



**Sunshine Law Request**  
from the  
Missouri Attorney General's Office



ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT

April 22, 2022

Custodian of Records  
East Carter County R-II School District  
24 South Herren Ave.  
Ellsinore, MO 63937  
*Sent via email to [kdalton@ecarter.k12.mo.us](mailto:kdalton@ecarter.k12.mo.us)*

**RE: Sunshine Law Request**

Dear Ms. Dalton:

I write to request copies of the following public records pursuant to Chapter 610 of the Missouri Revised Statutes:

1. Provide all documents, handouts, diagrams, assignments, lesson plan, curriculum, or other teaching materials, including electronic copies and links or access to any online resources, beginning on January 01, 2021, through the date of this request, where Prodigy Math was used at the East Carter County R-II Elementary School that include the following terms or words:
  - a. "race"
  - b. "privilege"
  - c. "white supremacy"
  - d. "1619 project"
2. Provide all documents, handouts, diagrams, assignments, lesson plan, curriculum, or other teaching materials, including electronic copies and links or access to any online resources, beginning on January 01, 2021, through the date of this request, used at the East Carter County R-II Elementary School by history classes to discuss American Indian sexuality/sexual expression or that include the following terms or words:
  - a. "berdache"
  - b. "two-spirit"
  - c. "gender", "gender expression", "gender identity", "gender affirming" or "transgender"
3. Provide all documents, handouts, diagrams, assignments, curriculum, agreements, lesson plans or other teaching materials, including electronic copies and links or access to any online resources, beginning on January 01, 2021, through the date of this request, where BrainPop was used at the East Carter County R-II Elementary School.

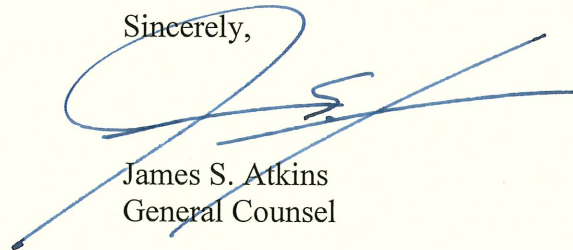
Supreme Court Building  
207 W. High Street  
P.O. Box 899  
Jefferson City, MO 65102  
Phone: (573) 751-3321  
Fax: (573) 751-0774  
[www.ago.mo.gov](http://www.ago.mo.gov)

I request that all responsive records be produced electronically, or be made available immediately for inspection.

This request seeks documents that are in the public interest because they are likely to contribute to a better understanding of the operations or activities of East Carter County R-II School District. In addition, this is not a request for commercial purposes. For these reasons, pursuant to § 610.026.1(1), RSMo, the Missouri Attorney General's Office requests a waiver of any fees associated with processing this request for records.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. S. Atkins', with a long horizontal flourish extending to the right.

James S. Atkins  
General Counsel



# **Responsive Documents**

from the School District

# EAST CARTER COUNTY R-II SCHOOLS



Richard Sullivan, Superintendent  
Matt Stahl, HS Principal

24 SOUTH HERREN AVE  
ELLSINORE, MO 63937  
PHONE: 573-322-5625  
FAX: 573-322-8586

Theresa Kearbey, MS Principal  
Kacie Kendrick, Elem Principal

April 27, 2022

Via Email: [Diana.Haines@ago.mo.gov](mailto:Diana.Haines@ago.mo.gov)

Attorney General of Missouri  
Eri Schmitt  
Supreme Court Building  
207 W. High Street  
P.O. Box 899  
Jefferson City, Missouri 65102

RE: Sunshine Law Request

Dear Mr. Atkins:

The East Carter County R-II School District received your letter dated April 22, 2022. In your communication, you request copies of certain District records pursuant to Missouri's Sunshine Law. In particular, you request copies of records maintained by the District that include reference to any of the following search terms:

- Race
- White Supremacy
- Berdache
- Gender, gender expression, gender identity, gender affirming or transgender
- \* Privilege
- \*1916 project
- \*two-spirit

You further request that the District search for these records from January 1, 2021 to April 22, 2022, and that the District's search include all records in their original format, whether electronic or tangible.

This is one of the largest records request ever received by the District. In order to fully and completely respond to your request, our technology department will need to search electronic records maintained by the District on each server and computer. Staff will need to review individual paper files maintained at each District location and building, as well as review all video and audio recordings.

Because of the extensive time and effort estimated to fulfill your extraordinary request, the District is unable to waive the fees for searching, researching, and preparing copies of responsive records. As permitted under the Sunshine Law, the District estimates the following fees to fulfill your records request:

- 195 hours of staff time at an hourly rate of \$ 30.12 to search for responsive records
- 5414 hours of staff time at an hourly rate of \$ 15.86 to makes copies of responsive records
- 575633 pages of copies at a rate of 0.25 cents per page

The total estimated fees for your records request is \$ 160,722.99 and the District will begin fulfillment of your records request upon my receipt of your payment in full.

The total estimated fees may be revised once the fulfillment process has begun. If the estimate proves to be higher than necessary, you will be refunded any extra fees. If the estimate proves to be lower than required, you will be charged the additional amount prior to receiving the records. The District will notify you of any revisions to the estimated fees as the District processes your request.

Upon receipt of payment, staff will be working as diligently and as efficiently as possible to search our records to determine, compile, and produce records responsive to your request. The current public health crisis has resulted in limited staff availability which may make it more challenging to fulfill your request for records.

In light of current conditions and due to the extent and nature of your request, the District will need longer than 3 business days to provide access to the requested documents. Your request will require a substantial amount of staff time to locate and review a substantial volume of records, in multiple formats and across multiple years. The District estimates that 959,466 records will be searched for potential responsiveness at a review rate of 150 records per hour for 10% of the work hours of a reviewing employee.

The District estimates that the total time to fulfill your records request is 6579 business days. Therefore, if I receive your payment of total fees today, the District anticipates that the earliest time and date all requested records will be available is 9:00 a.m. on 4/29/2059. If payment is received after this date, we can provide you with a revised date by which the records will be available. After receipt of payment and after the District begins fulfillment of your request, the District will provide records on a rolling basis if requested.

Please contact me directly with any questions.

Dr. Richard Sullivan

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