

The Iowa Public Information Board

In re the Matter of: Debra Schiel-Larson, Complainant And Concerning: Indianola Community School District, Respondent	Case Number: 23FC:0053 Informal Resolution Report
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Daniel Strawhun, Legal Counsel for the Iowa Public Information Board (IPIB), submits this Informal Resolution Report for complaint 23FC:0053:

IPIB accepted this complaint on August 17, 2023. The parties have agreed to informally resolve the complaint. A copy of the informal resolution is attached.

It is recommended that IPIB accept the informal resolution and set the matter for compliance review.

Respectfully submitted on March 21, 2024.

CERTIFICATE OF MAILING

This document was sent by electronic mail on March 12, 2024, to:

Debra Schiel-Larson
Emily Ellingson, attorney for Respondent

INFORMAL RESOLUTION

Formal Complaint 23FC:0053

On March 1, 2023, the Complainant, Debra Schiel-Larson, filed formal complaint 23FC:0053, alleging that the Indianola Community School District (District) violated Iowa Code chapters 21 and 22.

The Iowa Public Information Board accepted the complaint for resolution of the chapter 22 violation on August 17, 2023. The Board dismissed the portion of the complaint alleging a chapter 21 violation.

Upon acceptance of the complaint, IPIB staff conferred with the parties to determine how best to resolve the complaint. During these discussions, it became apparent that the search terms and methodology the District had used to identify documents responsive to the Complainant's request were incomplete and would likely not have yielded a complete response to the request even if the District had not chosen to withhold any of the documents.

Upon learning this, IPIB staff recommended that the Complainant and District agree on a list of search terms that would yield a complete response. The Complainant suggested a list of search terms, and the parties identified a limited number of individuals whose computers and emails would be searched for responsive documents. However, the District reported that searching these terms yielded an unwieldy number of potentially responsive documents that would need to be reviewed to determine if they fit the description of documents that the Complainant had requested via natural language.

Since then, progress toward agreement on an acceptable list of terms has been stalled. **Ultimately, it is the District's legal obligation to produce all public records that the Complainant originally described in her request.** The Complainant's original request is copied in its entirety below:

Pursuant to Iowa Code Chapter 22, the public records law, I am requesting a digital copy of all records related to the Indianola Community School District's Branding Effort. This includes but is not limited to original work on this topic prior to formation of the associated committee, all correspondence and documents, the school district's consultant and their efforts, Branding Committee meeting packets, agendas, meeting minutes and records, etc.

This public information request also includes but is not limited to the information that Superintendent Ted Ihns referenced recently at the Indianola Community School District's Board meeting on March 21, 2023 under "Item I. Other" with branding designs currently under consideration. Superintendent Ihns agreed to forward this information to the School Board members.

Again, it is the District's responsibility—not the Complainant's or IPIB's—to determine the best method of identifying and collecting ALL the records requested so that they may be released to the Complainant in accordance with the law. The original request, as copied above, sufficiently describes the records that are sought. The burden is now on the District to locate those records within its own storage and release them to the Complainant.

Therefore, the parties agree to resolve the complaint pursuant to the following terms:

1. The District shall identify and collect all public records it possess that fit the description of those the Complainant requested in her original request, subject to the following limitation:
 - a. The parties acknowledge and agree that the Respondent is not obligated to search for, identify, and collect any records that were created before January 2, 2022, or after September 7, 2023.
2. If, after identifying and collecting all public records as described in paragraph 1, the District wishes to withhold one or more of those records as confidential, the District shall provide unredacted copies of the records it wishes to withhold to IPIB staff and state the basis of the claimed confidentiality of each record it wishes to withhold. However, if the claimed confidentiality of a record is based on attorney-client privilege, the District is not obligated to provide that record to IPIB staff.
3. Upon receipt of a record claimed to be confidential, IPIB staff shall review the record, determine whether the District may withhold it as confidential, and communicate its determination to the District.
4. The District shall release all records it has identified and collected as described in paragraph 1 to the Complainant, except that
 - a. the District may withhold records that IPIB staff has determined to be confidential as described in in paragraphs 3; and
 - b. The District may withhold attorney-client privileged records.
5. Upon receipt of the records, the Complainant shall send an email to the District and IPIB staff stating the following:
 - a. That she has received and reviewed the records; and
 - b. That the alleged violation of chapter 22 complained of in formal complaint 23FC:0053 is thereby resolved.

The date of this agreement is the date upon which all parties have signed it, as evidenced by the signature dates below. The parties shall complete all terms of this agreement no later than 90 days from the date of this agreement, except that IPIB staff may exercise discretion in allowing for reasonable extensions. Upon successful completion of all terms, IPIB shall dismiss this complaint.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

Debra Schiel-Larson
Debra Schiel-Larson

1 February 2024
Date

Theodore Ihns
Indianola Community School District

2-15-24
Date

By: Theodore Ihns
(Print Name)

IPIB:

Chair

Date