

FOIL APPEAL

MUCKROCK NEWS
DEPT MR 142285
263 HUNTINGTON AVE
BOSTON, MA 02115

*****AUTO**MIXED AADC 130 PL1 T15 P1 S6649
DUANESBURG CENTRAL SCHOOL DISTRICT
FOIL OFFICE
133 SCHOOL DR
DELANSON NY 12053-2314



June 28, 2023

This is a follow up to a previous request:

I am writing to appeal the denial of my Freedom of Information Law (FOIL) request dated March 05, 2023, in which I sought records related to communications with the American Academy of Pediatrics and the Council on School Health. The denial letter, dated June 27, 2023, stated that the district does not communicate with the American Academy of Pediatrics, and therefore, does not possess any related communications.

However, I have reason to believe that this is not the case. It is known that at a minimum on multiple occasions (Mar 9, 2020, Jun 26, 2020, Jun 28, 2020, Aug 5, 2020, Sep 28, 2020, Dec 30, 2020, Jan 27, 2021), materials were sent from Anita Murphy of BOCES to Jeffrey Ziegler and James Niedermeier with materials and guidance from or with reference to the American Academy of Pediatrics (AAP). Furthermore, the district's reopening plan, publicly available on the district's website, explicitly states reliance on information from the AAP.

Given this evidence, it is reasonable to conclude that the district is in possession of materials from or referencing the AAP. If the district does not possess these materials, as per your rejection, it raises concerns that the district may not have exercised appropriate due diligence. Instead, it appears that statements from other sources may have been repeated without thorough review, potentially bypassing the fiduciary and oath-based obligations for due diligence incumbent upon board members and senior officials at the district.

Additionally, the rejection letter does not mention that a diligent search has been conducted, which is a requirement under the Freedom of Information Law. This omission further supports the observation that this is a knowingly willful denial of access.

I kindly request that you conduct a diligent search for the requested records and provide them in accordance with the Freedom of Information Law. If my appeal is denied, I request a written explanation citing the reasons for the denial.

View request history, see one related attachment, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1519203/>

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Attachments:

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PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

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Boston, MA 02115

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On June 27, 2023:

Subject: Re: New York Freedom of Information Law Request: FOIL Request for Records Related to Communications with American Academy of Pediatrics and Council on School Health (Duanesburg Central School District)

Jackson parker:

This will respond to your correspondence dated March 05, 2023 which purports to be a request made pursuant to the New York State Freedom of Information Law ("FOIL") and which I responded on March 10, 2023. I am responding to your request as the Records Access Officer of Duanesburg Central School District. In your request you attempt to obtain information about FOIL Request for Records Related to Communications with American Academy of Pediatrics and Council on School Health (Duanesburg Central School District)

Please be advised that your request is denied due to the fact that the district does not communicate with the American Academy of Pediatrics. Due to this factor, the district does not possess communication connecting the American Academy of Pediatrics with "American Academy of Pediatrics"

"AAP"

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"Council on School Health"

"COSH"

"pediatric"

"child health"

"school health"

Therefore, I have determined that this request is considered complete. No other further documentation is available.

Pursuant to FOIL, you have a right to appeal a denial of any portion of your request. Any appeal of this decision should be made within thirty (30) days, in writing to Superintendent of Duanesburg Central School District. Duanesburg Central School District can be contacted at 133 School Drive, Delanson, NY 12053.

I conclude,

Jeffrey Rivenburg
Records Access Officer
Duanesburg Central School District

Jeffrey Rivenburg

Assistant Superintendent of Management Services

Duanesburg Central School District

133 School Drive, Delanson, NY 12053

www.duanesburg.org | 518.895.2279

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On March 10, 2023:

Subject: Re: New York Freedom of Information Law Request: FOIL Request for Records Related to Communications with American Academy of Pediatrics and Council on School Health (Duanesburg Central School District)

We are in receipt of your request for information, received by this office on March 6, 2023 as it is a request for documents and/or records, I am considering it made pursuant to the Freedom of Information Law ("FOIL").

We will review the request and compile the available information you are requesting. I will respond to your specific requests within twenty(20) business days.

Record Access Officer

Jeffrey Rivenburg

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On March 6, 2023:

Subject: New York Freedom of Information Law Request: FOIL Request for Records Related to

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Communications with American Academy of Pediatrics and Council on School Health (Duanesburg Central School District)

To Whom It May Concern:

Pursuant to the New York Freedom of Information Law, I hereby request the following records:

I am seeking all records related to the American Academy of Pediatrics (AAP) and the Council on School Health (COSH), including any communications or correspondence between the school district and these organizations, or any other party that may have provided information to the district from these organizations.

To help identify responsive records, you can limit your time period to 1/1/2017 until the date of final response; also I request that you search for the following terms, which are focused on the American Academy of Pediatrics and its affiliated organizations:

"American Academy of Pediatrics"

"AAP"

"Council on School Health"

"COSH"

"pediatric"

"child health"

"school health"

Please include records of any type, including but not limited to emails, letters, memoranda, reports, meeting minutes, presentations, and any other records of communication or correspondence between the American Academy of Pediatrics, the Council on School Health, and the school district or any other party that may have provided information to the district from these organizations.

If no records are responsive to this request, please provide a certification of that fact pursuant to Public Officers Law §89(3), and inform me of the district's obligations under LGS-01 to retain records until any appeal has been resolved.

If any records are withheld, please provide an explanation of the legal basis for the withholding.

If my request is denied in whole or in part, please provide a written explanation of the reasons for the denial.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your

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response to this request within 5 business days, as the statute requires.

Sincerely,

Jackson Parker

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DUANESBURG CENTRAL SCHOOL DISTRICT

133 School Drive
Delanson, NY 12053

06/27/2023

Jackson Parker

MuckRock News
DEPT MR 141952
263 Huntington Ave
Boston, MA 02115

Re: FOIL Request for Records Related to Communications with American Academy of Pediatrics and Council on School Health (Duanesburg Central School District)

Dear Jackson parker:

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I conclude,

Jeffrey Rivenburg
Records Access Officer
Duanesburg Central School District

Phone: (518) 895-2279

Fax: (518) 895-2626



