

March 8, 2021

*Sent via email*

Stephen Hegarty  
Public Information Officer  
Communications & Government Relations  
District School Board of Pasco County  
7227 Land O' Lakes Blvd., Bldg. 8  
Land O' Lakes, FL 34638  
[PublicRecords@pasco.k12.fl.us](mailto:PublicRecords@pasco.k12.fl.us)

**Re: Public Records Request**

Dear Mr. Hegarty,

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) is the nation’s oldest civil and human rights law organization. Since its founding more than eighty years ago, LDF has worked at the national, state, and local levels to pursue racial justice and eliminate structural barriers for Black Americans in the areas of criminal justice, economic justice, education, and political participation. Following its success in the landmark case *Brown v. Board of Education*, which ended *de jure* segregation in public schools, LDF strives to ensure educational equity and opportunities for Black children across the United States, especially in the South.

As part of its racial justice advocacy in education, LDF has become increasingly concerned about the growing use of data and technology to perpetuate racial discrimination against communities of color. Most troubling is the use of this data and technology against children of color in our educational system. Programs that rely on school discipline data may exacerbate longstanding racial disparities in school discipline, which has fueled the school-to-prison pipeline. Equally concerning, some technologies utilize confidential and sensitive student information that may violate students’ privacy rights. The rapid, unchecked deployment of new technologies, such as algorithmic risk assessments, in the educational setting is alarming and requires transparency and public scrutiny.

Accordingly, LDF makes this public records request (“Request”) for copies of records—regardless of format, medium, or physical characteristics and including electronic records and information—under Florida Public Records Law, Chapter 119, Florida Statutes, and Article 1, Section 24 of the Florida Constitution to seek information described in Section I below.

**I. Requested Records**

Please produce the following public records under Fla. Stat. Ann. § 119.07(1):

1. All current data-sharing agreements between the Pasco County School District (“School District”) and Pasco County Sheriff’s Office (“Sheriff’s Office”) that authorize the sharing of School District student data and records.
2. All documents,<sup>1</sup> including but not limited to, agreements, contracts, memoranda of understanding, and interagency agreements, between the School District, Sheriff’s Office, and any other governmental agencies from 2011 to the date of the School District’s response to this Request that authorizes the sharing of the School District’s student data and records with the Sheriff’s Office.
3. All documents reflecting the de-identified demographic data—including but not limited to, race, gender, disability status, free/reduced lunch status, grade level, school, and age—of students for whom either the School District, Sheriff’s Office, or both identified as at-risk or other similar designation concerning the likelihood and/or propensity for possible criminal activity for the following school calendar years:
  - a. 2015-2016
  - b. 2016-2017
  - c. 2017-2018
  - d. 2018-2019
  - e. 2019-2020
  - f. 2020-2021
4. All documents reflecting the de-identified demographic data—including but not limited to, race, gender, disability status, free/reduced lunch status, grade level, school, and age—of students for whom either the School District, Sheriff’s Office, or both identified for each school calendar from 2015 through 2020 in the following programs:
  - a. Early Warning System
  - b. Youth Target List
  - c. At-Risk Youth Scoring System
  - d. Intelligence-Led Policing Intelligence Products
5. All documents utilized by School District employees<sup>2</sup> to explain, supplement, and clarify the School District’s definition for the following terms under Article II(C) in the School Resource Office School Safety Programs Funding Agreement 2020-2021 between the School District and Sheriff’s Office:
  - a. “Analytical products”
  - b. “Students in need of services”

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<sup>1</sup> Unless otherwise specified, the definition of “documents” throughout this Request includes, but is not limited to, physical and electronic correspondence, training materials, policies, procedures, regulations, protocols, presentation, demographic information, and guidelines.

<sup>2</sup> For this Request, the definition of “School District employees” includes, but is not limited to, officials, employees, representatives, contractors, and agents of the School District.

- c. “ILP Youth Services Analyst”
  - d. “SHERIFF’S Real Time Crime Center”
  - e. “Intelligence products”
6. All documents regarding any statistical, mathematic, and/or algorithmic system operated in whole or in part by the School District, Sheriff’s Office, or both that uses School District student data and records to identify students “at risk” of developing into “chronic recidivist offender[s],” which is referenced on pages 65-66 and 70-73 of the Sheriff’s Office’s Intelligence-Led Policing Manual (“ILP Manual”).<sup>3</sup>
  7. All documents that the School District provides to Pasco County School Resource Officers (“SROs”) when obtaining, compiling, and sharing School District student data and records with Sheriff’s Office employees.
  8. All documents regarding school-based interventions used by School District employees and school-based interventions teams that are offered to students identified as “at-risk.”
  9. All documents regarding SROs’ involvement in “offender identification and intelligence gathering” programs and activities that occur on School District premises and/or involve School District students, which is referenced on page 65-66 of the ILP Manual.
  10. All documents regarding “intelligence products” provided by the Sheriff’s Office to the School District, which is referenced on pages 49-55 of the ILP Manual.
  11. All documents between the School District and Sheriff’s Office regarding the design, development, approval, and maintenance of the at-risk list that the Sheriff’s Office maintains through its Intelligence Led-Policing and Analytical Support to the School District, which is referenced under Article II(C) in the School Resource Office School Safety Programs Funding Agreement 2020-2021 (“SRO 2020-2021 Funding Agreement”).
  12. All documents regarding any “At-Risk Youth List” or “Youth Target List” maintained in whole or in part by the School District, Sheriff’s Office, or both, which is referenced on page 65 of the ILP Manual.
  13. All documents utilized by the School District regarding the process by which students identified as at-risk—or their parent(s) or legal guardian(s)—are notified about their inclusion in an at-risk database, log, list, registry, or electronic system maintained by the School District, Sheriff’s Office, or both.

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<sup>3</sup> See generally, Intelligence-Led Policing Manual, Pasco County Sheriff’s Office (2018), [https://assets.documentcloud.org/documents/20412738/ilp\\_manual012918.pdf](https://assets.documentcloud.org/documents/20412738/ilp_manual012918.pdf).

14. All documents providing notice to School District students and parents or legal guardians of their rights protected by the Family Educational Rights and Privacy Act (“FERPA”) between 2011-2021.
15. All documents describing the School District’s process for students and/or their parents or legal guardians to request, inspect, review, or receive copies of student records and to challenge student records pursuant to FERPA and School District Policy 2416, including without limitation notification, if any, to students and/or their parents or legal guardians about this process.
16. All documents describing the School District’s process by which students and/or their parents or legal guardians can opt-out of any potential inclusion in at-risk database, log, list, registry, or electronic system maintained by the School District, Sheriff’s Office, or both, including without limitation notification, if any, to students and/or their parents or legal guardians about this process.
17. All documents provided to SROs regarding the permissible uses of School District student data and records.
18. All documents describing the School District employees responsible for managing requests by Sheriff’s Office employees to access, compile, or review School District student data or records, including but not limited to student grades, GPA, discipline referrals, course credit completion, course performance, and early warning status.
19. All documents regarding minimal professional competencies and professional development opportunities made available to School District employees and SROs regarding student data privacy, which is referenced in School Board Policy po8305.
20. All documents utilized by School District employees that reflect the School District criteria for identifying and classifying a student “in need of services” based on Article II(C) in the SRO 2020-2021 Funding Agreement.
21. All email communications, including but not limited to emails, email attachments, calendar invites, and attachments thereto, sent by the School District’s School Board listed in Column A concerning suggested search terms in Column B regarding Intelligence-Led Policing and Youth Risk-Assessment to Sheriff’s Office employees:<sup>4</sup>

Column A, School Board Members

- a. School Board Chair Kurt S. Browning ([ksbsos@pasco.k12.fl.us](mailto:ksbsos@pasco.k12.fl.us))
- b. District 1 School Board Member Allen Altman ([alaltman@pasco.k12.fl.us](mailto:alaltman@pasco.k12.fl.us))
- c. District 2 School Board Member Colleen Beaudoin ([crbeaudo@pasco.k12.fl.us](mailto:crbeaudo@pasco.k12.fl.us))

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<sup>4</sup> For this Request, the definition of Sherriff’s Office employees includes, without limitation, officials, employees, SROs, analysts, representatives, contractors, and agents of the Sheriff’s Office.

- d. District 3 School Board Member Cynthia Armstrong ([carmstro@pasco.k12.fl.us](mailto:carmstro@pasco.k12.fl.us))
- e. District 4 School Board Member Allison Crumbley ([acrumble@pasco.k12.fl.us](mailto:acrumble@pasco.k12.fl.us))
- f. District 5 School Board Member Megan Harding ([mharding@pasco.k12.fl.us](mailto:mharding@pasco.k12.fl.us))
- g. Any Former School Board Member from 2015-2021

Column B, Suggested Search Terms

- a. "Intelligence-Led Policing"
- b. "Risk Assessment"
- c. "Prolific Offender"
- d. "Target List"
- e. "Data-sharing"
- f. "ILP Youth Services Analyst"
- g. "Real Time Crime Center"
- h. "Intelligence Product(s)"
- i. "Facial Recognition"
- j. "Social Media Profile"
- k. "Cell Data Record Analysis"
- l. "Risk Ratio"

To accommodate your office and reduce the number of potentially responsive records to be processed and produced, LDF has limited Request 21 to emails sent by the specified custodians. To be clear, however, LDF still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Chair Browning's response to a responsive email and the initial received message are responsive to Request 21 and should be produced. Request 21 therefore includes all prior messages (whether incoming or outgoing) connected to the responsive correspondence and any attachments thereto.

LDF seeks your prompt response, preferably no later than 20 business days after receipt of this Request. Please treat each of the numbered requests in Section I as a separate request under the Public Records Act and respond to each separately. This procedure is intended to obviate the waste of sending separate public records requests as to each of the categories of documents. It will also provide you with a more efficient way to provide responsive documents on a rolling basis.

Unless otherwise specified, provide all responsive documents from January 1, 2015, to the date this Request is received.

This Request excludes any information regarding any student that is made confidential under Florida or federal law, including any information that identifies a particular student by their name, date of birth, or student identification number.

Please take appropriate steps to ensure that records responsive to this Request are not deleted by your office before the response to this Request is completely processed. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, a litigation hold on those records.

Moreover, please preserve and be prepared to produce all records regarding the Public Information Officer's efforts to identify and produce records responsive to this Public Records Request, and all records regarding this Request, including, but not limited to, electronic, other communications, and other records referring to this Request or containing or referring to information about or regarding to this Request.

## **II. Format**

LDF seeks all responsive records regardless of format, medium, or physical characteristics. Electronic records should be produced in their unlocked native format with all original metadata and original filenames. Paper documents should be scanned and produced as Adobe PDF files or TIF files. Emails produced should be grouped together with any attachments. When searching emails, please search all folders, including inbox, subject matter folders, sent items, archived items, and deleted items. Please produce all metadata fields for emails, including BCC.

For responsive records, LDF requests that you provide individual computer records or scanned documents in a searchable format, such as Microsoft Word or searchable Adobe Acrobat pdf, and any data and statistical information, if applicable, in a format that is searchable and analyzable, such as a .txt or .csv file or a Microsoft Excel spreadsheet.

## **III. Exemption**

If you claim that any record is exempt from public disclosure, please state in writing both the statutory citation to any exemption which you claim is applicable and the specific reasons for your determination that the requested record is exempt. Fla. Stat. Ann. § 119.07(1)(e). If you claim that any portion of any record is exempt, please redact that portion of the record that you believe is exempt, state in writing both the statutory citation to any exemption you believe is applicable and the specific reasons for determining that the portion of the record is exempt and produce the remainder of the record. *Id.* § 119.07(1)(d).

If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed

throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

#### **IV. Fee Waiver**

Because this Request is a matter of public interest, LDF requests a fee waiver and expedited processing. LDF is a 501(c)(3) non-profit organization dedicated to racial justice and civil and human rights, with a proven track-record of compiling and disseminating information and reports to the public about government functions and activities, including policing. LDF has undertaken this work in the public interest and not for any private commercial interest. Similarly, the primary purpose of this Request is to obtain information to further the public's understanding of important education policies. Access to this information is crucial for LDF and the communities we serve to evaluate such policies and their effects.

If you are unable to waive fees and costs, please notify us of any anticipated fees or costs before incurring any such costs and fees, including providing an invoice detailing the anticipated fees and costs.

#### **V. Conclusion**

We look forward to working with you on this Request. If you do not understand any part of this Request, have any questions, identify any ambiguity or lack of clarity in any way, or foresee any problems in fully releasing the requested records, please contact John Cusick via email at [jcusick@naacpldf.org](mailto:jcusick@naacpldf.org) or phone at 917-858-2870.

Thank you for considering this Request.

Sincerely,

/s/ John S. Cusick

John S. Cusick, Litigation Fellow  
Clarence Okoh, Equal Justice Works Fellow  
NAACP Legal Defense &  
Educational Fund, Inc.  
40 Rector St. 5th Floor,  
New York, New York 10006