of the Idaho Statutes, requests a public records request form be completed (attached). This ensures tracking of any requests and our fulfillment of them. Again, the PDF explains this in more detail.

Please let me know if you would like to proceed in this matter.

Thank you!

Amanda Weers

Gary Collins

Aug 29, 2023,
2:23 PM

to Julian, Kristina, me, Gary

Ms. Weers:

We appreciate the opportunity to narrow our request. Our hope is our modifications eliminate any associated fees and aids in expediting the receipt of responsive records.

Accordingly, here are the following modifications:

1. We would like to obtain any and all records you mentioned under the “restorative justice” headline.
2. Please provide all recommended / required reading lists for all grades.
3. All responsive records relating to the book *How to Be an Antiracist* in the system’s libraries.

Please let me know if you have any additional questions regarding. Thank you in advance for your assistance.

Amanda Weers <aweers@isd221.net>

Aug 30, 2023,
9:54 AM

to Gary

Mr. Collins:

Hello! By your further requests, I’m afraid we may have a misunderstanding regarding restorative justice. First of all, I’d like to clarify what we mean by restorative justice, as it is used in our district. Once we have a mutually-understood definition, please fill out the attached Public Records request form so we can log the request in our system and provide you what you need.

In Emmett School District, restorative justice practices are currently used at our Black Canyon High School. Black Canyon is an alternative high school. Restorative justice refers to practices that focus on alternatives to traditional punishment. Offenders must accept responsibility for harm and make restitution. For instance, if a student commits an offense, administration may seek an alternative method rather than a traditional suspension, which would require the student to miss school. Restorative justice in Emmett School District does not in any way relate to race or history, nor do we teach such practices, nor does our curriculum contain anything related to such practices or theories.

Restorative justice is simply used as a tool in discipline and interactions, providing alternatives to traditional punitive discipline and encouraging students to develop responsibility and accountability in ways that restores them to fully participate in education. It encourages students to understand the harm and consequences of their behavior, provides an opportunity to redeem themselves, and discourages them from causing further harm.

To further clarify, there are no reading materials provided to students regarding restorative justice at any grade level. *How to be an Antiracist* is not included in our district in any capacity. Staff has received training in restorative justice as it relates to educational practices that fit the definition described above. Again, in confirming that we use restorative justice practices, that term in no way includes anything related to history or race, especially as used in practice by the Emmett School District.

If you continue to have requests beyond my clarification, please complete the Public Records request provided. Please be as specific as possible so I can locate the information you seek.

Thank you!
Amanda Weers