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ATTORNEYS AT LAW

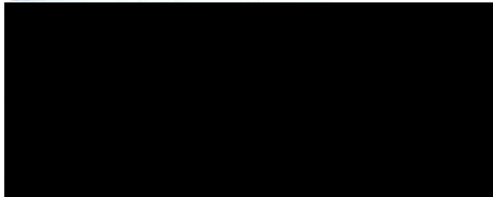
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June 11, 2019

VIA ELECTRONIC MAIL



Re: Riverview Gardens School District Public Records Sunshine Law Request from Sunshine Request

Dear 

This Firm and the undersigned below represent the Riverview Gardens School District (the "District"). This correspondence acknowledges the District's receipt by its Custodian of Records on June 6, 2019 of your electronic mail request. The Special Administrative Board (the "SAB") of the District will, of course, comply with the terms of the Missouri open records law as codified in Chapter 610, RSMo. (the "Sunshine Law"). The District is not subject to the Freedom of Information Act ("FOIA"). A full statement of the SAB written policies regarding access to records may be found on the District's website at <http://www.rgsd.k12.mo.us/> under About RGSD/Policies and Plans/Board Governance and School District Policies/B. School Board Governance and Operations/Policy BDC Closed Meetings, Records and Votes and Policy GBL Personnel Records.

Subject to and without waiving any objections contained herein, any document meeting the definition of a "public record" – defined as any record, whether written or electronically stored, retained by or of the District, including any report, survey, memorandum, or other document or study prepared for the District by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with the District or on behalf of the District, as provided in Section 610.010(6) RSMo, will be made available for you through the office of the District's legal counsel at 500 North Broadway, Suite 1300, St. Louis, MO, 63102 during its normal business hours. Please contact Dorothy White-Coleman at the above telephone number if you have any questions.

The District will not produce:

- (a) any internal memorandum or letter received or prepared by or on behalf of the

District consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of the District, unless such records are retained by the District or presented at a public hearing. § 610.010(6), RSMo;

- (b) "closed records" relating to [l]egal actions, causes of action or litigation involving the District or its representatives and its attorneys. § 610.021(1), RSMo;
- (c) legal work product. § 610.021(1), RSMo;
- (d) the lease, purchase or sale of real estate by the district where public knowledge of the transaction might adversely affect the amount to be received or spent by the district. Any minutes, vote or public record approving such a contract shall become available to the public upon execution of the lease, purchase or sale of the real estate. § 610.021(2), RSMo;
- (e) hiring, firing, disciplining or promoting records of particular employees by the District when personal information about the employee is discussed or recorded. § 610.021(3), RSMo;
- (f) proceedings involving the mental or physical health of an identifiable individual. § 610.021(5), RSMo;
- (g) scholastic probation, expulsion or graduation of identifiable persons, including records of individual tests or examination scores. However, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of 18 and by the parents, guardian or other custodian and the student if the student is over 18. § 610.021(6), RSMo;
- (h) testing and examination materials until the test or examination is given for the final time. § 610.021(7), RSMo;
- (i) welfare cases of identifiable individuals. § 610.021(8), RSMo;
- (j) preparations on behalf of the district or its representatives for negotiations with employee groups, including any discussion or work product. § 610.021(9), RSMo;
- (k) software codes for electronic data processing and documentation thereof. § 610.021(10), RSMo;
- (l) competitive bidding specifications until officially approved or published. § 610.021(11), RSMo;
- (m) sealed bids and related documents until the bids are opened; sealed proposals and

- related documents until all proposals are rejected; or any documents related to a negotiated contract until a contract is executed. § 610.021(12), RSMo;
- (n) individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment. § 610.021(13), RSMo;
 - (o) records which are protected from disclosure by law. § 610.021(14), RSMo;
 - (p) scientific and technological innovations in which the owner has a proprietary interest. § 610.021(15), RSMo;
 - (q) records relating to municipal hotlines established for reporting abuse and wrongdoing. § 610.021(16), RSMo;
 - (r) confidential or privileged communications between the Board and its auditor, including all auditor work product. However, all final audit reports issued by the auditor are to be considered open records. § 610.021(17), RSMo;
 - (s) operational guidelines, policies and specific response plans developed, adopted or maintained by the district for use in responding to or preventing any critical incident that is or appears to be terrorist in nature and that has the potential to endanger individuals or public health or safety. The SAB affirmatively states that disclosure would impair its ability to protect the health or safety of persons and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. Financial records related to procurement or expenditures related to operational guidelines, policies or plans shall be open records. § 610.021(18), RSMo;
 - (t) existing or proposed security systems and structural plans of real property owned or leased by the district where public disclosure would threaten public safety. Procurement records or expenditures relating to security systems purchased with public funds shall be open. The SAB affirmatively states that disclosure would impair the district's ability to protect the security or safety of persons or real property and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. § 610.021(19), RSMo;
 - (u) the portion of a record that identifies security systems, access codes or authorization codes for security systems of real property. § 610.021(20), RSMo;
 - (v) records that identify and would allow unauthorized access to or unlawful disruption of the configuration of components or the operation of a computer, computer system, computer network or telecommunications network of the district if released. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures for such

computer, computer system, computer network or telecommunications network shall be open. § 610.021(21), RSMo;

- (w) credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the district and a person or entity doing business with the district. However, the record of a person or entity using a district credit card or any record of a transaction that is reimbursed by the district will be open. § 610.021(22), RSMo;
- (x) records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;
- (y) records relating to foster home or kinship placements of children in foster care under section 210.498; or
- (z) any document not meeting the definition of a “public record” or excused from production under § 610.021, RSMo.

Additionally, pursuant to § 610.024.1, RSMo, if a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the District shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

REQUEST:

1. Minutes from the May 28, 2019 Riverview Gardens School District (located in St. Louis, MO) Special Administrative board meeting regarding approval of teacher transfer requests.

RESPONSE:

The District objects to your request for “Minutes from the May 28, 2019 Riverview Gardens School District (located in St. Louis, MO) Special Administrative board meeting regarding approval of teacher transfer requests” to the extent it seeks the production of any records for review regarding the matters identified in (a) through (z) above. Subject to said objection, the District does not have or maintain any records regarding the information requested in the Sunshine Law Request from Sunshine Request.

[REDACTED]
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Please contact us if you have any questions or need additional information.

Very truly yours,


Dorothy White-Coleman

cc: Ms. Sha Fields, Custodian of Records