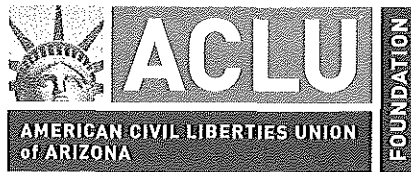


ALESSANDRA SOLER MEETZE
EXECUTIVE DIRECTOR

ROBERTO REVELES
PRESIDENT



VIA E-MAIL AND CERTIFIED MAIL

June 16, 2011

Mr. Ryan Ducharme
Public Information Office
Arizona Department of Education
1535 West Jefferson Street, Bin 2
Phoenix, Arizona 85007
Tel: (602) 542-5072
Fax: (602) 542-5440

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION
OF ARIZONA
P.O. BOX 17148
PHOENIX, AZ 85011
P/602.650.1854
F/ 602.650.1376
WWW.ACLUAZ.ORG

RE: Request for Public Records Related to Superintendent of Public Instruction's Determination that TUSD Ethnic Studies Program Violates A.R.S. §15-112 (A2, 3, 4).

Dear Mr. Ducharme,

Pursuant to Arizona's Public Records Law, A.R.S. § 39-121 et seq., the ACLU of Arizona ("ACLU-AZ") hereby requests the right to examine and copy, or to be furnished with copies of, certain public records in the possession of the Arizona Department of Education ("the Department").

The ACLU-AZ is a non-profit civil rights organization and these records are not sought for any commercial purpose. A.R.S. § 39-121.01(D)(1); cf. A.R.S. § 39-121.03 (fees associated with locating documents permissible only for commercial requests). Nevertheless, we agree to reimburse you for reasonable costs associated with the production of the requested information. If that amount will exceed \$50, please inform me of the amount requested for reimbursement before you incur the costs. We would appreciate CD or DVD copies of any electronic information. We also reserve the right to designate some or all of the records for copying after onsite inspection.

If your agency does not maintain the records requested, please advise us of the proper custodian's name and address.

We seek all records (in written, electronic, audio, video, CD-ROM or other format) that contain, reflect, or could be used to deduce the information below:

Request No. 1: All communications provided to or from the Superintendent of Public Instruction since January 1, 2007 relating to or describing the TUSD Ethnic Studies Program, including but not limited to communications with Arizona State legislators or local or State officials, persons or organizations outside of Arizona, political parties or officials, the TUSD and

any teachers or students, and members of the public or community organizations.

Request No. 2: All communications to or from Superintendent Huppenthal relating to the TUSD Ethnic Studies Program, or relating to or considered in making the determination that the Program was not in compliance with Arizona State law, including but not limited to communications with Arizona State legislators or local or State officials, persons or organizations outside of Arizona, political parties or officials, the TUSD and any teachers or students, and members of the public or community organizations.

Request No. 3: All documents, including but not limited to, letters, contracts, instructions, preliminary findings, reports and responses, relating to any contracted reports on the TUSD Ethnic Studies Program since January 1, 2007, including but not limited to the report by Cambium Learning Group, Inc.

Request No. 4: All documents relating to data collected by the Department of Education on the Tucson Unified School District's ("TUSD's") African American Studies, Mexican American Studies, Native American Studies, and Pan Asian Studies programs (collectively known as "TUSD's Ethnic Studies Programs") from January 1, 2006 to date, including but not limited to:

- (a) Documents relating to data, evaluations, and commentary on student performance;
- (b) Documents relating to reviews and evaluations of teacher performance;
- (c) Documents relating to interviews with students, parents, and educators;
- (d) Documents relating to or reflecting any observations of or on site reports of any aspect of any of the above programs;
- (e) Documents relating to any incidents or interactions with any of the students or faculty involved in any of the above programs;
- (f) Documents relating to discussions or communications with the TUSD or any official about the above programs; and
- (g) Documents relating to any evaluation of any aspect of the above programs.

Please comply with this request on or before July 5, 2011. See A.R.S. § 39-121.01(D)(1) and (E) (stating that public records must be provided "promptly"). Arizona public records law carries with it a presumption that all records are "open to the public for inspection as public records." *Carlson v. Pima County*, 141 Ariz. 487, 490, 687 P.2d 1242 (1984).

If this request is denied in whole or in part, please state the specific grounds for denial under the Public Records Law and provide us with the name and address of the person to whom an appeal may be directed. All segregable portions of otherwise exempt material must be made available. Furthermore, we reserve the right to appeal your decision to withhold any information.

Thank you in advance for your assistance in this matter. Please feel free to contact me at 602-773-6003 or dpochoda@acluaz.org if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Pochoda", written over a horizontal line.

Dan Pochoda
Legal Director, ACLU of Arizona

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION
OF ARIZONA