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Business Record, Des Moines  
Cedar Rapids Gazette  
Cityview, Des Moines  
CNHI LLC's Ottumwa Courier, Clinton Herald, Oskaloosa Herald  
Des Moines Register  
Barbara and Michael Gartner, Des Moines  
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International Union of Bricklayers & Allied Craftworkers  
Iowa Broadcasters Association  
Iowa Laborers/Employers Cooperation & Education Trust  
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Iowa State Building & Construction Trades Council  
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InvestigateMidwest.com  
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Iowa Broadcast News Association  
Iowa City Press-Citizen  
Iowa High School Press Association  
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Times Citizen Communications Inc., Iowa Falls  
Tri-City Building & Construction Trades Council, Rock Island, Ill.  
David Yepsen, Des Moines

December 14, 2023

Michael McGrory, Superintendent  
Ottumwa Community School District  
1112 N. Van Buren Ave.  
Ottumwa, IA 52501

VIA EMAIL, [michael.mcgrory@ottumwaschools.com](mailto:michael.mcgrory@ottumwaschools.com)

Dear Superintendent McGrory:

I write to you in my capacity as the executive director of the Iowa Freedom of Information Council. We are a 47-year-old nonprofit, nonpartisan organization that advocates on behalf of government transparency and the accountability of state and local government entities to their citizens.

There are two purposes for my letter today:

First, I want to express my disappointment with the Ottumwa Community School District for its refusal to provide to the Ottumwa Courier any document that identifies books that are being removed from the district's libraries and classrooms to comply with S.F. 496.

Information you and your staff presented to the Ottumwa Board of Education at its meeting Monday night is correct. Iowa's public records law does not require a government entity to create a document that does not already exist. But there is no prohibition in the law that prevents you from voluntarily compiling such a list of books being removed to satisfy the requirements of S.F. 496.

I believe it is inaccurate for you or Landon Allen to assert there is no list of the book titles that will be removed because of S.F. 496. I say that, because the school board was informed there are 30 books among the 61,000 books in the school district's inventory meeting the criteria in the new law that your staff must remove.



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It erodes your credibility for you and Mr. Allen to claim that no list exists anywhere in the Ottumwa Community School District of these 30 books. Without having a list, how do you know the number is 30?

That brings me to the second purpose for my letter today:

I wish to make a formal request under Chapter 22 of the Iowa Code for the following documents in the possession of the Ottumwa Community School District. If you believe any of these documents is confidential under the Iowa Code, please cite the specific section of Iowa law on which you base that conclusion.

- (1) All memorandums, reports, forms, check lists, emails or other written communication that each librarian or building administrator provided to the central office staff to identify books being “weeded” to comply with the terms of S.F. 496.
- (2) All emails, memorandums, PowerPoint slides or other written instructions or directions that you or other central office administrators provided to building principals or building librarians to guide their review of books and the “weeding” process that needed to occur as required by S.F. 496. This should include the instructions or directions that explained how the review process was to occur and what steps each building’s personnel needed to take to ensure compliance with the content prohibitions in S.F. 496.
- (3) All notes, worksheets, lists or other preliminary documents that building principals or building librarians filled out for their own use during their process of considering which books needed to be removed to comply with S.F. 496.
- (4) A copy, either in printed form or digital form, of the Ottumwa Community School District’s inventory of books as existed at the end of the 2022-2023 school year. I also want a similar copy, either in printed form or digital form, of the school district’s inventory of books after the “weeding” required by S.F. 496 is finished.

I recognize you may believe providing the list of books being removed from the Ottumwa Community School District is inconvenient or embarrassing. You may believe some provisions of S.F. 496 are not in the best interests of students in your district. You may believe the legislation represents a serious erosion of the concept of local control of Iowa’s public schools.

But trying to obscure the intent of Iowa’s public records law through this charade of “there is no list” is a shortsighted strategy that represents an abuse of the spirit of Iowa Code Chapter 22. A majority of members of the Legislature, as well as the governor, believed S.F. 496 was necessary to require public school districts to be more transparent about their curriculum and the books that are available to their students.



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For your district to continue to claim there is no documentation of the books that are being removed merely invites members of the Legislature to consider placing even more onerous requirements on the Ottumwa Community School District and other K-12 districts across Iowa.

I urge you to reconsider the position you and the board of education are taking on the *Ottumwa Courier's* request. And while you think about that, please begin gathering the public records I seek in Paragraphs (1), (2), (3) and (4).

Respectfully,

A handwritten signature in black ink that reads "Randy Evans". The signature is written in a cursive, flowing style.

Randy Evans  
Executive Director

(515) 745-0041  
iowaFOICouncil@gmail.com

cc: Kyle Ocker, *Ottumwa Courier*