

Jerome Jt. School District No. 261
District Office
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Jerome, Idaho 83338
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September 5, 2025

Via Email to: jeff.a.pierson@gmail.com

Jeff Pierson
713 East Ave. C
Jerome, ID 83338

Re: Response to Request for Fee Waiver and Estimate of Fees Associated with Public Records Request

Dear Jeff:

We are in receipt of your public records request dated August 26, 2025 and received by the Jerome School District on September 2, 2025. Please consider this an initial response to your request pursuant to Idaho Code §74-103 as follows: (i) addressing your request for a fee waiver pursuant to Idaho Code §74-102(10), (ii) providing you an estimate of fees associated with your request, and (iii) providing an initial response to portions of your request. We have reviewed your request and this response with the school district's attorney.

Due to the nature and volume of records requested, the District requires additional time to respond beyond three working days, in accordance with Idaho Code §74-103. In particular, your request has generated thousands of documents, all of which must be reviewed to be sure they do not contain confidential information, such as personally identifiable information of students, staff or others, or other information exempt from disclosure under the Idaho Public Records Act. Our staff and legal counsel are tasked with review of those documents and redaction of any confidential information. While we will do our best to provide you with the records within the 10-day response timeline provided in Idaho Code §74-103(2), please note that the records requested will likely need to be converted to another electronic format by a third party (e.g., redactions will need to be made and saved as PDF documents). Once we have an estimate from the designated third party of the time necessary to make such conversion, we will let you know the estimated date the requested documents will be available to you.

A. Fee Waiver Request

Based on the information provided in your letter, the request for a fee waiver is denied for the reasons that follow.

Your request was made under Idaho Code §74-102(10)(f). As support for your request for a fee waiver, you indicate that (i) the request is made for non-commercial purposes; (ii) the records will be used to inform the public, ensure accountability, and will be shared broadly without charge; and (iii) disclosure is in the public interest. The test for determining whether a fee waiver shall be applied includes several components. Initially, a fee waiver may only be granted to a resident. Next, the resident requester must demonstrate that his or her examination and/or copying of public records:

- (i) Is likely to contribute significantly to the public's understanding of the operations or activities of the government;
- (ii) Is not primarily in the individual interest of the requester, including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; **and**
- (iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

Idaho Code §74-102(10)(f)(ii)-(iii). Each of the elements are addressed below.

Contribute Significantly to the Public's Understanding of the Operations or Activities of Government

Your request states that the records "will be used to inform the public, ensure accountability, and will be shared broadly without charge through community and public transparency channels." We are mindful that the communications, financial records and other transportation-related records you requested generally involve the operations or activities of the District. However, we do not believe you have satisfactorily demonstrated that the records you have requested will "contribute significantly" to the public's understanding of the District's transportation and levy-funded bus operations from July 1, 2023 through September 30, 2025.

Initially, to the extent the documents you have requested are already publicly available (e.g., on the District's website) or otherwise previously distributed to parents and patrons of the District (e.g., public statements, letters, etc. related to the transportation issues that occurred in August 2025), providing those records in response to your request will not "contribute significantly to the public's understanding of the District's transportation or levy-funded bus operations. In addition, while records such as voicemail and phone logs, calendars, and emails all likely include information related to the District's transportation operations, it is likely that many of those documents will have little to do with the overall understanding of the District's transportation

operations. We have also initially pulled emails responding to your request, which resulted in 48,596 emails. In all likelihood, many of those emails may include some information relating to transportation or levy-funded bus operations but have little to do with specific aspects of the District's transportation operations about which you are inquiring. In addition, while you state the information from the records will be shared "through community and public transparency channels," it is unclear how you intend to inform the public at large about issues relating to the District's transportation operations that can be taken from the records. Without any information as to how you will use this information to contribute to the public's understanding of the operations or activities of the District, we cannot conclude that the request will contribute **significantly** to the public's understanding of the District's transportation or levy-funded bus operations.

The Request is Not Primarily in the Individual Interest of the Requester

Our understanding of this element is that the requester must demonstrate, in detailed and non-conclusory terms, that the request will benefit the public at large rather than the person making the request. Other than the statement in your letter that your request is "made for non-commercial purposes," we have no evidence of how the information will be shared with the public at large to contribute to the public's understanding of the District's transportation and levy-funded bus operations for the time period in question.

The Request Will Not Occur if Fees are Charged Because the Requester has Insufficient Financial Resources to Pay Such Fees.

Your letter does not provide any information on this element. This information was not provided so we are unable to make a determination as to whether you would satisfy this element of a fee waiver request.

B. Estimate of Fees

Given the time it will take to review the documents requested, we are providing you with an estimate of the cost to fulfill your request. Idaho law and Jerome School District policy allow the first 100 pages of paper copies and the first two (2) hours of labor to fulfill a request be provided free of charge. For requests that will take longer than two (2) hours to fulfill, or where records must be reviewed by a staff member or attorney for confidentiality prior to disclosure, the law allows the District to charge the per hour rate of the lowest paid staff person who is necessary and qualified to process the request. Based on these requirements, and your request, we have prepared the following estimate of the cost to fulfill your request.

	Hours	Per hour costs of employee/attorney	Estimated cost
Electronic Record Search & Retrieval	6 hours (Task took 8 hours, first 2 hours free per law)	\$60.13	\$360.18
Staff collection and review of records estimating an average of 1 minute per record	Estimated 2000 additional documents not in email = 33 hours	\$60.13	\$1984.29
Attorney review of records identified for possible redaction or denial. Phone record requests	3 hours	\$190	\$570
Redaction Contract Services	150,000 pages	\$0.25 per page	\$ 37,500 (lowest of 3 Contractor Quotes)
Paper Copies	.05 per copy after 100 copies	TBD	TBD
Estimated costs to be paid in advance. If costs are less, money will be refunded. If costs exceed the estimate, the records requester must pay the balance before records are released.			\$40,414.14

*Idaho Code 74-102(10)(e): "Fees for requests made by residents for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency or independent public body agency who is necessary and qualified to process the request....If a request from a resident is submitted to a public agency that does not have an attorney on staff, and requires redactions by an attorney, the rate shall be no more than the usual and customary rate of the attorney who is retained by the public agency for that purpose."

Please let us know by Wednesday, September 10th, 2025 how you would like to proceed with this matter. We will not move forward with processing this request until we hear from you about how you would like to proceed. You may also let us know if you would like to narrow your search to reduce the estimated cost of processing. We're happy to work with you in that regard. For example, some records included in your request can be found on our website and District Facebook page. Our district website link is: <https://www.jeromeschools.org/>. These records include the following: press releases, newsletters and social media posts. Additionally, we estimate that collecting and reviewing phone logs, calendars and emails will be a time intensive aspect of your request. Should you wish to narrow your request to address that issue, we would be happy to work with you. Finally, our initial search for emails responsive to your request generated 48,596 emails, all of which will need to be reviewed and possibly redacted to protect confidential information, as noted herein. Modifying the dates of your request, the individuals involved in the emails or the type of information may reduce the number of emails. Please contact Jodi Stewart, who can assist you if needed.

C. Initial Response to Request

1. **Meeting Notes.** Your request includes, within the “Communication Formats” section of your letter, “meeting notes.” To the extent documents responsive to your request include personal meeting notes created by District staff solely for their own use and not shared with any other person or entity, your request is denied. Idaho Code §74-101(13) specifically excludes from the definition of “public record” “personal notes created by a public official solely for his own use...as long as such personal notes are not shared with any other person or entity.” However, any notes that were created for use by a group of District staff will be provided, if such records exist.

2. **Records Containing Personally Identifiable Information.** Your request includes, within the “Categories of Records Requested” section, “All district responses to parent complaints, safety concerns, or reports of unregistered riders;” and “All formal apologies, drafts or messaging prepared for families regarding transportation failures.” To the extent these records include personally identifiable information of students, parents, staff, or District patrons, your request is denied.

a. **Student Information.** Idaho Code §74-104(1) provides that public records exempt from disclosure under federal or state law or regulations are exempt from disclosure. In particular, student education records are confidential under both Idaho Code §33-133 and the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. §1232g, 34 CFR Part 99. While FERPA contains exceptions to disclosure of education records, none of the exemptions are applicable here.

b. **Staff Information.** Although we have not compiled all the records you have requested, any records that include personnel information of current or former District employees that is exempt from disclosure under Idaho Code §74-106(1) will not be provided. Thus, only those records containing a current or former employee’s “public service or employment history, classification, pay grade and step, longevity, gross salary, and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency” will be provided. Your request for any other personnel information is denied.

c. **Unwarranted Invasion of Personal Privacy.** As defined in Idaho Code §74-101(17)(b), this term means, “Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information. To the extent your request includes records that may identify the personal phone numbers, addresses, family or other information regarding parents of District students or District patrons, your request is denied. Parents and patrons provide personal contact information to District staff for

purposes of communication regarding specific school information. The District deems such information confidential, the release of which would constitute an unwarranted invasion of personal privacy as defined in Idaho law.

3. Attorney-Client Privileged Records. Idaho Code §74-104(1) provides that public records exempt from disclosure under federal or state law or regulations are exempt from disclosure. Idaho Code §9-203(2) protects communications between clients and attorneys. Thus, to the extent any of the records requested include communications between District employees and the District's attorney, your request is denied.

4. Future Records. Your request included documents related to transportation and levy-funded bus operations through September 30, 2025. The District cannot provide documents and records that have not yet been created; accordingly, records that do not exist as of the date of this letter are not provided and your request is denied.

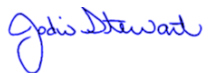
To the extent any records include both exempt and non-exempt material, the District will provide non-exempt records through redaction or other separation, in accordance with Idaho Code §74-112.

D. Appeal Rights

Should you wish to appeal the District's denial of your request for a fee waiver, or the partial denials contained herein, you have the right to do so, pursuant to Idaho Code §74-115, by filing a petition in the Fifth Judicial District Court of Jerome County. Such appeal must be filed within 180 days from the date of mailing of this letter. We would, however, request you contact us prior to filing such petition to discuss how we may try to resolve any concerns. In accordance with Idaho law, our attorney has reviewed this response.

Please let us know how you would like to proceed with your request.

Sincerely,



Jodi Stewart

Clerk, School District No. 261 Jerome, Lincoln and Gooding Counties, Idaho