



February 25, 2011

Mr. Matthew Logan
Public Records Requestor
fltranspodesk@gmail.com

Re: Public Records Request

Dear Mr. Logan:

Please accept this communication on behalf of Erik Kass, the Madison Metropolitan School District's (the "District") custodian of records. The District is in receipt of your recent public records request regarding a copy of all open records requests related to recent protests, sick days, etc. and a copy of all materials furnished to the requestors.

Please note that the "right of access applies only to records that exist at the time the request is made, and the law contemplates custodial decisions being made with respect to a specific request at the time the request is made." 73 Op. Att'y Gen. 37, 44 (1984). Attached please find public records requests that were received as of the date of your request. As of the date of your request, the District had not provided any responses to those requests.

Because you do not have a right to access any documents that were created after your request, the District does not construe the above as a denial of a Public Records request. However, should you disagree and deem it to be a denial, pursuant to Wis. Stat. § 19.35(4)(b) a decision to deny a Public Records request is subject to review by mandamus under § 19.37(1) or upon application to the attorney general or a district attorney.

Please contact me if you have any questions or concerns regarding the above.

Sincerely,

Matthew Bell
Associate General Counsel
Madison Metropolitan School District

Cc: Daniel Nerad
Robert Nadler



Matthew Bell <mwbell@madison.k12.wi.us>

Fwd: Open Records Request -Madison

5 messages

Erik Kass <ejkass@madison.k12.wi.us>
To: Matthew Bell <mwbell@madison.k12.wi.us>

Fri, Feb 18, 2011 at 8:15 AM

----- Forwarded message -----

From: **Daniel Nerad** <dnerad@madison.k12.wi.us>
Date: Fri, Feb 18, 2011 at 8:14 AM
Subject: Fwd: Open Records Request -Madison
To: Erik Kass <ejkass@madison.k12.wi.us>

fyi

----- Forwarded message -----

From: **Larry** <lgamble@wi.rr.com>
Date: Fri, Feb 18, 2011 at 8:05 AM
Subject: RE: Open Records Request -Madison
To: Larry <lgamble@wi.rr.com>, dnerad@madison.k12.wi.us, slove@madison.k12.wi.us

I am modifying my request, please note the change. I look forward to hearing from you in coming days

This letter requests the following records, per the state's Open Records Law (19 31-39, WI Statutes):

1. By Name listing of all Teachers who were absent on 2/16, 2/17 and 2/18/2011.
2. Listing of any schools closed because of staff absences.
3. Total number of teachers employed by your district.

Best Regards,

Larry

From: Larry [mailto:lgamble@wi.rr.com]
Sent: Thursday, February 17, 2011 7:03 AM
To: dnerad@madison.k12.wi.us; slove@madison.k12.wi.us
Cc: 'Larry'
Subject: RE: Open Records Request for Sick Out Teachers Names

Correction, I meant for the date to read 2/16/2011 and 2/17/2011.

Sorry about the confusion.

Larry

From: Larry [mailto:lgamble@wi.rr.com]
Sent: Wednesday, February 16, 2011 8:59 PM
To: 'dnerad@madison.k12.wi.us'; 'slove@madison.k12.wi.us'
Subject: Open Records Request for Sick Out Teachers Names

PO Box 320061
Franklin, WI 53132

Daniel A. Nerad
Doyle Administration Building
545 W Dayton St.
Madison, WI 53703

2/16/2011

Dear Mr. Nerad:

This letter requests the following records, per the state's Open Records Law (19 31-39, WI Statutes):

4. By Name listing of all Teachers who called in sick on 2/16/2010

The Open Records law defines "record" to include information that is maintained on paper as well as electronically, such as data files and unprinted emails. WI Stat. § 19.32(2).

Please also be aware that the Open Records law "shall be construed in every instance with the presumption of complete public access consistent with the conduct of governmental business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied." If you deny my request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny my request. WI Stat. § 19.35(4)(a).

Under Chapter 19 I request to review these records, please advise when that is possible. Please advise me before processing this request if the total cost will exceed \$50.

The law requires you to respond to this request "as soon as practicable and without delay" and Dept. of Justice policy says that ten working days is reasonable for a response.

If you are not the records custodian for this information, please forward this request to the appropriate person. To complete this request, I can be reached via email at lgamble@wi.rr.com.

Thank you for your time and consideration.

Larry Gamble

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Daniel Nerad
Superintendent of Schools
Madison Metropolitan School District
545 West Dayton Street
Madison WI 53703 Rm 110
(608) 663-1607
www.mmsd.org

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Erik J Kass
Assistant Superintendent for Business Services
Madison Metropolitan School District
545 W Dayton St.
Madison, WI 53703
Office: 608-663-1658
Fax: 608-442-2149

 winmail.dat
8K



Matthew Bell <mwbell@madison.k12.wi.us>

Public records request

1 message

Ken Syke <ksyke@madison.k12.wi.us>

Thu, Feb 17, 2011 at 12:01 PM

To: Matthew Bell <mwbell@madison.k12.wi.us>, Erik Kass <ejkass@madison.k12.wi.us>

Matt, Erik,

We've had many other media requests for this, and we will likely have the numbers next week. Just forwarding this to you per normal.

Ken

----- Forwarded message -----

From: **Derek Staahl** <dstaahl@wkowtv.com>

Date: Thu, Feb 17, 2011 at 10:56 AM

Subject: RE: Announcement about school on Thursday

To: Ken Syke <ksyke@madison.k12.wi.us>

Hey Ken,

We just spoke on the phone but I wanted to send you a backup email as well.

Please consider this a request under the state's open records laws.

We would like to know the number of teachers and staff who have called in sick or have otherwise been absent from work on Wednesday February 16, Thursday Feb 17, and Friday Feb 18. If you would be so kind, please express this as a percentage of the total number of teachers and staff at each school.

Thanks,

Derek Staahl

27 News Reporter

608-273-2727

From: Ken Syke [mailto:ksyke@madison.k12.wi.us]
Sent: Wednesday, February 16, 2011 9:06 PM
To: Ken Syke
Subject: Announcement about school on Thursday

We have received reports Wednesday evening that there will again be significant staff absences in our district on Thursday in protest of Governor Walker's proposed changes in labor law.

Due to substantial concerns about these absences in Madison, the Madison School District is forced to close all of our schools to students on Thursday, February 17, 2011.

We regret having to make this decision for a second consecutive day, but with the significant percentage of staff members expected to be absent on Thursday we can not assure the safety of all students. We realize this is difficult for families because it impacts family routines and schedules and we appreciate your flexibility during these difficult times.

All MMSD staff will be expected to report to work on Thursday.

We will continue to communicate with you on any new developments on this issue.



Ken Syke
Community Engagement and Public Information, Madison School District
608-663-1903
ksyke@madison.k12.wi.us

MADISON METROPOLITAN SCHOOL DISTRICT



Ken Syke
Community Engagement and Public Information, Madison School District
608-663-1903
ksyke@madison.k12.wi.us

Feb. 21, 2011

Dylan Pauly
General Legal Counsel
Madison Metropolitan School District
545 W Dayton St
Madison WI 53703-1967

Dear Ms Pauly,

Under the provisions of the Wisconsin Open Records Law, I am requesting the following records:

- 1) Copies of all sick notes or excuses submitted by teachers and other MMSD staff related to absences between Feb 14-22, 2011.
- 2) Copies of all e-mails to and from Superintendent Dan Nerad regarding employee absences between Feb. 14-22, 2011.
- 3) Copies of all e-mails to and from School Board members regarding employee absences between Feb. 14-22, 2011.
- ✓ 4) A copy of the current collective bargaining agreement with Madison Teachers Inc
- ✓ 5) A copy of the current contract for each of the Madison Teachers Inc. bargaining units.
- 6) Any documents the district has that would represent a tally of how many teachers attended work and how many teachers did not attend work on Feb. 14, 15, 16, 17, 18, 21 and 22.

If part of the requested information becomes available immediately, I would prefer to have immediate access to that material rather than wait while the remainder of the information is being prepared for review.

As you know, the law states that reasonable fees may be charged for providing copies of such records. Please advise me before you process my request if the fees will exceed \$100. I may be reached at (608) 252-6144

If all or part of this request is denied, please cite the specific law or regulation for the denial and inform me of the appeal procedures. I believe that the records I am seeking are public records and, thus, should be available for inspection and copying during your regular office hours.

Please handle this request expeditiously so that I may pursue legal remedies, if necessary, to gain access to the information I am seeking.

Thank you for your assistance.

Sincerely,

Matthew DeFour

February 21, 2011

Superintendent Daniel Nerad
Madison Metropolitan School District
545 West Dayton Street
Madison, WI 53703

RE: Property Taxpayers Open Records Request

Dear Mr. Nerad:

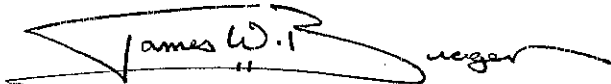
Under Chapter 19, *Wis. Stats.*, I would like to receive the following:

- 1) A list of the names of all teachers and school personnel that called in sick during the week of February 14-18.
- 2) A copy of all written correspondence exchanged between school district personnel relating to Senate Bill 11 and union protests at the State Capitol.
- 3) A list of salary and benefits provided to the teachers and school personnel referenced in Item #1 above.
- 4) A copy of the district's disciplinary policy for employees improperly using sick time.
- 5) A district expense report showing any taxpayer dollars that were used to facilitate district employee participation in the State Capitol budget protests including bus rental, lodging, food, etc.

Should there be any questions regarding this request, do not hesitate to contact me.

I would appreciate receiving this information in a timely manner as stipulated by statute. Please advise in advance if there is a charge for this information request.

Sincerely,

A handwritten signature in black ink that reads "James W. Brager". The signature is stylized with a large, sweeping initial "J" and a long horizontal line extending to the right.

Mr. James W. Brager
6809 Chester Drive
Apt H
Madison, WI 53719
608.345.9599
jwbrager@uwalumni.com



Matthew Bell <mwbell@madison.k12.wi.us>

Fw: Open Records Request

1 message

ejkass@madison.k12.wi.us <ejkass@madison.k12.wi.us>

Sun, Feb 20, 2011 at 3:27 PM

Reply-To: ejkass@madison.k12.wi.us

To: mwbell@madison.k12.wi.us

Sent from my U.S. Cellular BlackBerry® smartphone

From: dnerad@madison.k12.wi.us

Date: Sun, 20 Feb 2011 21:19:23 +0000

To: Erik Kass <ejkass@madison.k12.wi.us>

ReplyTo: dnerad@madison.k12.wi.us

Subject: Fw: Open Records Request

Fyi.

Sent from my U.S. Cellular BlackBerry® smartphone

From: "Kirsten E. Lombard" <kirsten.lombard@gmail.com>

Date: Sun, 20 Feb 2011 15:17:29 -0600

To: <dnerad@madison.k12.wi.us>

Subject: Open Records Request

Superintendent Daniel A. Nerad

Madison Metropolitan School District

Doyle Administration Building

545 W. Dayton Street, Rm. 110

Madison, WI 53703-1967

RE: Property Taxpayers Open Records Request

Dear Superintendant Nerad:

Under Chapter 19, *Wisconsin Statutes*, I would like to receive the following:

- 1) A list of the names of all Madison Metropolitan School District teachers and school personnel who called in sick during the week of February 14-18, 2011 and the specific days on which they did so

- 2) A list of the salary and benefits provided to the teachers and school personnel referenced in Item #1 above
- 3) A copy of the district's disciplinary policy for employees improperly using sick time
- 4) A copy of any written or electronic correspondence exchanged between school district personnel relating to both Governor Walker's Budget Adjustment Bill and union protests scheduled or taking place at the State Capitol Building
- 5) A district expense report showing any taxpayer dollars used to facilitate district employee participation in the abovementioned protests, including bus rental, lodging, food, etc.

Should there be any questions regarding this request, do not hesitate to contact me.

I would appreciate receiving this information in a timely manner as stipulated by said statute.

Please advise me in advance if there is a charge for this information request.

Sincerely,

Kirsten E Lombard

210 N. Paterson Street, Apt. 2

Madison, WI 53703

Ph: 608.237.7034

Email: Kirsten.lombard@gmail.com

CC: The Wisconsin 9/12 Project

The Wisconsin Patriot Coalition
