



June 14, 2022

Via Email: *mclapper@baxter.k12.ia.us*

Dr. Mickolyn Clapper
Superintendent
Baxter Community School District
202 East State Street
Baxter, Iowa 50028

RE: Request Under the Iowa Open Records Act for Records Regarding the Baxter Community School District's Efforts to Undermine Iowa's Ban on Race and Sex Stereotyping and Scapegoating.

Dear Dr. Clapper:

America First Policy Institute (AFPI) is a non-profit, non-partisan research institute dedicated to the advancement of policies that put the American people first. Our guiding principles are political, religious, and economic liberty, the rule of law, America-first foreign policy, and a belief that American workers, families, and communities are indispensable to the success of our country. In our view, it is the mandate of policymakers, from local school boards to the United States Congress, to advance and serve these interests above all others. We affirm and celebrate the American experiment—not as an aesthetic act but as a moral statement. We aim to promulgate American values in our educational institutions, laws, and culture. We do this by disseminating the truth about the American Founding, our shared history, and the principles that underlie our constitutional republic.

To this end, we file open records requests, commonly known as Freedom of Information Act requests, on issues of pressing public concern. We then disseminate the information we obtain by making documents broadly available to interested parties, citizens, or institutions. Using the vast resources of AFPI, which include more than 20 policy centers and a public interest law firm, we incorporate documents we receive through these requests into distinct content that serves the larger public interest. We distribute this content to a national audience through traditional and social media platforms—AFPI emails millions of unique email addresses of engaged stakeholders regularly; our Twitter account has over 30,000 followers; our Facebook page has over 65,000 followers; and our Instagram account has over 21,000 followers.

Pursuant to Iowa Open Records Act, codified at Iowa Code Chapter 22 *et seq.*, AFPI request the following records.

I. Requested Records

The time frame for each request is June 8, 2021, to the date this request is processed.

A. All records, including, but not limited to, emails, calendar items, memoranda, correspondence, curricula, syllabi, rubrics, and other records within the Baxter Community School District's and its personnel's possession or control that contain therein or reference the following:

- Social Justice in Literature
- Critical Race Theory
- CRT
- Gender Studies
- Social Justice
- Social Activism
- Systemic Racism
- Anti-Racism or Antiracism
- Implicit Bias
- White Privilege
- White Supremacy
- White Fragility
- Race Supremacy
- Cultural Appropriation
- Cultural Competence
- Activism
- Oppression
- Genocide
- Socialism
- Equity
- Diversity
- Inclusion
- Privilege
- Whiteness
- House File 802 or HF 802
- How to Be an Antiracist
- [REDACTED]

B. Any and all records related to the processing of this request.

II. Custodians

A. Dr. Mickolyn Clapper

B. Dr. Wendy Anderson, Curriculum Director, Baxter Community School District

C. Rob Luther, Principle, Baxter High School

III. Standard of Review

Iowa's Open Records Act (the Act), commonly known as the Iowa Freedom of Information Act, is codified at Iowa Code Chapter 22. The general assembly determined that Iowa's public records should be open to all persons, and all persons have a right to examine them unless they are otherwise exempt from disclosure. *See Des Moines Indep. Cmty. Sch. Dist. Pub. Records v. Des Moines Register & Tribune Co.*, 487 N.W.2d 666, 669 (Iowa 1992); Iowa Code §§ 22.2, 22.7. The Act aims "[t]o facilitate public scrutiny of the conduct of public officers." *ACLU Found. of Iowa, Inc., v. Records Custodian*, 818 N.W.2d 231, 233 (Iowa 2012) (internal citation and quotation marks omitted) (alteration in original). *See also Iowa Civil Rights Comm'n v. City of Des Moines*, 313 N.W.2d 491, 495 (Iowa 1981) ("The purpose of [the Act] is to open the doors of government to public scrutiny—to prevent government from secreting its decision-making activities from the public on whose behalf it is its duty to act.").

When evaluating this request, you must bear in mind that the Act establishes "a presumption of openness and disclosure" of public records. *Gabrilson v. Flynn*, 554 N.W.2d 267, 271 (Iowa 1996). Indeed, the Act expresses "a liberal policy in favor of access to public records." *Hall v. Broadlawns Med. Ctr.*, 811 N.W.2d 478, 485 (Iowa 2012). In other words, "[d]isclosure is the rule, and one seeking the protection of one of the statute's exemptions bears the burden of demonstrating the exemption's applicability." *Clymer v. City of Cedar Rapids*, 601 N.W.2d 42, 45 (Iowa 1999).

Against this standard, AFPI expects full disclosure of the records requested.

IV. Fee Waiver

AFPI requests a waiver of all search and duplication fees associated with this request.

AFPI qualifies as a non-commercial public education and news media requester. Although AFPI is slightly over one year old, it has already demonstrated its commitment to the public disclosure of documents and the creation of editorial

content through regular substantive analyses posted on its website. For example, many of its center chairmen, directors, and critical staff are former officials and advisors in the administration of President Donald J. Trump, and they routinely appear on national television and use social media platforms to disseminate the information AFPI obtains about federal and state government activities. Here, AFPI intends to make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public's understanding of your policies and practices will be enhanced through AFPI's analysis and publication of the requested records. As a non-profit, non-partisan research institute, AFPI has no commercial purpose, and the release of the information requested is not in AFPI's financial interest.

Further, AFPI submits that a fee waiver is proper because disclosure of the requested information is in the public interest. These disclosures will significantly contribute to public understanding of the operations of the Baxter Community School District and Iowa government.

V. Production of Responsive Records

To accelerate the release of responsive records, AFPI welcomes production on a rolling basis.

If possible, please provide responsive records in an electronic format by email to FOIA@americafirstpolicy.com. Alternatively, please provide responsive records in native or PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Policy Institute, 1001 Pennsylvania Avenue, Suite 530, Washington, D.C. 20004.

VI. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFPI, please do not hesitate to contact me at FOIA@americafirstpolicy.com. Finally, if AFPI's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Very truly yours,



Craig W. Trainor
Senior Litigation Counsel
America First Policy Institute

CC: Robert Luther, Principal, Baxter High School
rluther@baxter.k12.ia.us
Wendy Anderson, Shared Curriculum Director, Baxter Community School District
wanderson@colfaxmingo.org