



June 10, 2020

Via email to: rschrader@idahodnews.org
Randy Schrader
Idaho Ed News

RE: Public Records Request dated June 8, 2020

Dear Mr. Schrader:

In accordance with Idaho Code §74-103, this letter is in response to your email dated June 8, 2020, addressed to me and Superintendent Marvin Hansen of the Marsh Valley School District #21 ("District") and received that date. Your email requested the following information:

- Copies of the completed investigation submitted to the board about the sexual harassment complaint against Mr. Hansen from Toni Vollmer and documentation of any associated fees with that report; and
- Copies of board minutes approving the expenditures and authorizing the investigation.

Your request is **DENIED** in part and **APPROVED** in part. The basis for such partial denial is explained further below:

The District cannot provide any responsive information relating to employee personnel records relating to discipline, grievances, performance or other information that is protected from disclosure pursuant to the Idaho Public Records Act. In particular, the District cannot provide the completed investigation report because such report relates to grievances regarding employees of the District. Specifically, Idaho Code §74-106(1) provides in part that "*all personnel records of a current or former public official...including, but not limited to, information regarding grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent...*"(emphasis added).

Ms. Vollmer's invoice, which was approved at the June 8, 2020 board meeting (included in item X(b) on the agenda), is attached. As Ms. Vollmer was retained through the District's legal counsel, her invoice is attached to the MSBT Law invoice for May, a redacted copy of which is provided herewith (such redactions being made pursuant to the attorney-client privilege). The meeting minutes of the June 8, 2020 meeting are not yet available and are therefore not provided.

To the extent your request seeks information that was discussed during a duly noticed and approved executive session, including information discussed with the District's legal counsel, your request is denied as protected attorney-client information and information not subject to disclosure under Idaho Code §74-106(1) and 74-206(1)(b).

Please be advised that pursuant to Idaho Code §74-103(3) and (4), the attorney for the District has reviewed your request and our response. Should you have any objection to the denials or

40 School Street
PO Box 180
Armo, ID 83214

208-254-3306 Phone
208-254-9243 Fax



partial denials stated herein, you have a right to appeal this denial through Idaho Code §74-115 within one hundred eighty (180) calendar days from the date of mailing of this letter with the District Court for the Sixth Judicial District in Bannock County. Of course, prior to any such action, we would appreciate a direct communication to the District in an effort to avoid any conflict or confusion as to the request and the response provided herein.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Shawn Nelson
Board Clerk

MSBT Law

7699 W. Riverside Drive
Boise, ID 83714

Phone: 208-331-1800 Fax: 208-331-1202

Marsh Valley Jt. School District #21
Attn: Accounts Payable
40 School Street
PO Box 180
Arimo, ID 83214

5/26/2020

In Reference To: H7021-01 Joint School District #21

Invoice # 65204

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
5/4/2020	Preparation for board meeting	0.50	85.00
JSH		\$170.00/hr	
5/6/2020	Travel to Arimo for board meeting; prepare for and attend board meeting; travel to Pocatello (1 hr n/c)	8.00	1,360.00
JSH		\$170.00/hr	
5/7/2020	Emails and telephone conference with board chairman regarding [REDACTED] travel from Pocatello to Boise (1 hr n/c)	3.00,	510.00
JSH		\$170.00/hr	
5/8/2020	Telephone conference with P. Armstrong regarding [REDACTED]; telephone conference with board chairman regarding [REDACTED]	0.60	102.00
JSH		\$170.00/hr	
5/11/2020	Telephone conference with board chairman regarding [REDACTED] research [REDACTED]	2.00	340.00
JSH		\$170.00/hr	
5/12/2020	Emails and telephone conference with board chairman regarding [REDACTED]	0.60	102.00
JSH		\$170.00/hr	
5/13/2020	Work [REDACTED] email to board chairman; telephone conference with board chairman regarding [REDACTED]	4.30	731.00
JSH		\$170.00/hr	
5/15/2020	Emails with board chairman regarding [REDACTED] and email to board chairman	0.50	85.00
JSH		\$170.00/hr	

H7021-01 Joint School District #21

		<u>Hrs/Rate</u>	<u>Amount</u>
5/19/2020	JSH Prepare for and attend board meeting (by phone) revise [REDACTED] and email to board chairman; telephone conferences with board chairman regarding [REDACTED]	2.00 \$170.00/hr	340.00
5/20/2020	JSH Telephone conference with board chairman regarding [REDACTED] [REDACTED]	0.20 \$170.00/hr	34.00
5/21/2020	JSH Research [REDACTED] emails with board chairman regarding [REDACTED]	0.30 \$170.00/hr	NO CHARGE
5/22/2020	JSH [REDACTED] and email to board chairman	0.50 \$170.00/hr	85.00
	For professional services rendered	<u>22.50</u>	<u>\$3,774.00</u>
	Additional Charges :		
5/12/2020	Consult: Toni Vollmer (Internal Investigation)		1,750.00
	*See attached invoice		
	Total additional charges		<u>\$1,750.00</u>
	For professional services rendered	<u>22.50</u>	<u>\$5,524.00</u>
	Total amount of this bill		\$5,524.00
	Previous balance		\$952.00
	Accounts receivable transactions		
5/18/2020	Payment - thank you. Check No. 35576		<u>(\$952.00)</u>
	Total payments and adjustments		(\$952.00)
	Balance due		<u><u>\$5,524.00</u></u>

Toni Vollmer

508 Alamo St
Chubbuck, ID 83202
(208)406-9555

Invoice

Submitted on 05/12/2020

Invoice for

Jill Holinka
MSBT Law
7699 W Riverside Drive
Boise, Idaho 83714

Description	Qty	Unit price	Total price
Hours worked	35	\$50.00	\$1,750.00
			\$0.00
			\$0.00
			\$0.00

Notes:

Internal investigation into policy violations for the Marsh Valley School District. The investigation took place from March 12, 2020 through April 24, 2020.

Subtotal **\$1,750.00**

Adjustments

\$1,750.00