

August 11, 2022

Dr. Gregg Russell, Superintendent
and all records custodians
Nampa School District # 131
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Nampa, ID 83686
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Jeff Kirkman, Chair
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Board of Trustees Nampa School District
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RE: Nampa School District Public Records Request Follow-Up

Dear Superintendent Russell, Chair Kirkman, and all records custodians for Nampa School District #131 or the Board of Trustees for the Nampa School District,

We have received and reviewed the materials you produced on August 1 in response to our public records request. A preliminary review of the records indicates that the Nampa School District Board of Trustees may have violated the First Amendment rights of its students by removing the 22 books from its shelves and may not have produced all of the requested documents.

First, the records produced indicate that the Board knowingly usurped the process the Nampa School District was using to determine whether the challenged books should remain on District library shelves. The Board disregarded the direct recommendation from the Nampa School District staff that at least 6, and as many as 16, of the challenged books contained “little or no sexual content” and therefore should have remained on the library shelves.¹ Then, when the lone parent challenging the 22 books was asked to fill out a form to explain her reasons for challenging the 10 books that District staff determined were “in between,” the parent chose to complete the form for only 6 of the 10 books,² effectively abandoning her challenge to the remaining 4 books.³ Yet, the Board chose to remove all 22 books from school library shelves. The Board also disregarded the work and recommendations of the Challenged Book committee as it undertook a full and complete review of the remaining 8 books with input from teachers, parents, librarians, and staff.

¹ Document Folder entitled “Mandy Simpson Book emails” page labeled “126”; Document Folder “ACLU-5” pp. 32-44.

² Document Folder entitled “ACLU-5” pp. 89-97.

³ March 2, 2022 E-mail from Tosha Sweeney to Laurie Maughan contained in Document Folder entitled “Mandy Simpson Book emails,” page labeled “125.”

Rather than complying with the District's process and the opinions of the teachers, parents, librarians, and staff of the Nampa School District, the Board banned all 22 challenged books "forever." The Board did this without having read the books in their entirety, without following an established process, and without considering less restrictive alternatives to banning the books "forever." Although the Board has asserted that it has merely "pause[d]" the book review process, that does not mean that the Board can engage in ad hoc procedures like total book bans prior to or in lieu of developing consistent, transparent, and proper procedures.⁴

Second, our preliminary review of the records indicates that the School District and Board excluded certain relevant and responsive materials from its August 1 production. Under the Public Records Act, these records are overdue and you must produce them immediately. Our review indicates the following materials were not produced:

- All responsive communications to and from any member of Nampa School District Board of Trustees on May 3, 2022, and through May 10, 2022;
- All responsive communications sent and received by Brook Taylor from April 29, 2022 to present. Trustee Taylor should be receiving the emails sent to all members of the Board of Trustees, but these were not produced;⁵
- Four photos attached to a June 2, 2022 email from Laurie Maughan to Krissy LaMont;
- The email or other communication providing the "Requests for Reconsideration of Library Resources" regarding the book "It's Perfectly Normal" by Robie H. Harris. A March 2, 2022 email from Tosha Sweeney to Laurie Maughan has 6 attachments that are "Requests for Reconsideration of Library Resources." See "Mandy Simpson Book emails" page labeled "125." These attachments appear to have been produced in document file "ACLU-5" at pages 89-98. However, one of these documents, a Request for Reconsideration of "It's Perfectly Normal" by Robie H. Harris, *id.* at 89, was not attached to Tosha Sweeney's March 2, 2022 email nor any other email contained in the production;
- A document entitled "Untitled spreadsheet – Sheet1 (2).pdf" attached to a January 19, 2022 email from Tosha Sweeney to Laurie Maughan;
- All of the attachments to the produced emails. There are a number of emails with sticky notes on them that state the attachments have been "provided in 'other' documents." However, the School District has not provided a folder entitled "other" or "other documents," so it is unclear whether the school district has actually provided these attachments and, if so, where they are located;
- The mass email sent to all Nampa School District staff informing them about the book ban. Some documents produced refer to this email, but email itself has not been produced.

The above missing materials are especially troubling in light of the Board's recent discussion, at the July 25, 2022 Special Board of Trustees meeting, of records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code. Please produce the missing records immediately. And please produce them in their native file format.

⁴ May 23, 2022 E-mail from Jeff Kirkman to John Pintz contained in Document Folder entitled "Jeff Kirkman Book emails" page labeled "204."

⁵ See, e.g., Document Folder entitled "Tracey Pearson Book emails 1" page labeled "97."

Sincerely,

/s/ Aadika Singh

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