

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Feb 1, 2024, 4:31 PM  
subject: Re: Revised Public Records Request  
mailed- isd221.net  
by:

Leslie Morgan  
9169 W. State St. Suite 3919  
Boise, ID 83714

Dear Ms. Morgan,

ESD has consulted with legal counsel regarding your revised Public Records Request. Legal counsel has advised us to request the following regarding your petition to waive the fees associated with fulfilling the public records request submitted:

**1. Legal Name and physical address**

The address provided in the request is for PysicalAddresses.com, which is a virtual mailbox that enables subscribers to view their Idaho postal mail online. This is not your true business physical address nor is it the physical address of your residence.

**2. Demonstration of limited financial resources**

The statement provided is not sufficient. To proceed with a waiver of fees, we require some evidence of limited financial resources. Documentation would include identification of Medicare, Medicaid, Welfare assistance, limited disability income, limited Social Security income, etc. We do not need the amounts, just verification that you qualify for financial assistance. Please make sure any verification includes your legal name and address.

Since you are requesting to waive fees associated with this request, we require your true, full name and address and evidence of limited financial resources as stipulated in Idaho code 74-102. Emmett School District must insist on **all** the identification information required by the Public Records Act.

Please submit the requested documentation if you wish the associated fees to be waived. If you do not wish to submit the requested documentation, we can provide you with an estimated cost and timeline to fulfill the request. Please note that we are notifying you that the request will take longer than 3 days and may require longer than the 10-day extension, due to its scope in

locating, analyzing material for any potential redactions necessary, and converting existing records into files that can be shared electronically. This is consistent with Idaho code 74-103(2).

Please let us know how you wish to proceed with this request.

Sincerely,

[Amanda Weers](#)

Emmett Independent School District #221

Public Information Officer/Community Liaison

(208)365-6301

from: **lesliejmorgan@protonmail.com**

to: Amanda Weers  
<aweers@isd221.net>

date: Feb 2, 2024, 8:42 AM

subject: Re: Revised Public Records  
Request

mailed- protonmail.com  
by:

Your legal council may want you to request this information but the law does not support the request. If it does, show me where.

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Feb 2, 2024, 2:33 PM  
subject: Re: Revised Public Records Request  
mailed- isd221.net  
by:

Dear Ms. Morgan,

Please refer to the following:

#### Idaho Code 74-102(4)

(4) A public agency may require that a request for public records be submitted to it in a writing that specifically describes the subject matter and records sought, including a specific date range for when the records sought were created. The requesting party shall be as specific as possible when requesting records. A request shall describe records sought in sufficient detail to enable the public body to locate such records with reasonable effort. A request shall also provide the requester's name, mailing address, e-mail address and telephone number. A request for public records and delivery of the public records may be made by electronic mail.

#### Idaho Code 74-102(10)

(10)(a) Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.

(b) A public agency or public official may establish fees to recover the actual labor and copying costs associated with locating and copying documents if:

(i) The request is for more than one hundred (100) pages of paper records; or

(ii) The request includes records from which nonpublic information must be deleted; or

(iii) The actual labor associated with responding to requests for public records in compliance with the provisions of this chapter exceeds two (2) person hours.

## Idaho Code 74-102(10)

(f) The public agency shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:

(iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

In accordance with Idaho code and legal counsel, we are requesting the following regarding your revised Public Records Request and your petition to wave the fees associated with fulfilling it:

### 1. Legal Name and physical address

The address provided in the request is for PysicalAddresses.com, which is a virtual mailbox that enables subscribers to view their Idaho postal mail online. This is not your true business physical address nor is it the physical address of your residence.

### 2. Demonstration of limited financial resources

The statement provided is not sufficient. To proceed with a waiver of fees, we require some evidence of limited financial resources. Documentation would include identification of Medicare, Medicaid, Welfare assistance, limited disability income, limited Social Security income, etc. We do not need the amounts, just verification that you qualify for financial assistance. Please make sure any verification includes your legal name and address.

Since you are requesting to waive fees associated with this request, we require your true, full name and address and evidence of limited financial resources as stipulated in Idaho code 74-102. Emmett School District must insist on **all** the identification information required by the Public Records Act.

Please submit the requested documentation if you wish the associated fees to be waived. If you do not wish to submit the requested documentation, we can provide you with an estimated cost and timeline to fulfill the request. Please note that we are notifying you that the request will take longer than 3 days and may require longer than the 10-day extension, due to its scope in locating, analyzing material for any potential redactions necessary, and converting existing records into files that can be shared electronically. This is consistent with Idaho code 74-103(2).

Please let us know how you wish to proceed with this request.

**Amanda Weers**

Emmett Independent School District #221  
Public Information Officer/Community Liaison  
(208)365-6301

from: [lesliejmorgan@protonmail.com](mailto:lesliejmorgan@protonmail.com)

to: Amanda Weers  
<aweers@isd221.net>

date: Feb 5, 2024, 1:23 PM

subject: Re: Revised Public Records  
Request

mailed- protonmail.com  
by:

While I consult on this matter, please provide the text of the law that allows districts to request these documents and establishes the income threshold for waiver of fees the allowances (if any) for expenses.

Please also provide the fees a non-qualified requestor would be required to pay for the same request.

Most of what I have requested are contracts and in the name of transparency they really should already be on the District web site.

In the mean time, I will be making a second request so as to differentiate between topes and keep thing manage able on both ends

Leslie Morgan

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Feb 5, 2024, 3:09 PM  
subject: Re: Revised Public Records Request

Dear Ms. Morgan,

Regarding your inquiry about the specific text of the law that allows districts to request documents and establish income thresholds for fee waivers and allowances, I would like to clarify that our district operates under Idaho Code 74-102. This code section does not designate a specific way to demonstrate financial ability. The examples provided in our previous communication were meant to illustrate ways that our legal counsel has stated are appropriate to determine financial ability to pay.

It's essential to note that Idaho Code 74-102 does not allow for multiple requests as a means to circumvent payment. As fiscal stewards of our taxpayer funds, we must ensure that we allocate resources efficiently, and the extensive time required to search for grant applications, contracts, agreements, and document redaction can be quite labor-intensive. This is why we initially requested you to refine your search criteria. Idaho Code 74-102 asks to help the requestor to be as specific as possible. Your request was to include all contracts, grant applications, and agreements related to specific topics, past, present, and proposed. Many, if not all of the documents we possess, are available online on our website or at the Idaho State Board of Education's website to promote transparency and ease of access for the public.

In response to your request for the fees that a non-qualified requestor would be required to pay for the same request, we can offer the following clarifications. The exact fees can vary depending on factors such as the volume of documents requested, the complexity of the search, and any associated administrative costs. If you could please provide additional information about the specific documents you are interested in, we would be happy to provide you with a more accurate cost estimate. To see a sample of a previous cost estimate ESD provided regarding a Public Records Request, you can refer to our website and the 08/14/23 Collins Fulfillment.

<https://www.emmettschools.org/transparency/public-information-request>

Please let us know how you would like to proceed and if you would like to obtain an estimate for the fees associated with your full revised Public Records Request or if you would like to narrow it further. We appreciate your understanding of the challenges we

face in managing and retrieving documents efficiently, and we are committed to maintaining transparency in our operations.

Sincerely,

[Amanda Weers](#)

Emmett Independent School District #221  
Public Information Officer/Community Liaison  
(208)365-6301

from: [lesliejmorgan@protonmail.com](mailto:lesliejmorgan@protonmail.com)

to: Amanda Weers  
<[aweers@isd221.net](mailto:aweers@isd221.net)>

date: Feb 5, 2024, 4:24 PM

subject: Re: Revised Public Records  
Request

mailed- protonmail.com  
by:

Regarding your inquiry about the specific text of the law that allows districts to request documents and establish income thresholds for fee waivers and allowances, I would like to clarify that our district operates under Idaho Code 74-102. This code section does not designate a specific way to demonstrate financial ability. The examples provided in our previous communication were meant to illustrate ways that our legal counsel has stated are appropriate to determine financial ability to pay.

Correct. 74-102 does not designate a specific way to demonstrate financial ability and since the District is not a legislative body it cannot amend the code. Absent even a policy stating the criteria for waiving fees in clear and certain terms and any form of confidentiality regarding the financial standing of an individual, this is effectively a deterrent for potential requestors. In my case, the District has already established a precedent.

It's essential to note that Idaho Code 74-102 does not allow for multiple requests as means to circumvent payment. As fiscal stewards of our taxpayer funds, we must ensure that we allocate resources efficiently, and the extensive time required to search for grant applications, contracts, agreements, and document redaction can be quite labor-intensive. This is why we initially requested you to refine your search criteria. Idaho Code 74-102 asks to help the requestor to be as specific as possible. Your request was to include all contracts, grant applications, and agreements related to specific topics, past, present, and proposed. Many, if not all of the documents we possess, are available online on our website or at the Idaho State Board of Education's website to promote transparency and ease of access for the public.

I understand that Idaho Code 74-102 does not allow for multiple requests for the purpose of avoiding fees. That is not why I separated the requests. My e-mail said "In the meantime, I will be making a second request so as to differentiate between topic and keep thing manage able on both ends." (I corrected typo topes=topic)

In response to your request for the fees that a non-qualified requestor would be required to pay for the same request, we can offer the following clarifications. The exact fees can

vary depending on factors such as the volume of documents requested, the complexity of the search, and any associated administrative costs. If you could please provide additional information about the specific documents you are interested in, we would be happy to provide you with a more accurate cost estimate. To see a sample of a previous cost estimate ESD provided regarding a Public Records Request, you can refer to our website and the 08/14/23 Collins Fulfillment.

<https://www.emmettschools.org/transparency/public-information-request>

Please let us know how you would like to proceed and if you would like to obtain an estimate for the fees associated with your full revised Public Records Request or if you would like to narrow it further. We appreciate your understanding of the challenges we face in managing and retrieving documents efficiently, and we are committed to maintaining transparency in our operations.

- I would like the estimated fees for revised request #1 and to know what is available to help narrow the search. A suitable substitute might be an accounting query delivered in Excel format showing transactional information associated with grant matches. I might still need grant documents for a forward look but retrospective look might do for now
- I would like the estimated fees for Request #2
- I would like any costs associated with me inspecting and copying the records in person.(I will need accommodation)

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Feb 7, 2024, 1:56 PM  
subject: Re: Revised Public Records Request  
mailed- isd221.net  
by:  
Ms. Morgan,

Please see the attached letter from Superintendent Craig Woods and the accompanying cost estimate to fulfill this request. Please let us know how you wish to proceed.

Sincerely,

**Amanda Weers**  
Emmett Independent School District #221  
Public Information Officer/Community Liaison  
(208)365-6301

# INDEPENDENT SCHOOL DISTRICT OF EMMETT #221



February 6, 2024

Dear Ms. Morgan,

As Superintendent of the Emmett School District, this letter is to address your revised public records request, which our office received on February 1, 2024. Your request pertains to 36 total funds or grants, their contracts, agreements for the past, present, and proposed fiscal years over the past three years.

The Emmett School District acknowledges your interest in this information; however, it is imperative that you understand the resources and effort required to fulfill such a request. The Emmett School District, as responsible stewards of funds derived from federal, state, and local taxes, is committed to ensuring the prudent allocation of both time and resources.

To comply with your request, we must assign a considerable number of personnel to collect, review, and redact information in strict accordance with Idaho code. Given the sheer volume and complexity of the records involved, this process will inevitably demand significant time and additional manpower.

Regarding your request, it is within the legal rights of the Emmett School District to request advanced payment. Furthermore, our insistence on your demonstration of an inability to pay is not a mere formality but a fundamental component of our commitment to being responsible stewards of taxpayer funds. I have spoken with our legal counsel and stand firm in our belief that the options previously conveyed to you by Ms. Weers, as outlined in a prior email, are both fully compliant with the law and represent reasonable measures to assess a requester's financial capacity.



**Emmett Ensures Educational Excellence**

400 Pine St. Suite 1, Emmett, ID. 83617 Phone (208) 365-6301 Fax (208) 365-2961  
[www.emmettschools.org](http://www.emmettschools.org)

# INDEPENDENT SCHOOL DISTRICT OF EMMETT #221

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Should you possess official documentation that substantiates your request for fee waivers, we are prepared to review and evaluate it with due diligence. It is imperative, however, that any such documentation includes your legal name and address to expedite our assessment process.

Ms. Weers is calculating the anticipated costs associated with your records request . I agree some of the information you have requested is readily accessible on our official website, and we will not hesitate to provide you with links to pertinent resources where applicable.

The Emmett School District is committed to transparency and cooperation in the realm of public records requests, all while remaining resolutely committed to adhering to legal requirements and safeguarding the rights and privacy of all concerned parties.

Your second public records request is also in process and may require redaction. Ms. Weers is working on the estimated cost for this new public records request as well. If you have further questions please contact me or Ms. Weers at the District Office 208-365-6301.

Sincerely,



Craig Woods  
Emmett School District

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**Emmett Ensures Educational Excellence**

400 Pine St. Suite 1, Emmett, ID. 83617 Phone (208) 365-6301 Fax (208) 365-2961  
[www.emmettschools.org](http://www.emmettschools.org)

## **Cost Estimate for Morgan Public Records Request 2-1-24**

Given the time it will take to compile and review the records, we are providing you with an estimate of the cost to fulfill your request received on February 2, 2024. 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.

<b>Estimated Cost to be Prepaid to Complete the Request</b>			
<b>Supplemental Materials Records</b>			
Number of staff	Total # of hours estimated to retrieve, scan, redact, and compile requested materials.	Average cost per hour  74-102(10e) stipulates "Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency who is necessary and qualified to process the request"	Cost to pre-paid

<p>This request involves cooperative efforts of at least 6 staff members</p>	<p>21.5-(1<sup>st</sup> 2 hours free)=19.5 hours</p>	<p>\$26.92  (The lowest-paid employees necessary and qualified to do the majority of this work have a higher wage. This is the average of the office staff who may need to be included in some way. The actual cost to the district is higher than this estimate. to be paid by the requester.)</p>	<p>\$524.94</p>
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**Other Potential Costs to Complete the Request**

**Paper Copies, Attorney Review**

<p>Idaho law provides 100 free paper copies</p>	<p>Cost per copy beyond the 100, \$.05 per copy</p>	<p>To be determined</p>
<p>Federal &amp; Idaho law protects some records from disclosure. This may require the review of an attorney</p>	<p>\$175 hourly rate</p>	<p>To be determined</p>

The cost is a preliminary estimate. We would contact you if additional hours are needed to complete your request, attorney review is 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. Please note that any public records request becomes public record, available for public perusal and available on our website.

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

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Feb 23, 2024, 10:02 AM  
subject: Re: Revised Public Records Request  
mailed- isd221.net  
by:

Dear Ms. Morgan,

This email is to inform you that your public records request received in our office on 02-01-2024 has been completed and is available to you once we have received payment for the district's work incurred in fulfilling the request.

The estimate we provided you was for 21.5 hours. With the first 2 hours free (per Idaho code), the final estimate was for a cost of \$524.94 to be paid by the requester. The actual work incurred with this request was less than the original estimate. The number of hours spent by district employees gathering and preparing this information is 14 hours. If using the quoted rate of pay (\$26.92 per hour), the fees associated with this request would be \$323.04. That is the amount we are requesting to be submitted prior to releasing the information.

Instead of a thumb drive, we are prepared to offer you the fulfillment of your request via a link to a Google Drive folder. Once you have submitted payment for these fees, we will provide you with the link. Should you request a waiver of these fees, we request, in accordance with Idaho code, that you demonstrate financial inability to pay the fees associated with your request.

Please note that the District is not seeking your personal financial information, simply evidence that you qualify for some type of state or federal financial assistance. The statute requires the requester to "demonstrate" that he/she has "insufficient financial resources" to pay for the request (IC § 74-102(10)(f)(iii)). This language requires some type of showing or evidence beyond a mere conclusory statement.

Finally, the following is in regard to your request and the contents of the fulfillment of the request. We have prepared a line item explanation and guide of what is in the folder and what is also available online. We have included all grants on the list to the best of our capabilities. We do not have any current proposed grants to include. We have some grants that are in process with the intention of submitting. However, the applications are not completed and have not been submitted for approval. We also have no guarantee of approval once a grant is completed and submitted.

Please consider this notification a fulfillment of this public records request. Should you wish to receive the materials gathered on your behalf, please advise how you would like to submit

payment of \$323.04 or provide documentation that supports an application for a fee waiver. The Google Drive link is available to you for the next ten business days as we await your decision. After ten days, we will consider this matter closed, and the public records request will be deemed complete.

Sincerely,

**Amanda Weers**

Emmett Independent School District #221  
Public Information Officer/Community Liaison  
(208)365-6301

from: **Amanda Weers** <aweers@isd221.net>  
to: lesliejmorgan@protonmail.com

date: Mar 7, 2024, 9:36 AM  
subject: Re: Revised Public Records Request  
mailed- isd221.net  
by:

Dear Ms. Morgan,

Good morning! We haven't heard from you regarding your public records request. Per our previous communication, the district is allowing ten business days for your response regarding payment or the requested demonstration of financial inability to pay the fees associated with your request. At the end of ten business days (tomorrow), this request will be considered complete and closed. All communication associated with it will be posted as public record and available on our website. The fulfillment of the request will remain with the district.

Please let us know if you wish to receive the materials gathered on your behalf. If so, please advise us of how you wish to provide payment or documentation that supports a fee waiver. If unable to meet the terms within the allocated time frame, please let us know if you would like a 5-day extension on the availability of the requested materials.

Thank you!  
[Amanda Weers](#)  
Emmett Independent School District #221  
Public Information Officer/Community Liaison  
(208)365-6301