

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

TANIA MAESTAS  
Deputy of Civil Affairs

SHARON PINO  
Deputy of Criminal Affairs

SONYA CARRASCO-TRUJILLO  
Chief of Staff for Policy and Public Affairs

February 8, 2017

Frank Chiapetti, Superintendent  
Gallup-McKinley County Public Schools  
P.O. Box 1318  
Gallup, NM 87301

Re: Inspection of Public Records Act Complaint – Gallup-McKinley County Public Schools

Dear Superintendent Chiapetti:

We have reviewed the complaint submitted by Leonard Gorman alleging that the Gallup-McKinley County Public Schools (“District”) violated the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2013) (“IPRA”), when it failed to provide the Navajo Nation Human Rights Commission (“NNHRC”) with public records responsive to its inspection request in electronic format, stated that it charged by the hour to sit with people while they inspected public records, and did not post notice of the District’s procedures for inspecting public records. We also have reviewed your response, on behalf of the District, to our inquiry regarding the complaint. *See* Letter from Frank Chiapetti, Superintendent (Nov. 4, 2016) (“Response”). As discussed below, based on the complaint, the District’s Response and applicable law, we conclude that the District improperly imposed an hourly charge for inspecting public records and failed to post notice of the District’s procedures for inspecting and copying public records in violation of IPRA.

NNHRC’s IPRA Request

According to the information provided to us, it appears that NNHRC submitted its request for inspection of public records by email on August 31, 2016. *See* Letter to Joan Nez, Records Custodian from Varvara Phillips, Human Rights Investigator (Aug. 31, 2016). On the same date, by email, the District acknowledged the request. *See* letter to Varvara Phillips from Joan Nez (Aug. 31, 2016). The next day, the District notified NNHRC that it considered the request “overly

burdensome,” and would require 25 business days to comply with the request.<sup>1</sup> *See* Letter sent via email to Varvara Phillips from Joan Nez (Sept. 1, 2016). The notice stated that “[s]ome of the records are not electronic in form so there would likely be a cost associated,” and that “[i]f required, copies are available at \$.10 per page.”

Subsequently, Ms. Nez notified Ms. Phillips that a specified portion of the request was not available in electronic format and would cost at least \$300 to copy. *See* Email from Joan Nez to Varvara B. Phillips (Sept. 12, 2016). Ms. Phillips responded by asking for “a breakdown of the cost” and whether she could physically inspect the records and bring a portable scanner to make copies. *See* Email to Joan Nez from Varvara B. Phillips (Sept. 13, 2016). Ms. Nez responded, as follows:

Copies are 10 cents per page. It will take many hours if not days to look over the docs. Each doc that you want to see/copy would have to be redacted first. We charge by the hour to sit with people who want to view docs personally and that cost would likely exceed, significantly, the copies cost. It is your choice of how to proceed.

Email to Varvara B. Phillips from Joan Nez (Sept. 13, 2016).

#### Copies of Public Records in Electronic Format

IPRA provides “every person” with the “right to inspect public records of this state....” NMSA 1978, § 14-2-1(A). “Inspect,” for purposes of IPRA, “means to review all public records” that are not excluded by IPRA. *Id.* § 14-2-6(C). Public bodies, through their designated records custodians, are required to “provide proper and reasonable opportunities to inspect public records” and “reasonable facilities to make or furnish copies of public records during usual business hours.” *Id.* § 14-2-7(C), (D). A records custodian must “provide a copy of a public record in electronic format if the public record is available in electronic format and an electronic copy is specifically requested.” *Id.* § 14-2-9(B).

NNHRC’s inspection request specifically requested electronic copies of 35 records or categories of records listed in the request. Of these, the District informed NNHRC that the records covered

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<sup>1</sup> The NNHRC’s complaint questions whether the District should have notified NNHRC about “what information/records [were] readily available in electronic format.” As we understand the correspondence between the District and NNHRC regarding the IPRA request, the District properly notified NNHRC that its request was “overly burdensome” and that the District would require 25 business days to respond. Under IPRA, this gave the District 25 business days to identify and allow inspection of responsive records, including those in electronic format. *See* NMSA 1978, § 14-2-10 (giving a public body “an additional reasonable period of time” to respond to “excessively burdensome or broad” inspection requests). According to its Response, the District has provided NNHRC with responsive records that were available in electronic format, although they may have been provided after the 25-day period the District specified. The District’s Response represents that it has since corrected its internal procedures to ensure that its responses to IPRA requests are timely.

by items 14 through 20 in the request were not available in electronic format. *See* Email to Varvara B. Phillips from Joan Nez (Sept. 12, 2016 1:37 PM). According to the District's Response, the District has provided NNHRC with responsive public records that existed at the time of the request and were available in electronic format.

As quoted above, IPRA requires a public body to provide copies of public records in electronic format only if the records are available in electronic format. If a record is not available in electronic format, IPRA does not require a public body to scan or otherwise convert the record into electronic format in response to an IPRA request. Accordingly, we conclude that the District did not violate IPRA by failing to provide electronic copies of the records the District identified as not available in electronic format.

### Permissible Charges Under IPRA

As noted above, among the duties of a public body's records custodian is the provision of "reasonable facilities to make or furnish copies of public records..." NMSA 1978, § 14-2-7(D). A records custodian may charge fees for making copies, as specified by IPRA. In pertinent part, IPRA provides that a records custodian may "charge reasonable fees for copying the public records, ... charge the actual costs associated with transmitting copies of public records by mail, electronic mail or facsimile, ... [and] may require advance payment of the fees before making copies of public records..." *Id.* § 10-14-9(C). IPRA expressly precludes a public body from "charg[ing] a fee for the cost of determining whether any public record is subject to disclosure." *Id.*

Section 10-14-9(C) limits the fees a public body may charge to the actual costs of copying and transmitting copies of public records. *See* Attorney General's Inspection of Public Records Compliance Guide, p. 36 (8<sup>th</sup> ed. 2015) ("IPRA Compliance Guide"). IPRA does not permit a public body to charge for the cost of determining whether a public record is exempt from disclosure or to require payment in advance of allowing inspection of public records. *Id.* at 36-37.

The District represented to NNHRC that it had at least 3,000 pages of responsive public records that were not available in electronic format and offered to provide them to NNHRC at ten cents a copy. When NNHRC asked to inspect the records before making copies, the District informed NNHRC that it would charge by the hour for a District employee to sit with NNHRC representatives during the inspection, which would likely exceed the cost of providing copies of the records.

For two reasons, we believe the District's representations to NNHRC regarding the availability of the non-electronic responsive records were contrary to IPRA's requirements. First, as discussed above, IPRA limits the fees a public body may charge to the actual costs of copying public records. The District may not charge a requester for costs associated with the exercise of their right to inspect public records, including personnel time for sitting with people while they inspect public records. *See* NMSA 1978, § 14-2-5 (declaring the legislature's intent that providing access to information about governmental affairs "is an essential function of a representative government and an integral part of the routine duties of public officers and employees").

Second, a public body may not deny or discourage a person from inspecting public records, even if the public body must redact an extensive amount of protected information from the documents before allowing inspection. Under IPRA, “every person” has the right to inspect public records, with certain exceptions. NMSA 1978, § 14-2-1(A). If a responsive public record contains information that IPRA exempts from inspection, it is the responsibility of the public body to separate, by redaction or otherwise, the exempted information from the record prior to inspection. *Id.* § 14-2-9(A) (“[r]equested public records containing information that is exempt and nonexempt from disclosure shall be separated by the custodian prior to inspection, and the nonexempt information shall be made available for inspection”).

We understand that the task of redacting or separating exempt information from thousands of public records in order to make them available in response to an inspection request is extremely time consuming. We also understand that the District may have had to make copies of documents responsive to NNHRC’s request in order to redact them prior to inspection. The time and effort necessary to locate and redact documents responsive to NNHRC’s request certainly justified the District’s determination that the request was burdensome and required additional time for response. Nevertheless, IPRA does not allow a public body to shift the burden or cost of separating exempt and nonexempt information to the requester.

In this case, IPRA required the District to make appropriate redactions in the responsive documents before making them available for inspection. NNHRC then had the right to physically inspect the documents and decide which, if any, to copy. If, after inspecting the documents, NNHRC had requested copies from the District, the District could have charged a fee to make the copies and required payment in advance. *See* IPRA Compliance Guide, p. 37.

We note that NNHRC asked if it could bring a portable scanner to make copies of documents. This Office’s position is that a public body generally should allow a requester to bring a portable scanner to make copies of requested public records. Under those circumstances, the public body would not charge a fee for the copies because it would not be copying the records for the requester.

#### Notice of Inspection Procedures

IPRA requires a public body to “post in a conspicuous location at the administrative office, and on the publicly available website, if any, of each public body a notice” describing the right to inspect public records, contact information for the records custodian, the public body’s procedures for inspecting and copying records, and applicable reasonable fees for copying public records. NMSA 1978, § 14-2-7(E). *See also* IPRA Compliance Guide, pp. 29-30.

The District’s Response states that the required notice was not posted for a period during the fall, when the District was transitioning from one website service to another, but that the notice is now posted on its website. However, when we went to the web page where the District stated the notice was located, we found only a “Notice of Right to Inspect Public Records” for the Office of the Attorney General. The information contained in that Notice is specific to the Office of the Attorney

General. It does not reflect information required by Section 14-2-7(E) that specifically relates to the District, such as the contact information for the District's records custodian or the fees the District charges for copying public records. Consequently, we conclude that the notice posted on the District's website does not meet IPRA's requirements.

Corrective Action

The District should take the following steps to address the violations identified above:

(1) If it has not already done so, the District should immediately make arrangements with NNHRC for inspection of those public records that were responsive to its request but not available in electronic format. If NNHRC requests copies of the records, the District may charge for making copies and request payment in advance. The District may not charge NNHRC for copies NNHRC makes by scanning the records using its own portable scanner. The District may not charge NNHRC or any other requester by the hour while the requester inspects the records.

(2) The District should immediately post a notice with the information required by Section 14-2-7(E) at its administrative office and on its website. For assistance in drafting a notice, Appendix III of the IPRA Compliance Guide contains a model notice describing the rights, duties and procedures pertaining to inspection, as required by IPRA.

It is important that the District fully understand IPRA's requirements for facilitating the inspection and copying of public records to avoid violating IPRA in the future. To aid the District in adhering to IPRA, we have enclosed a copy of the IPRA Compliance Guide. The Guide is also available on the Office of the Attorney General's website at [www.nmag.gov](http://www.nmag.gov). In addition, you may contact me with any questions about this determination or IPRA in general.

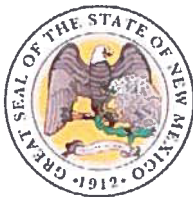
Regards,



Dylan K. Lange  
Assistant Attorney General

cc: Leonard Gorman

Enclosure



ELIZABETH A. GLENN  
ATTORNEY GENERAL  
2016-07-13 AM 09:00

**New Mexico**  
**Office of the Attorney General**

HECTOR H. BALDERAS  
Attorney General

ELIZABETH A. GLENN  
Deputy Attorney General

**INSPECTION OF PUBLIC RECORDS ACT COMPLAINT FORM**

Under the Inspection of Public Records Act (“IPRA”), the Office of the Attorney General (“OAG”) has the discretion and authority to enforce the IPRA’s provisions. NMSA 1978, § 14-212. Generally, the OAG investigates and issues determinations regarding whether public agencies have violated the IPRA. All IPRA complaints submitted to the OAG, including any attached materials and any correspondence regarding those complaints, are public records subject to public inspection. Additionally, IPRA complaints and determinations from the OAG may be posted on our website.

All complaints submitted to the OAG will be reviewed for potential IPRA violations. The OAG may dismiss those complaints that fall outside IPRA’s purview and those for which there is no remedy available under IPRA, or forward IPRA complaints to another appropriate agency for resolution. Please note that the OAG does not represent complainants in suits against public bodies.

**INSPECTION OF PUBLIC RECORDS ACT (“IPRA”) COMPLAINT FORM**

New Mexico Office of the Attorney General  
Open Government Division

**YOUR CONTACT INFORMATION:**

First Name: Leonard Last Name: Gorman

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Phone Number: [REDACTED]

Email: \_\_\_\_\_

**IPRA REQUEST TO THE PUBLIC BODY:**

Name of the Public Body that is the subject of this complaint (including city/town, county or region, if applicable): Gallup McKinley County School District (GMCS D)

Format of IPRA Request:  Written  Oral

Date IPRA Request was submitted to the Public Body: \_\_\_\_\_

August 31, 2016 via email to Joan Nez, Records Custodian, GMCS D Office of the Superintendent, Gallup, NM.

Date of all Responses Received from the Public Body: **09/01/2016; 09/06/2016; 09/12/2016; 09/13/2016.**

**ALLEGED VIOLATIONS OF IPRA BY THE PUBLIC BODY:** Please select from the following list the violations you allege the public body committed. Check all that apply.

**RECORDS:**

- No records were provided.
- The agency provided some but not all of the records responsive to the request.
- Records were provided, but they were not responsive to the request.
- The public body does not have custody or responsibility for the records, and the records custodian did not forward the request to the proper custodian.
- The request was for records in electronic format and although the records are available in electronic format, the copies of the public records were not provided in an electronic format.

**DENIED REQUESTS TO INSPECT PUBLIC RECORDS**

- Although some records were provided, the custodian did not include a written explanation for denying the production of exempt records or for redacting confidential information from records.
- No records were provided and the records custodian did not deliver or mail a written explanation to the requester within fifteen (15) calendar days after receiving the request that included a description of the records sought, the names

and titles of each person responsible for denying the request, and a description of the reasons for the denial.

#### NOTICE

Public body did not post in a conspicuous location at its administrative office or on the public body's website a notice setting forth: the rights of any person to inspect the public body's public records, the public body's responsibility to make public records available for inspection, the procedures for requesting inspection of public records, the procedures for requesting copies of public records, and/or reasonable fees for copying public records

DEADLINES (For purposes of deadlines imposed by the IPRA, the date the request is received is not counted)

- Inspection was not allowed within three (3) business days and the public body did not timely send a written "three-day letter" to the requester explaining when the records would be available or when the public body would respond to the request.
- The public body did not allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request.

#### FEES

- The public body charged fees in excess of \$1.00 per printed page for documents 11"X17" or smaller, or charged fees that exceeded the actual costs to copy the records.
- The public body did not provide a receipt upon request.

**DETAILED EXPLANATION OF ALLEGED IPRA VIOLATIONS** (Required): Please provide a description of the actions taken by the public body that violated the IPRA, including specific dates and why you believe the IPRA has been violated.

**1. The Gallup McKinley County School District failed to provide information in an electronic format.**

**In a letter dated 08-31-2016, the GMCS *acknowledged* NNHRC's request for information/records in an electronic format.**

**Further, in GMCSD letter dated 09/01/2016, it is indicated that "Some of the records are not electronic in form." The GMCSD did not elaborate on what was meant by "Some of the records are not electronic in form." The GMCSD also did not share what information/records are readily available in an electronic format. Why did GMCSD not notify the NNHRC when inspection will be**



**allowed for information/records that are readily available? Why did GMCSO not provide the readily available information/records in an electronic format in a timely manner?**

**2. The GMCSO is making it difficult for the NNHRC to obtain the requested information in an electronic format. For example, in an email dated 09/12/2016 at approximately 1:37 p.m., the GMCSO indicated “At least one portion of the IPRA consists of about \$300+ of copying. We do not have the information in the format that is being requested...” The NNHRC responded to the GMCSO email on 09/12/2016 at approximately 2:01 p.m. asking “Are you able to scan and put into an electronic format?” The GMCSO replied on 09/13/2016 at approximately 10:55 a.m. “It is not available in an electronic format, we would need to make copies and redacted student information, Therefore we do not have the information in the format that is being requested.” The NNHRC replied by email to GMCSO on 09/13/2016 at approximately 11:05 a.m. requesting for a breakdown of the cost and indicated “Also, to cut cost, is it feasible to allow our office to bring a portable scanner to copy the records?” The GMCSO replied on 09/13/2016 at approximately 11:46 a.m. “Copies are .10 cents per page. It will take many hours if not days to look over the docs. Each doc that you want to see/copy would have to be redacted first. We charge by the hour to sit with people who want to view docs personally and that cost would likely exceed, significantly, the copies cost. It is your choice of how to proceed.”**

**The NNHRC did not respond to GMCSO on how to proceed due to the high cost in obtaining the information/records. Is it normal practice for GMCSO or other school districts to charge an hourly fee “to sit with people who want to view docs personally”? What is the hourly fee that GMCSO is charging? GMCSO did not directly respond to NNHRC’s question about the use of its portable scanner to cut cost.**

**3. The GMCSO did not provide notice on the policy or process of one’s right to the public records under the Inspection of Public Records Act (IPRA) §14-2-1 to 12 NMSA 1978.**

**On August 23, 2016, the NNHRC learned of IPRA through the Navajo Nation Department of Education.**

**On 09/13/2016 at approximately 11:05 a.m., the NNHRC asked the GMCSO for “a breakdown of the cost.” The GMCSO replied on 09/13/2016 at approximately 11:45 a.m. “Copies are .10 cents per page.”**

**ADDITIONAL INFORMATION:** Please provide a copy of your original inspection request (if written), and any documentation or evidence you have regarding the alleged IPRA violation.

1. Exhibit A is a copy of the IPRA Request dated 08/31/2016 authored by Varvara Phillips, NNHRC-Human Rights Investigator.
2. Exhibit B is a copy of the correspondence dated 08/31/2016 authored by Joan Nez, Custodian of Records, Gallup McKinley County School District.
3. Exhibit C is a copy of the correspondence dated 09/01/2016 authored by Joan Nez, Custodian of Records, Gallup McKinley County School District with a carbon copy to the Associate Superintendent of Business/Personnel and file.
4. Exhibit D is a copy of the exchange of emails between Varvara Phillips, NNHRC-Human Rights Investigator and Joan Nez, Custodian of Records, Gallup McKinley County School District. The date of the emails are from 08/31/2016 through 09/13/2016.



**OFFICE OF THE NAVAJO NATION HUMAN RIGHTS COMMISSION**

P.O. Box 129  
ST. MICHAELS, AZ 86511  
PHONE: (928) 871-7436  
FAX: (928) 871-7437

**August 31, 2016**

Joan Nez, Records Custodian (email: [jnez@gmcs.k12.nm.us](mailto:jnez@gmcs.k12.nm.us))  
Gallup McKinley County School District (GMCS)  
P.O. Box 1318  
Gallup, NM 87305

**RE: Inspection of Public Records Act (IPRA) Request**

Dear Gallup McKinley County School District (GMCS) Records Custodian:

Pursuant to the Inspection of Public Records Act, §14-2-1 to 12 NMSA 1978, I am requesting copies of the following documents (public records), preferably to be submitted in electronic format. I am aware that the Gallup McKinley County School District (GMCS) has copies of the following documents readily available in electronic format, which should help reduce the amount of time and cost of producing these records. If the documents are too large to be submitted via email, I can readily schedule an appointment with you to obtain copies of these documents on CD-ROM or flash drive. If inspection is not permitted within three (3) business days, please provide a written response explaining when the records will be available for inspection or when the GMCS will respond to the request.

**Documents Requested:**

1. Electronic copy of Superintendent Frank Chiapetti's most recent signed employment contract, including standard terms, compensation, and benefits.
2. Electronic copy of the Superintendent's evaluation form, which was approved by the GMCS school board on August 15, 2016.
3. Electronic copy of former Crownpoint High School Principal J.D. Reed's most recent signed employment contract, including standard terms, compensation, and benefits. Additional records requested include details of when his employment officially started and ended in the GMCS, including any approved settlement, compensation, or checks paid upon his termination/discharge from the GMCS. Please provide records of who authorized the payment of any settlement, including a copy of checks written regarding J.D. Reed's release.
4. Electronic copy of all invoices, checks written, purchase orders, contract for auditing services provided by Manning Accounting and Consulting Services, LLC for the past 4 years. This information should also include details of what services were rendered, dates, and who in GMCS approved any purchases or invoices. Also, please provide the meeting minutes of when GMCS approved this contract prior to the audit.

5. Electronic copy of former GMCS D employee Doreen Wanda Johnson's most recent signed employment contract, including standard terms, compensation, and benefits.
6. Electronic copy of GMCS D's job description (including qualifications) for the Indian Education Coordinator position.
7. Electronic copy of GMCS D 2010-2011 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
8. Electronic copy of GMCS D 2011-2012 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
9. Electronic copy of GMCS D 2012-2013 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
10. Electronic copy of GMCS D 2013-2014 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
11. Electronic copy of GMCS D 2014-2015 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
12. Electronic copy of GMCS D 2015-2016 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
13. Electronic copy of GMCS D 2016-2017 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
14. Electronic copy of the number of parental complaints filed with GMCS D 2010-2011, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
15. Electronic copy of the number of parental complaints filed with GMCS D 2011-2012, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
16. Electronic copy of the number of parental complaints filed with GMCS D 2012-2013, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
17. Electronic copy of the number of parental complaints filed with GMCS D 2013-2014, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
18. Electronic copy of the number of parental complaints filed with GMCS D 2014-2015, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
19. Electronic copy of the number of parental complaints filed with GMCS D 2015-2016, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
20. Electronic copy of the number of parental complaints filed with GMCS D 2016-2017, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
21. Electronic copy of GMCS D 2010-2011 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.

22. Electronic copy of GMCS D 2011-2012 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
23. Electronic copy of GMCS D 2012-2013 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
24. Electronic copy of GMCS D 2013-2014 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
25. Electronic copy of GMCS D 2014-2015 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
26. Electronic copy of GMCS D 2015-2016 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
27. Electronic copy of GMCS D 2016-2017 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
28. Electronic copy of 2010-2016 written reports provided by the Dual Credit Program to GMCS D.
29. Electronic copy of GMCS D 2010-2011 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
30. Electronic copy of GMCS D 2011-2012 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
31. Electronic copy of GMCS D 2012-2013 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
32. Electronic copy of GMCS D 2013-2014 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
33. Electronic copy of GMCS D 2014-2015 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
34. Electronic copy of GMCS D 2015-2016 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
35. Electronic copy of GMCS D 2016-2017 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.

Thank you in advance for your prompt attention to this Inspection of Public Records Act Request (IPRA). Again, I understand all of the requested documents are available in electronic format and can be provided in 3 days, rather than 15 days, which should not make this request burdensome. If you have any questions or concerns, please do not hesitate to contact me at (928) 871-7436 or [ljbemally@navajo-nsn.gov](mailto:ljbemally@navajo-nsn.gov). Thank you.

Sincerely,



Varvara Phillips, Human Rights Investigator

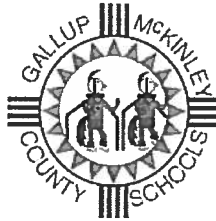


GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS

FRANK CHIAPETTI  
SUPERINTENDENT

MIKE HYATT  
Associate Superintendent of Business Services  
& Personnel

JVANNA HANKS II  
Chief Financial Officer



PAULETTA WHITE  
Associate Superintendent of Student  
& Support Services

"GROWING STUDENTS TO BE PRODUCTIVE CITIZENS IN A MULTI-CULTURAL SOCIETY"

August 31, 2016

**SENT VIA EMAIL**

Varvara Phillips  
Human Rights Investigator  
Email: vphillips@navajo-nsn.gov

**Re: Document No. GMCS IPR-16-09**

Dear Ms. Phillips:

This is an acknowledgement that your request for inspection of public records relating to

1. Electronic copy of Superintendent Frank Chiapetti's most recent signed employment contract, including standard terms, compensation, and benefits.
2. Electronic copy of the Superintendent's evaluation form, which was approved by the GMCS school board on August 15, 2016.
3. Electronic copy of former Crownpoint High School Principal J.D. Reed's most recent signed employment contract, including standard terms, compensation, and benefits. Additional records requested include details of when his employment officially started and ended in the GMCS, including any approved settlement, compensation, or checks paid upon his termination/discharge from the GMCS. Please provide records of who authorized the payment of any settlement, including a copy of checks written regarding J.D. Reed's release.
4. Electronic copy of all invoices, checks written, purchase orders, contract for auditing services provided by Manning Accounting and Consulting Services, LLC for the past 4 years. This information should also include details of what services were rendered, dates, and who in GMCS approved any purchases or invoices. Also, please provide the meeting minutes of when GMCS approved this contract prior to the audit.
5. Electronic copy of former GMCSD employee Doreen Wanda Johnson's most recent signed employment contract, including standard terms, compensation, and benefits.
6. Electronic copy of GMCSD's job description (including qualifications) for the Indian Education Coordinator position.
7. Electronic copy of GMCSD 2010-2011 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
8. Electronic copy of GMCSD 2011-2012 Organizational Chart, along with associated positions,

- salaries, gender and ethnicity for all school district positions.
9. Electronic copy of GMCSD 2012-2013 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
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  11. Electronic copy of GMCSD 2014-2015 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
  12. Electronic copy of GMCSD 2015-2016 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
  13. Electronic copy of GMCSD 2016-2017 Organizational Chart, along with associated positions, salaries, gender and ethnicity for all school district positions.
  14. Electronic copy of the number of parental complaints filed with GMCSD 2010-2011, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  15. Electronic copy of the number of parental complaints filed with GMCSD 2011-2012, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  16. Electronic copy of the number of parental complaints filed with GMCSD 2012-2013, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  17. Electronic copy of the number of parental complaints filed with GMCSD 2013-2014, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  18. Electronic copy of the number of parental complaints filed with GMCSD 2014-2015, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  19. Electronic copy of the number of parental complaints filed with GMCSD 2015-2016, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  20. Electronic copy of the number of parental complaints filed with GMCSD 2016-2017, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
  21. Electronic copy of GMCSD 2010-2011 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
  22. Electronic copy of GMCSD 2011-2012 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
  23. Electronic copy of GMCSD 2012-2013 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
  24. Electronic copy of GMCSD 2013-2014 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
  25. Electronic copy of GMCSD 2014-2015 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.



26. Electronic copy of GMCS D 2015-2016 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
27. Electronic copy of GMCS D 2016-2017 Dual Credit Program Data associated with the number of students by school, grade, gender, ethnicity/race, course location, and completion of the Dual Credit Program.
28. Electronic copy of 2010-2016 written reports provided by the Dual Credit Program to GMCS D.
29. Electronic copy of GMCS D 2010-2011 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
30. Electronic copy of GMCS D 2011-2012 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
31. Electronic copy of GMCS D 2012-2013 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
32. Electronic copy of GMCS D 2013-2014 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
33. Electronic copy of GMCS D 2014-2015 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
34. Electronic copy of GMCS D 2015-2016 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.
35. Electronic copy of GMCS D 2016-2017 Crownpoint High School Student Disciplinary Data associated with the number of special education students by grade, gender, ethnicity/race, the reason for discipline and outcome of discipline.

has been received. This office will send you notice explaining when inspection will be allowed or when we will respond to your request to inspect public records. If required, copies are available at \$.10 per page.

Please be advised that under NMSA 1978 Section 14-2-8D, the school district may take up to fifteen (15) days to respond to your request.

Sincerely,



Joan Nez

Custodian of Records

xc: Associate Superintendent of Business/Personnel  
FILE

GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS

EXHIBIT

“C”

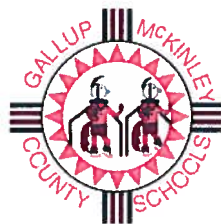
FRANK CHIAPETTI  
SUPERINTENDENT

MIKE HYATT

Associate Superintendent of Business Services  
& Personnel

JVANNA HANKS II

Chief Financial Officer



PAULETTA WHITE

Associate Superintendent of Student  
& Support Services

“GROWING STUDENTS TO BE PRODUCTIVE CITIZENS IN A MULTI-CULTURAL SOCIETY”

September 1, 2016

**SENT VIA EMAIL**

Varvara Phillips

Human Rights Investigator

Email: vphillips@navajo-nsn.gov

**Re: Document No. GMCS IPR-16-09**

Dear Ms. Phillips:

This is in regards to your request for inspection of public records dated August 31, 2016.

Please be advise that we will need additional time due to it being overly burdensome. We believe that we would need a total of 25 work days as some of these records are in storage. Some of the records are not electronic in form so there will also likely be a cost associated. The cost cannot be determined until the requested documents are actually compiled.

This office will send you notice explaining when inspection will be allowed or when we will respond to your request to inspect public records. If required, copies are available at \$.10 per page.

Sincerely,

*Joan Nez*

Joan Nez

Custodian of Records

xc: Associate Superintendent of Business/Personnel

FILE

## Varvara B. Phillips

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**From:** Varvara B. Phillips  
**Sent:** Wednesday, September 7, 2016 7:59 AM  
**To:** 'Joan Nez'  
**Subject:** RE: Electronic Copy

Joan,

During the indicated time frame, has the Dual Credit Program (Navajo Technical College & UNM Gallup) provided any written reports to the GMCS D on the number of students served by race, grade, gender, school as well as the number of students who were accepted but did not complete a course offered by the Dual Credit Program.

Varvara Phillips

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**From:** Joan Nez [mailto:jnez@gmcs.k12.nm.us]  
**Sent:** Tuesday, September 6, 2016 4:59 PM  
**To:** Varvara B. Phillips <vphillips@navajo-nsn.gov>  
**Cc:** Mike Hyatt <mhyatt@gmcs.k12.nm.us>  
**Subject:** Electronic Copy

Ms. Phillips,  
What exactly are you requesting for on this?

28. Electronic copy of 2010-2016 written reports provided by the Dual Credit Program to  
GMCS D

Thank you,

*Joan Nez  
Office of the Superintendent  
P.O. Box 1318/640 Boardman  
Gallup, NM 87305*

*PH: 505-721-1189*



**Varvara B. Phillips**

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**From:** Varvara B. Phillips  
**Sent:** Thursday, September 1, 2016 10:13 AM  
**To:** 'Joan Nez'  
**Subject:** FW: IPRA Request

Hi Joan.

I am wondering what information off the request list can be forward within the 15 days? If you have information that is readily available and can be sent electronically, that would be great.

Varvara Phillips

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**From:** Varvara B. Phillips  
**Sent:** Thursday, September 1, 2016 9:36 AM  
**To:** 'Joan Nez' <jnez@gmcs.k12.nm.us>  
**Subject:** RE: IPRA Request

Good morning Joan.

Thank you for the update.

Varvara Phillips

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**From:** Joan Nez [<mailto:jnez@gmcs.k12.nm.us>]  
**Sent:** Thursday, September 1, 2016 9:01 AM  
**To:** Varvara B. Phillips <[vphillips@navajo-nsn.gov](mailto:vphillips@navajo-nsn.gov)>  
**Subject:** RE: IPRA Request

Ms. Phillips,  
See attached letter for your IPR request dated August 31, 2016.  
Thank you,

*Joan Nez  
Office of the Superintendent  
P.O. Box 1318/640 Boardman  
Gallup, NM 87305*

*PH: 505-721-1189*



---

**From:** Varvara B. Phillips [<mailto:vphillips@navajo-nsn.gov>]  
**Sent:** Wednesday, August 31, 2016 2:09 PM  
**To:** Joan Nez

**Cc:** Lauren J. Bernally  
**Subject:** IPRA Request

Good afternoon Joan,

Attached is the IPRA request. Any questions, please email or call me at 928.871.7436.

Thank you.

Varvara Phillips, *Human Rights Investigator*  
Navajo Nation Human Rights Commission  
P.O. Box 129  
St. Michaels, Arizona 86511  
T: 928.871.7436  
F: 928.871.7437

*“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development...”*  
*United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc A/RES/295 (Sept. 13, 2007), 46 I.L.M 1013 (2007)*

This communication is confidential and privileged and is not intended for public dissemination. Please advise if you received this email in error and delete the message.

## Varvara B. Phillips

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**From:** Varvara B. Phillips  
**Sent:** Tuesday, September 13, 2016 11:05 AM  
**To:** 'Joan Nez'  
**Subject:** FW: IPR Request

I would like to have a breakdown of the cost. How much per page?

As the requestor, I believe I am able to physically inspect the records to determine which information I may need copying. Also, to cut cost, is it feasible to allow our office to bring a portable scanner to copy the records?

---

**From:** Varvara B. Phillips  
**Sent:** Tuesday, September 13, 2016 10:57 AM  
**To:** 'Joan Nez' <jnez@gmcs.k12.nm.us>  
**Subject:** RE: IPR Request

I need to discuss this with my supervisor. I will get back with you.

---

**From:** Joan Nez [<mailto:jnez@gmcs.k12.nm.us>]  
**Sent:** Tuesday, September 13, 2016 10:55 AM  
**To:** Varvara B. Phillips <[vphillips@navajo-nsn.gov](mailto:vphillips@navajo-nsn.gov)>  
**Cc:** Mike Hyatt <[mhyatt@gmcs.k12.nm.us](mailto:mhyatt@gmcs.k12.nm.us)>  
**Subject:** RE: IPR Request

Ms. Phillips,

It is not available in an electronic format, we would need to make copies and redacted student information, therefore we do not have the information in the format that is being requested.

Joan Nez  
Office of the Superintendent  
P.O. Box 1318/640 Boardman  
Gallup, NM 87305

PH: 505-721-1189



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**From:** Varvara B. Phillips [<mailto:vphillips@navajo-nsn.gov>]  
**Sent:** Monday, September 12, 2016 2:01 PM  
**To:** Joan Nez  
**Subject:** RE: IPR Request

Joan,

Are you able to scan and put into an electronic format?

Varvara

**From:** Joan Nez [mailto:jnez@gmcs.k12.nm.us]  
**Sent:** Monday, September 12, 2016 1:37 PM  
**To:** Varvara B. Phillips <vphillips@navajo-nsn.gov>  
**Cc:** Mike Hyatt <mhyatt@gmcs.k12.nm.us>  
**Subject:** IPR Request

Ms. Phillips,

At least once portion of the IPRA consists of about \$300+ of copying. We do not have the information in the format that is being requested. The section which we know will cost this amount is below:

14. Electronic copy of the number of parental complaints filed with GMCS D 2010-2011, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
15. Electronic copy of the number of parental complaints filed with GMCS D 2011-2012, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.
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20. Electronic copy of the number of parental complaints filed with GMCS D 2016-2017, along with associated date filed, origination of complaint by school, substance of complaint, and date complaint was resolved.

We are notifying you, the requester if you want us to continue with this portion.

Thanks,

*Joan Nez  
Office of the Superintendent  
P.O. Box 1318/640 Boardman  
Gallup, NM 87305*

*PH: 505-721-1189*



## Varvara B. Phillips

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**From:** Joan Nez <jnez@gmcs.k12.nm.us>  
**Sent:** Tuesday, September 13, 2016 11:46 AM  
**To:** Varvara B. Phillips  
**Cc:** Mike Hyatt  
**Subject:** RE: IPR Request

Ms. Phillips,

Copies are .10 cents per page. It will take many hours if not days to look over the docs. Each doc that you want to see/copy would have to be redacted first. We charge by the hour to sit with people who want to view docs personally and that cost would likely exceed, significantly, the copies cost. It is your choice of how to proceed.

*Joan Nez  
Office of the Superintendent  
P.O. Box 1318/640 Boardman  
Gallup, NM 87305*

*PH: 505-721-1189*



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**From:** Varvara B. Phillips [mailto:vphillips@navajo-nsn.gov]  
**Sent:** Tuesday, September 13, 2016 11:05 AM  
**To:** Joan Nez  
**Subject:** FW: IPR Request

I would like to have a breakdown of the cost. How much per page?

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---

**From:** Varvara B. Phillips  
**Sent:** Tuesday, September 13, 2016 10:57 AM  
**To:** 'Joan Nez' <jnez@gmcs.k12.nm.us>  
**Subject:** RE: IPR Request

I need to discuss this with my supervisor. I will get back with you.

---

**From:** Joan Nez [mailto:jnez@gmcs.k12.nm.us]  
**Sent:** Tuesday, September 13, 2016 10:55 AM  
**To:** Varvara B. Phillips <vphillips@navajo-nsn.gov>  
**Cc:** Mike Hyatt <mhyatt@gmcs.k12.nm.us>  
**Subject:** RE: IPR Request