

BEAT REPORTING

Records requests to make on the education beat

Thursday, June 20

11:30 a.m.

Panelists



CD Davidson-Hiers
(she/her)
Education Writers Association
Moderator



Marina Villeneuve (she/her) Salon



Jewél Jackson (she/her) Illinois Answers Project



Matt Drange (he/him) Business Insider



Goals of this session:

- "I'm not an education reporter" Examples of public records requests in "education" journalism
- Inspire reporting on and off the education beat
- How to effectively track your requests when covering an education-related topic
- Navigating common obstacles when covering education/ education-adjacent topics

"I don't really cover education"

"I write about ____, not education"

Q&A at the end

FERPA – like HIPAA but for academics

The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99. – U.S. Department of Education

 There are two essential criteria for a document to be considered part of an "education record" under FERPA: (1) the record must "directly relate" to a student, and (2) must be "maintained by an educational agency or institution or by a person acting for such agency or institution." – <u>Student Press Law Center</u>

By the numbers: A look at salaries for Leon County Schools district administrators



CD Davidson-Hiers

Tallahassee Democrat

Published 4:16 p.m. ET March 5, 2020

District administrators' salaries at Leon County Schools range from roughly \$50,000 to more than \$130,000, according to district records.

The highest belongs to Superintendent Rocky Hanna, who pulls in \$134,465 a year.

LCS official Ricky Bell files, withdraws complaint after fight over son's parking at Chiles



CD Davidson-HiersTallahassee Democrat

Published 11:08 a.m. ET Feb. 13, 2020 | Updated 8:28 p.m. ET Feb. 13, 2020

The issue began months ago when Bell's son, a sophomore, began parking on the high school's north Thomasville Road campus, which has 736 spots and roughly 2,000 students.

It soon escalated to heated phone calls and emails between school and district staff, including some sent by Bell's wife Shelly Bell, director of Lively Technical College.

Chiles Assistant Principal John Swope responded that parking on campus "is a privilege, not a right," as outlined in the student handbook. Juniors and seniors are allowed to park on campus with an approved parking permit, and the school opens up applications to sophomores if space is available.

He also said he "laughed" when Ricky Bell suggested in a phone call to school officials that his son deserved consideration for a parking permit because Bell had "put (the school) at the top of the list to have the stadium field renovated when it could've been other schools."



The universe of records in education

Should be available online:

- Budgets
- Comprehensive Annual Financial Report
 - your town/city's audited report full of great background and fiscal facts about your school/community

To request from your district:

- Contracts: Teachers/staff, superintendents, vendors, administrators, architects, insurance, attorneys... (List/database of contracts)
- Staff data: salaries, overtime pay, turnover (year-to-year), evaluations
- *Travel reimbursements:* Superintendents, administrators, school committee members..
- Construction projects: bid records, construction records, check for lawsuits
- School choice records: Transfer requests, amounts spent on vouchers
- Accreditation reports: periodic reviews that can include a self-study and a final report
- Expenditures: You can request by quarter/month. Any unusually large ticket items?
- Legal costs: How much is your district spending? Is there a pattern?

Use federal/state data to help you request documents

Ideas:

- Check what federal data is collected (on a biennial basis for civil rights data) and request more up-to-date data from your district
 - https://civilrightsdata.ed.gov/ (U.S. Civil Rights Data Collection)
 - https://www2.ed.gov/rschstat/landing.jhtml?src=ft (other U.S. Department of Education data)

- For datasets with demographic breakdowns, look for disparities, and request documents from districts
 - https://profiles.doe.mass.edu/statereport/ssdr.aspx

- See if the US DOE Office of Civil Rights is investigating your district
 - https://ocrcas.ed.gov/open-investigations

Mass. Has Been Tracking Impact Of Police In Schools For A Year, But Reporting Has Been Spotty

September 18, 2020

By Shannon Dooling



In July, Cregor teamed up with Citizens for Juvenile Justice to <u>analyze</u> school policing data collected during the 2018-2019 academic year, the first year districts were mandated by law to report school-based arrests to the state's Department of Elementary and Secondary Education (DESE).

By Cregor's analysis, only 11% of districts statewide reported any arrests.

25 Investigates: Data on policing in MA schools is spotty as mental health needs rise









By <u>Kerry Kavanaugh</u>, <u>Boston 25 News</u> and Marina Villeneuve

September 07, 2023 at 12:12 pm EDT

- Found the state doesn't track how often schools call 911 across
 Massachusetts
- Found Boston Public Schools reported 10 arrests for the 2021-2022 school year to the state
 - Center for Juvenile Justice's public records requests found 111 arrests for the 2021-2022 school year

25 Investigates: Racial disparities, hundreds of students disciplined for sex assaults in MA schools











By Kerry Kavanaugh, Boston 25 News and Marina Villeneuve

December 15, 2023 at 12:15 pm EST

- We found a total of 666 public school students disciplined for sexual assault - including rape - by schools across Massachusetts from 2013 to 2022.
- When schools do respond to allegations and discipline students, 25 Investigates found those students are predominantly black and brown.

RACIAL DISPARITIES IN DISCIPLINE

When schools do respond to allegations and discipline students, 25 Investigates found those students are predominantly black and brown.

According to 25 Investigates' analysis of DESE data, of the roughly 660 students that schools reported they disciplined for sexual assault from 2013 to 2022:

- 185 were Black students.
- 270 were Hispanic students.
- 180 were white students.

That means nearly 70% of all students disciplined for sexual assault were Black or Hispanic.

Think of impact from the beginning

Questions to ask:

- What major education laws have passed in your state over the last decade?
- Which arrests are being reported?
 - Request reports from police, school records of arrests/reporting those arrests to the state
- Who is being harmed?
 - Who should be held accountable?
- Are laws/programs working as expected?
 - Unexpected consequences?
- Are districts complying with laws/regulations?
 - Is there a lack of regulations, or a loophole?
- Is one population of students being harmed over others?
 - Disproportionate enforcement?
- What education issues have your local/state representatives campaigned on?

Requesting documents/data for impactful stories

- Talk with local/state experts and community members about compliance issues
- Request records about problems with compliance with the law
- Example in MA:
 - Get the context: request and analyze state school arrest data
 https://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=00000000&orgtypecode
 =0&=00000000&
- **Investigate compliance:** Pick a town and request records from police/schools of all arrests/citations/tickets/court and law enforcement referrals at schools and during off-campus school activities for past 5 years, Request records of spending on mental and behavioral health versus the money spent on policing. Search for lawsuits.
- Probe harm: Report out how arrests are impacting students and the community, what follow-up services if any are provided...
- Tip for request language: For data that districts have to report to state/federal agencies, find the survey forms and use the same language:
 https://www2.ed.gov/about/offices/list/ocr/docs/2021-22-crdc-school-form.pdf

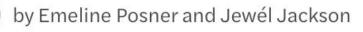
JEWÉL JACKSON

Records Raise Questions on CPS Transparency Over Near South Side High School Plan

Chicago Public Schools promised to listen to residents concerning the school location but did closed door planning for months. Appraisals for purchased land differ by millions of dollars, records show.

















Investigation of over 1,500 pages of land appraisals, real estate agreements and internal emails between officials, offer a closer look at the school's development process — which some critics say has not been transparent or involved the community in a meaningful way.

- For nearly a year, three city offices met regularly to discuss potential locations for a new Near South Side High School
- By July 2021, the three entities were intent on pursuing a land-swap plan that included public housing land.
- When Chicago Public Schools received an appraisal report that valued the Wabash land at \$7.7 million, district counsel reached out to a second firm. The second firm valued the land at \$10.275 million, then raised the value to \$10.32 million.
 - If the land-swap deal did not get necessary approvals, CPS had a back up plan.

Importance

"In community meetings Chicago Public Schools maintained that there were no other viable locations for the school, even as community members and elected officials asked the district to rethink its plan to use public housing land. Local activists have argued that the city should complete the construction of promised affordable housing on the Ickes land before building a school."

- Proved that "collaboration" between city agencies and the public did not occur
- Placed light on how decisions are made within city offices
- Held officials accountable on previous promises they made to the public
- Investigation combined several "beats"; business, politics, education, environment

FOIA for story + other requests

- Environmental testing reports& site assessments
- Land purchase agreements
- Sale Contracts
- Appraisal reports
- Emails between officials + attachments
- Presentations, plans, reports, memos, documents related to the property

- Training materials & schedules
- Space utilization of schools & classrooms
- Letters that public officials sent to other governmental offices
- Proposal applications
- Marketing materials
- Letters of recommendation

MATT DRANGE

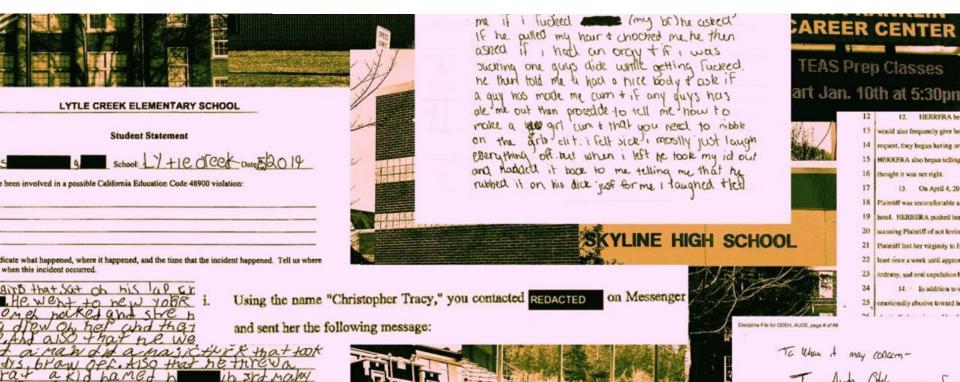
BUSINESS INSIDER

EDUCATION

com/file/d/1hrD5Nh LmriP8kV_-kSaMly dRNxTZ2V5K/view ?resourcekey

https://drive.google.

An epidemic of sexual abuse in schools



Request template for teacher disciplinary and settlement records we sent the 10 largest districts in every state

-"All separation agreements and settlements reached with current and former teachers who taught in the district between January 1, 2017 through the day this request is fulfilled.

-"All public records relating to any and all claims of misconduct against current and former teachers who taught in the district between January 1, 2017 through the day this request is fulfilled. Such public records should include, but not be limited to, all complaints; allegations; claims; investigatory reports; analyses; summaries; memoranda and/or notes; interview recordings; transcripts and/or notes; reviews; emails, text or other electronic messages, voicemails, and/or other communications and/or correspondence; determinations; decisions; orders; resignation letters; employment reclassification documents; offers in compromise and/or settlement agreements; termination and/or transfer papers; letters of reproval and/or other disciplinary actions, whether imposed or not; referrals to law enforcement, administrative, and/or licensing agencies, departments, and/or bodies; appeals; court filings and/or rulings; and all similar materials notwithstanding the use of other terminology, nomenclature, or categorization by this or other involved public agencies."

Sorting through the data

	A	В	С	D	E	F	G	Н	1	J	
1	School district ▽	State Abbre vation =	Data pulled by/confir m by initials (everyon e) =	Link to district's board doc policy page (if not found, link to district	Does the district have a sexual abuse/Mandato ry reporting policy (Yes/No)	Does the district have a sexual harassme nt policy (Yes/No)	Does the district have a policy that reference s the word =	Does the district have a policy that references "boundary" or "relationshi ps" for	If yes, is it specific (does it give examples of staff-to-st udent =	If yes, what was the date of adoption? (MM/DD/Y YYY, unknown) =	
2											
	Wake County Schools	NC	DB	https://boardpo	Yes	Yes	Yes	Yes	Yes	5/1/2018	

Request template for data showing adverse action on credential or license as reported to NASDTEC

"All adverse actions taken against teacher licenses or certificates as reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC), including but not limited to public reprimands, denials, invalidations, annulments, revocations, suspensions, and voluntary surrenders, with the nature and description of the reason for action (i.e., sexual misconduct, breach of contract, incompetence, etc.) noted alongside the full names of every teacher, from January 1, 2017 through December 31, 2022."

Potential hurdles to be aware of

- Unreasonable fees not uncommon for districts to attempt to charge tens or even hundreds of thousands of dollars
- Districts opting not to use discretion under the law to release documents
- Districts citing state laws prohibiting the release of all public employee "personnel files"
- Redactions that extend far beyond FERPA-protected information
- Districts arguing that releasing information on teacher settlements is "not in the public's interest" and would violate their privacy
- Neverending delays
- Districts claiming they have no way to locate responsive records
- Districts redacting the names of teachers from settlement/separation agreements
- States claiming they kept no record of what they reported to NASDTEC

Hit a dead end? Consider filing a 'meta request'



Tobin Novasio <novasiot@lockwoodschool.org>

Business Insider Montana Public Records Law request, August 29, 2022

Tobin Novasio <novasiot@lockwoodschool.org>
To: Teresa Marchant <marchantt@lockwoodschool.org>

Thu, Sep 22, 2022 at 4:40 PM

Just an FYI as this is similar to the MFPE ULP.

I likely don't have a legal leg to stand on, I'm just unsure what value there is in releasing Lynette's information to a magazine in California.

(Quoted trad visites)



Tobin Novasio <novasiot@lockwoodschool.org>

Business Insider Montana Public Records Law request, August 29, 2022

Tobin Novasio <novasiot@lockwoodschool.org>
To: Pam Ask <askp@lockwoodschool.org>

Fri, Sep 23, 2022 at 9:52 AM

It went out to many districts. They are probably sending it out to all districts over a certain size in a region of the country.

I'm sure they are looking to do an article on how many misconduct cases there have been and how much taxpayer money is wasted on these buyouts.

In our case it was much more cost efficient to pay her insurance for a couple of months than hire an attorney to terminate her.

(Quote-Heat radion)

PUSH BACK

Remember: You have the public-interest argument.

As a journalist, don't forget that your best asset is that you are paid to be a truth seeker.

Best.

Eva Craner Twin Falls School District

Public Relations Director



Hi Brady.

Good morning,

I've consulted with my attorney and I'm afraid there appears to be some confusion here as to what state statute lawfully permits to be withheld. I'm hopeful that we can resolve this matter without seeking a judicial remedy through the courts.

By way of context, I've requested these same records from a dozen other school districts across the state. Can you reply to this email and confirm your understanding of the following?

First, with respect to the separation and settlement agreements I've requested, these are not part of any employee's personnel file at all, and are generally stored in a readily accessible and segregable manner. These records do not require review or redaction under state law, as they are a matter of public record in their entirety.

As for the remainder of my request, while it is true that state law does allow agencies to withhold certain aspects of an employee's personnel file, none of the exemptions applies to matters of sexual abuse and misconduct. Other districts have had no issue segregating these records and lawfully providing them. Given the serious nature of my request and the Twin Falls School district's obligation to ensure student safety, I trust you will do the same.

In an effort to assist you in processing this request, records regarding "activities with district students" should be interpreted to mean "Sexual Harassment," "Unwelcome Conduct," "Hostile Educational Environment," and/or "Sexual Violence," involving one or more former or current students. With respect to the separation and settlement agreements I've requested, please note that I am requesting <u>all such agreements</u>, as indicated in my request, regardless of the underlying reason/rationale for departure.

Thank you,

Craner, Eva to me ▼	@ 12:01 PM (10 hours ago)	☆	\leftarrow	÷
Hi Matt,				
Please see the attached response to your public records request.				
I apologize for any inconvenience you may have encountered in submitting and/or re Dickinson likely mentioned, I am the TFSD employee who is designated to handle all happened to come in just as I had left on a lengthy vacation where I did not have cell	I such requests and your initial	request	ts	

capable of fulfilling these requests, as something he does not do regularly, the process might have been a bit disjointed.

or are terminated. If I can help with your work in this capacity, please let me know.

As a side note, I also handle general media requests for the TFSD and frequently work with reporters in a less formal manner. I

sometimes feel that public record requests stand in the way of conversations that would be better at answering questions reporters

sometimes have. For instance, based on the emails between you and Dr. Dickinson, it would probably be helpful for you to know that

separation agreements between districts and teachers are very uncommon in the state of Idaho. Typically staff members either resign

Invite a lawyer into the room (and bring examples)



Matt Drange <mdrange@insider.com> to Glen, Dixie, Mike, K'Dawn, Jacob ▼ Fri, Oct 7, 2022, 4:53 PM



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Good afternoon.

Please reply to me and Insider counsel Glen Smith, cc'd here.

It appears there is some confusion here, both with respect to the scope of my request as well as what the district can lawfully withhold from disclosure under the IPRA. I'm hopeful that we can resolve this matter without seeking a judicial remedy, which my newsroom is prepared to pursue. Can you confirm your understanding of the following?

First, no information contained in an employee separation, settlement or resignation agreement is either part of an employee's personnel file or exempt from disclosure under the IPRA. By way of additional context, I've requested and received these same records from more than 500 school districts across the country, including many others in New Mexico, without issue. I'm attaching examples for reference.

Second, while it is true that the IPRA does allow agencies to withhold certain aspects of an employee's personnel file, none of the exemptions in the statute applies to matters of sexual abuse and misconduct. Indeed, other districts have had no issue segregating these records and lawfully providing them (see attached). The fact that the state insurance authority and Licensure Bureau of the New Mexico Public Education Department also maintain some of the records I've requested does not absolve the district of its responsibilities under the IPRA to provide me with all public records and public portions of records that remain in its possession.

Given the nature of my request and Gallup-McKinley County Schools' immense obligation to ensure student safety, I trust you will treat this request with the attention and care that it deserves, rather than attempting to wrongfully dismiss it out of hand.

Thank you, Matt Drange

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O Attachments - Coonned by Cmail (



If you get a crazy \$\$ quote, odds are the district wants you to go away.

This works for them most of the time! Don't let it.



Matt Drange <mdrange@insider.com>
to Maryanne, CORA ▼

Mon, Sep 12, 6:45 PM (3 days ago)





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Hello, thank you for the update. Please reply to both me and Insider counsel Maryanne Stanganelli, cc'd here. I'm hopeful that we can resolve this matter without seeking a judicial remedy through the courts. Can you confirm your understanding of the following?

First, there is nothing in state statute that allows you to prematurely close a records request; my request with your office remains open and unfulfilled.

Second, there appears to be some confusion as to the scope of my request. By way of additional context, I've requested these same records from many other school districts across the state. None have charged us more than \$240 to fulfill the request, and yet you are seeking some \$6,682.42.

With respect to the separation and settlement agreements that I've requested, these records are not, as you seem to imply, part of an employee's personnel file, but rather stored in a readily accessible and segregable manner.

In every district I've worked with that has lacked a records retention method for separating disciplinary records from an employee's personnel file, starting with the separation and settlement agreements on file has been a helpful way to substantially reduce the amount of time needed to process this request. Additionally, every other school district I've requested these records from has kept information on file regarding teachers who have been accused of sexual misconduct or abuse, which has also served to reduce the time needed to process the request. Your response indicates nothing that suggests the Denver Public School district's storage system would preclude this same approach.

Once you start negotiating, you'll want to identify something you can live without (at least to start).

Ideally, you can turn a high estimate into something more reasonable.

(You can always go back to ask for more later!)

Narrowed Request: PAYMENT: Business Insider Colorado Open Records Act request - August 16, 2022 External Inbox X								
CORA Requests (sent by stacy_wheeler@dpsk12.net) to me, Maryanne ▼ 6:20 PM (3 hours ago)	←	i						
We have reviewed your CORA request related to All separation agreements and settlements reached with current and former teachers who taught in the district between January 1, 2017 through the day this request is fulfilled.								
Staff have determined that retrieving will take approximately 4-6 staff hours. We request that you pay the minimum estimated staff time prior to us beginning the retrieval. If fulfilling the request takes longer, we will request final payment prior to releasing the documents.								
In accordance with the <u>District CORA Folicy</u> , the first hour of staff time is free. There is a \$33.58 charge per staff hour for the additional 3 hours. Please pay \$100.74 to Deliver Public Schools.								
Payment Options:								
Online: Select from drop down "Donations to CORA" (https://financialservices.dpsk12.org/treasury/)								
Please send a copy of your payment receipt to CORA@dpsk12.org.								
Via mail:								
 Make the check payable to Denver Public Schools, CORA request in the memo line Mail to Denver Public Schools C/O CORA payment 1860 Lincoln St 12th floor, Denver, CO 80203 								
Please let me know if you would like to narrow your request or have any questions.								

Sincerely,

Understand what can happen behind the scenes ...

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From: Nickolas Sojka <nickolassojka@ccs.k12.nc.us>

Date: 9/16/22 3:42 PM (GMT-05:00)

To: "Hodson, Emma" <EHodson@pitt.k12.nc.us>

Cc: crystal_davis <crystal_davis@catawbaschools.net>, Michele Morris <michele.morris@ucps.k12.nc.us>, Sonya McGraw <scmcgraw@gaston.k12.nc.us>, "Jenkins, Dionne T" <dtjenkins@wsfcs.k12.nc.us>, "April H. Kuhn" <kuhnah@rss.k12.nc.us>, "Rich, Amy L" <alrich@wsfcs.k12.nc.us>, "Andre F. Mayes" <andre.mayes@cms.k12.nc.us>

Subject: Public Records Request for Personnel Documents re: Staff Sexual Misconduct

Happy Friday: has anyone else received such a request from Matt Drange of the San Francisco Business
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CAUTION: This email originated from outside the CMS organization. Do not click links, give sensitive information, or open attachments unless verified. Forward all suspicious email to spam@cms.k12.nc.us.

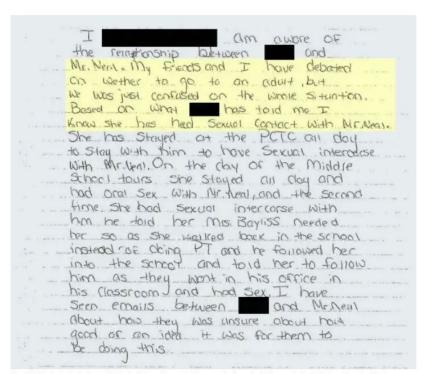
Yes, we have....I would love to talk about this... and I think CMS got it.

Sonya C. McGraw, Attorney Gaston County Schools 943 Osceola Street Gastonia, NC 28054 704-866-6119 scmcgraw@gaston.k12.nc.us

Insider?

Other potential issues

- Student-identifying information is generally exempted under FERPA (possible that snippets of information were inadvertently released by the district)
- If you request records regarding "sexual misconduct", you may receive documents not specific to sexual misconduct or harassment, but rather other disciplinary issues
- Often difficult to say how complete a given case file is
- Records often do not include law enforcement or court records that may exist
- NASDTEC data is a substantial undercount (many states don't disclose nature of the conduct)



Few districts train students on what to do if they witness teacher sexual misconduct. When a student in Putnam County, West Virginia, reported that teacher Kevin Neal was having sex with a classmate, she said she was "confused on the whole situation" and debated whether to alert an adult. Putnam County Schools

Lagniappe

Tipsheet via IRE and EWA

Two add'l resources:

BoardDocs





MuckRock



Questions?

CD Davidson-Hiers *Email:*

DavidsonHiers@ewa.org
I'm also on LinkedIn!

> CD Davidson-Hiers

Marina Villeneuve *Email:*

marina.villeneuve@gmail.com

Jewél Jackson

Email: imjwrites11@gmail.com

X: @JewlJackson1

Matt Drange

Email: mdrange@insider.com