

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT
218-2021-CV-01018

Albert S. Brandano

v.

David Ryan, EdD, Superintendent
NH School Administrative Unit 16

**VERIFIED RIGHT-TO-KNOW PETITION FOR ACCESS TO
RECORDS**

Petitioner, Al Brandano (“Brandano”) brings this Petition pursuant to the Right-To-Know law, RSA 91-A, to compel the Respondents, David Ryan, Superintendent and NH School Administrative Unit 16, to produce documents relative to the propagation of theories that fall under the rubric of “Diversity, Equity, Inclusion, and Justice” within the NH School Administrative Unit 16.

INTRODUCTION

The Legislature has made clear the purpose of the Right-to-Know law:

Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

RSA 91-A:1. Our Supreme Court has given effect to this purpose in innumerable cases, making public records from governmental units like school administrative units. *See Green v. School Administrative Unit 55, et al.*, 168 N.H. 796 (2016).

PARTIES

1. Petitioner, Albert S. Brandano (“Brandano”) is an individual residing at 2 West School Road, in Kensington, New Hampshire.

2. Respondent, David Ryan, EdD is the Superintendent for NH School Administrative Unit 16, which maintains an office at 30 Linden Street, Exeter, New Hampshire.

3. Respondent, School Administrative Unit 16 (SAU 16) serves the Towns of Exeter, Brentwood, Kensington, East Kingston, Newfields and Stratham, New Hampshire. According to its website, “SAU 16 has approximately 530 professional teachers, 35 administrators (which includes principals, directors and central office administrators) and 620 non-certified support staff members (which includes paraprofessionals, maintenance, custodians, secretaries, etc.)” Included within the ambit of SAU 16 are the School Boards for Brentwood, East Kingston, Exeter Region Coop, Exeter Elementary, Kensington, Newfields, Stratham, and the SAU Joint Board.

JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction over this matter pursuant to RSA 91-A:7.

5. The Court has personal jurisdiction over the Respondents because they are subject to the Right-To-Know laws of the State of New Hampshire, RSA 91-A, *et seq.*

6. Venue is appropriate in this Court because the entire School District is located and operates within Rockingham County.

FACTUAL ALLEGATIONS

7. Brandano has been a continuous resident of Kensington, New Hampshire for 34 years. As such, he has paid property taxes that are used to fund the School Districts within the SAU 16.

8. On July 4, 2021, Brandano sent Right-To-Know Request to David Ryan, Superintendent of SAU 16.¹ A full and accurate copy of the July 4th Right-To-Know Request is attached hereto as Exhibit A. Brandano requested the following eight (8) categories of documents:

- a. Request No. 1: All charters, member lists, or other records establishing or setting out the purposes, goals, or objectives of all DEI² Committees;
- b. Request No 2: All postings, agendas materials distributed to committee members, presentations, work products, videos, chat logs, and minutes, for all meetings of all DEI² Committees;
- c. Request No 3: All emails or other written communications, between any DEI² Committee Chairperson or other group leader or facilitator, and any SAU16 Officer,³ concerning a DEI² Committee or DEI² Activity;
- d. Request No 4: All records of any DEI² Activity of any School Board or Committee of a School Board. Such records include but are not limited to postings, agendas, materials distributed to members, presentations, work products, videos, chat logs, and minutes;
- e. Request No 5: All records of any DEI² Activity of any SAU16 Officer;
- f. Request No 6: All contracts, agreements, or grant applications that, in whole or in part, concern a DEI² Committee to seek to enable DEI² Activity;

¹ Brandano's Request was also copied to Travis Thompson of the SAU Joint School Board.

² Brandano's Request defined DEI² as "the study, development, recommendation, or implementation of curriculum, training, policy, practice, positions of employment, or internal or public communications regarding Diversity, Equity, Inclusion, and Justice."

³ Brandano's Request defined "SAU16 Officer" as "any of the following: the Superintendent, the Associate Superintendent, all Assistant Superintendents, the Executive Director for Finance and Operations, the Director of Student Services, and the Director of Human Resources, present or past, within the time period of this request."

- g. Request No 7: All records of expenses incurred in support of a DEIJ Committee or DEIJ Activity, and the budgets from which they were paid or will be paid; and
- h. Request No 8: All records of any DEIJ-Activity-related curriculum materials, for example books, that were distributed, assigned, recommended, or suggested to any SAU16 teachers or students.

9. On July 7, 2021, Respondent Ryan responded as follows:

Good morning Mr. Brandano:

Thank you for submitting an information request under NH 91-A. Most of the information that you are seeking is already publicly available on our DEIJ section of the SAU 16 website, linked here.

As for Request Items 3, due to the breadth of your request in terms of the time period covered and the volume of information requested, we are not able to respond within five (5) days. In accordance with RSA 91-A:4, IV(b)(3) I am informing you that we will need additional time to search for emails which are responsive to your request and review any responsive emails to determine whether they are exempt from disclosure under RSA 91-A:5. We anticipate that it will take up to 45 days to be able to respond to your request.

As for Request Items 6 and 7, we will require only an additional five days and therefore should be able to furnish those records by Friday, July 16.

A true and accurate copy of that response is attached hereto as Exhibit B.

10. Thus, the only documents "provided" by the Respondents on July 7th consisted solely of a link to the SAU 16 website. By following the link, Brandano gained access to 24 electronic records - 12 were no longer available at the SAU 16 website by August 2021.

11. On July 16, 2021, Respondent Ryan provided further information - via email - to satisfy Brandano's Requests, he wrote:

Good afternoon Mr. Brandano:

Please find attached the materials that fulfill items #6 and #7 in your NH RSA 91-A request dated July 4, 2021. Budget information for the DEIJ position can be found in the publicly available FY22 budget documents and Budget Advisory Committee files. The "Draft Budget" is the line by line budget with the DEIJ position and matches the warrants that are also posted here. It can be accessed here: <https://www.sau16.org/en-US/budgets-elections-76930aaf/exeter-region-cooperative-9e995246>.

We look forward to completing our gathering of emails for Item #3 so that we can send them to you within the 45 days that we previously indicated.

A true and accurate copy of the July 16th email is attached hereto as Exhibit C.

12. As of July 16, 2021, the Respondents represented that they had fully responded to all Requests except Request No. 3.

13. On August 16, 2021, Brandano sent an email to the Respondents informing them that, despite their claim of compliance, quite a few documents were missing. A true and accurate copy of the August 16th email is attached hereto as Exhibit D.

14. The August 16th email informed the Respondents that at least 43 records were not produced in response to all Requests collectively - except Request No.3. *Id.*

15. For example, Brandano noted that the Respondents failed to provide the contract and invoices from an entity "2revolutions"⁴ in response to Request Nos. 6 and 7. According to the documents provided, 2revolutions held "ABAR Sessions" (Anti-Bias Anti-Racist) with school representatives.

⁴ 2revolutions is an entity that promotes DEIJ by, for example, teaching children that the concepts of colorblindness, meritocracy, "White Silence," "White Savior Complex" and phrases like "Make America Great Again" are all "Covert White Supremacy." <https://www.2revolutions.net/dei-commitments>.

16. Respondents did, however, provide Brandano with a copy of a contract by and between Olutoyin Augustus and SAU 16. The contract is entitled: "SAU16 - DEIJ Committee Leadership & Curriculum Development" ("Augustus Contract").

17. The Augustus Contract lists the following tasks: "DEIJ Committee Facilitated Sessions" (7 sessions) for \$2,100; "Direct Consultation with various school leaders and teams" (10 sessions) for \$1,500; and "SAU16 Curriculum Team Direct Consultations" (5 sessions) for \$750. The total amount in the Augustus Contract was \$4,350.00.

18. According to the documents that were produced, from November 2020 through May 2021, Augustus was paid \$5,251.50 - \$901.50 more than what was estimated in the Augustus Contract.

19. Respondents provided Brandano - via link to the SAU16 webpage - with a file entitled "SAU 16 DEIJ foundations (1).pdf." Contained within this file were four (4) of the seven (7) "DEIJ Committee Facilitated Sessions." Three (3) of the seven (7) were never provided to Brandano. The four (4) sessions have since been removed from the SAU16 website.

20. Respondents failed to provide *any* documents related to the ten (10) "Direct Consultation with various school leaders and teams." This would have been responsive to Request Nos. 1, 2, 5 and 8.

21. Respondents failed to provide *any* documents related to the five (5) "SAU16 Curriculum Team Direct Consultations." This would have been responsive to Request Nos. 1, 2, 5 and 8.

22. Respondents provided access to the file "Mini Grant NHEEH.pdf." This document references a "CMS Equity Team." However, no documents were provided in relation to the "CMS Equity Team" despite Brandano's specific request for "committees or other groups formed to engage in DEIJ Activity." These types of records would have been responsive to Request Nos. 1, 2 and possibly 8.

23. The SAU 16 blog page references blog posts containing DEIJ content but none were provided by Respondents. Further, the January 2021 blog post - file "January Blog.pdf" - references a "DEIJ Curriculum Committee." Brandano never received any documents relating to this committee. Such records would be responsive to Request Nos. 1, 2, 5, and 8.

24. The minutes of the August 18, 2020 Exeter School Board under the file name "8.18.20 Minutes with email.pdf" includes a DEIJ Committee report that makes reference to the existence of four (4) active "affinity groups:" Families of Black Indigenous and People of Color, Learning to be an Anti-Racist White Ally, School Leaders for Social Justice, and Educators for Social Justice. Despite the existence of these groups, Respondents failed to provide Brandano with any documents relating to these groups. Such records would be responsive to Request Nos. 1 and 2.

25. The minutes of the October 13, 2020 Exeter School Board under the file name "School Board 10.13.2020 draft.docx" were never provided by the Respondents and were obtained independently by Brandano. The minutes reflect a motion - passed unanimously - approving "\$7,000 for DEIJ training" including "a session with just the Board and an outside facilitator." Not only were these minutes not provided to

Brandano, Respondents failed to provide the records associated with the Exeter School Board session with a DEIJ training facilitator. Such records would be responsive to Request No. 4.

26. The minutes of the December 8, 2020 Exeter School Board under the file name "School Board_12.08.2020_Regular_Meeting_Approved.docx" reference DEIJ work with the ESSO Group from Phillips Exeter Academy. Respondents failed to provide documents relating to this work.

27. The minutes of the January 12, 2021 Exeter School Board under the file name "School Board Regular Meeting 01.12.2021.docx" references 13 separate and active DEIJ groups in SAU16. Respondents failed to provide Brandano with documents relating to each of these 13 separate groups. Such records would be responsive to Request Nos. 1, 2, 4, 7 and 8.

28. In his August 16th email, Brandano informed Respondents of the deficiencies referenced in Paragraphs 15 through 28 above. However, Respondents failed to correct these deficiencies; in fact, Respondents refused to even respond to Brandano's email.

29. On August 23, 2021, Brandano again reached out to the Respondents to remind them of their obligations to comply with the July 4th Right-To-Know Request and to specifically address the deficiencies outlined in the August 16th email. Respondents failed to respond. A true and accurate copy of the August 23rd Email is attached hereto as Exhibit E.

30. The promised 45 days expired on August 23, 2021 without any documents produced in response to Request No. 3.

31. On August 27, 2021, Brandano reached out to the Respondents to inform them that they were in violation of their obligations under RSA 91:-A. A true and accurate copy of the August 27th Email is attached hereto as Exhibit F. Again, Brandano received no response.

32. Brandano has been left with no other choice but to file this Petition to seek the requested documents.

Count I
(Injunctive Relief: RSA 91-A:7)

33. Brandano repeats and incorporates by reference the allegations contained in Paragraphs 1 through 32 above.

34. Respondent Ryan falls into the category of an “officer, employee, or other official” of a “public agency” as referenced in RSA 91-A:8, I.

35. Respondent SAU 16 is considered a “public agency” under RSA 91”A:1-a, V.

36. On July 4, 2021, Brandano provided the Respondents with a Right-To-Know request containing a total of eight (8) separate Requests clearly articulated.

37. On July 7, 2021, the Respondents requested an additional 45-days, or until August 23, 2021 to provide a thorough respond to Brandano’s Request No. 3.

38. As of July 16, 2021, Respondents advised Brandano that they had fully responded to all Requests, except Request No. 3.

39. On August 16, 2021, Brandano advised Respondents that certain documents were missing and demanded disclosure. That request was ignored.

40. To date and despite multiple requests, Respondents have provided no response to Request No. 3.

41. Respondents have intentionally withheld responsive records.

42. Pursuant to RSA 91-A:7, Respondents should be ordered to immediately produce all records requested by Brandano on July 4, 2021.

Count II
(Recovery of Fees and Costs: RSA 91-A:8)

43. Brandano repeats and incorporates by reference the allegations contained in Paragraphs 1 through 42 above.

44. In refusing to produce the information requested by Brandano – especially in light of the multiple demands – Respondent knew or should have known that its conduct violated RSA 91-A.

45. In fact, Brandano’s email dated August 27, 2021 expressly informed the Respondents that they were violation of RSA 91-A.

46. It is incontrovertible that Respondents promised to provide records responsive to Request No. 3 and then refused to honor their promise.

47. Respondents have intentionally withheld responsive records.

48. Brandano is entitled to an award for reasonable attorneys fees and costs associated with having to bring this Petition to enforce the Respondents’ purposeful violation of RSA 91-A, *et. seq.*

WHEREFORE, Brandano requests that this Honorable Court issue an Order:

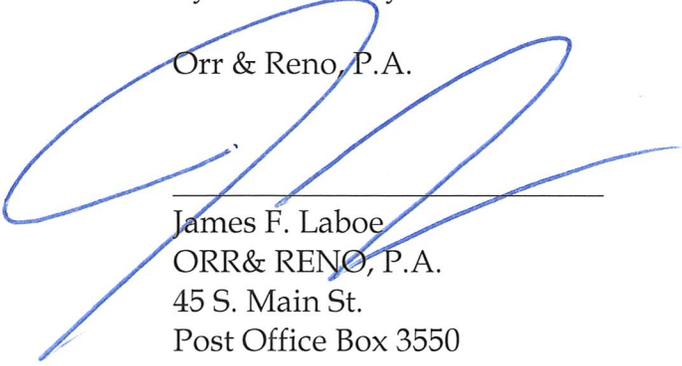
- A. Requiring Respondents to immediately product the information requested by Brandano;
- B. Award Brandano his attorneys' fees and costs for having to bring this action; and
- C. For such other and further relief as is deemed just and appropriate.

Albert S. Brandano

By His Attorneys,

Orr & Reno, P.A.

September 28, 2021



James F. Laboe
ORR & RENO, P.A.
45 S. Main St.
Post Office Box 3550
Concord, NH 03302
(603) 224-2381

VERIFICATION

I, Albert S. Brandano, verify that the attestations set forth in the foregoing Petition are true to the best of my knowledge and belief.



STATE OF NEW HAMPSHIRE
MERRIMACK, SS

Personally appeared the above-named, Albert S. Brandano, and made oath that the foregoing statements subscribed by him are true to the best of his knowledge and belief.

Dated: September 28, 2021



Notary Public/Justice of the Peace

My commission expires:



EXHIBIT A

July 4, 2021

David Ryan, EdD
Superintendent
SAU16
30 Linden Street
Exeter, NH 03833

RE: Right to Know Request per RSA-91A

Dear Superintendent Ryan:

Pursuant to the Right to Know Law (RSA. 91-A), I hereby request public access, within 5 business days, to all governmental records, no matter what form, including but not limited to, printed documents, electronic documents, e-mails, or any other form of records, of the period from 1 July 2019 to 30 June 2021, and reasonably described as enumerated below.

In this Right-To-Know request, "DEIJ Activity" refers to the study, development, recommendation, or implementation of curriculum, training, policy, practice, positions of employment, or internal or public communications regarding Diversity, Equity, Inclusion, and Justice in SAU16 or any School District in SAU16.

In this Right-To-Know request, "DEIJ Committees" refers to committees or other groups formed to engage in DEIJ Activity.

In this Right-To-Know request, "SAU16 Officer" refers to any or all of the following: the Superintendent, the Associate Superintendent, all Assistant Superintendents, the Executive Director for Finance and Operations, the Director of Student Services, and the Director of Human Resources, present or past, within the time period of this request.

I request public access to:

1. All charters, member lists, or other records establishing or setting out the purposes, goals, or objectives of all DEIJ Committees.
2. All postings, agendas, materials distributed to committee members, presentations, work products, videos, chat logs, and minutes, for all meetings of all DEIJ committees.
3. All emails or other written communications, between any DEIJ committee Chairperson or other group leader or facilitator, and any SAU16 Officer, concerning a DEIJ Committee or DEIJ Activity.
4. All records of any DEIJ Activity of any School Board or Committee of a School Board. Such records include but are not limited to postings, agendas, materials distributed to members, presentations, work products, videos, chat logs, and minutes.
5. All records of any DEIJ Activity of any SAU16 Officer.
6. All contracts, agreements, or grant applications that, in whole or in part, concern a DEIJ Committee or seek to enable DEIJ Activity.
7. All records of expenses incurred in support of a DEIJ Committee or DEIJ Activity, and the budgets from which they were paid or will be paid.

8. All records of any DEIJ-Activity-related curriculum materials, for example books, that were distributed, assigned, recommended, or suggested to any SAU16 teachers or students.

The New Hampshire Right to Know Law requires a response time of five days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies of or the ability to inspect the requested records.

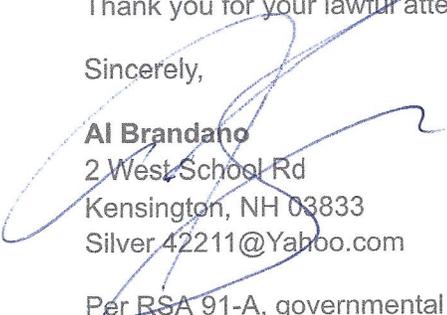
If there are any fees for locating these records, please inform me if the cost will exceed \$20.00. If so, I request a waiver of all fees in that disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the workings of SAU16. I do not seek this information for commercial purposes.

Per RSA 91-A:4 IV(c), if you deny any portion of this request, please cite the specific exemption used to justify the denial to make each record, or part thereof, available for inspection along with a brief explanation of how the exemption applies to the information withheld, and notify me of the appeals procedures available to me under the law.

Please let me know when these records are available for inspection or you may email the records to me at Silver42211@Yahoo.com

Thank you for your lawful attention to this matter.

Sincerely,



Al Brandano
2 West School Rd
Kensington, NH 03833
Silver.42211@Yahoo.com

Per RSA 91-A, governmental records means "any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records.""

EXHIBIT B

On Wednesday, July 7, 2021, 10:40:06 AM EDT,

David Ryan <dryan@sau16.org> wrote:

Good morning Mr. Brandano:

Thank you for submitting an information request under NH 91-A. Most of the information that you are seeking is already publicly available on our DEIJ section of the SAU 16 website, linked here.

As for Request Items 3, due to the breadth of your request in terms of the time period covered and the volume of information requested, we are not able to respond within five (5) days. In accordance with RSA 91-A:4, IV(b)(3) I am informing you that we will need additional time to search for emails which are responsive to your request and review any responsive emails to determine whether they are exempt from disclosure under RSA 91-A:5. We anticipate that it will take up to 45 days to be able to respond to your request.

As for Request Items 6 and 7, we will require only an additional five days and therefore should be able to furnish those records by Friday, July 16.

Thank you and we look forward to fulfilling your request as soon as possible.

David Ryan, Ed.D. / Superintendent of Schools
dryan@sau16.org / 603.775.8653

SAU 16
30 Linden Street Exeter, NH 03833
www.sau16.org

SAU 16 does not discriminate on the basis of race, color, national origin, gender, sex, sexual orientation, religion, nationality, ethnic origins, country of origin, economic status, status as a victim of domestic violence, harassment, sexual assault, or stalking, disability, age or other protected classes under applicable law in its educational programs and activities. SAU 16 also provides equal access to buildings for youth groups. Questions about Title IX can be referred to the SAU 16 District Coordinator at titleix@sau16.org, (603) 775-8426, or the assistant secretary for civil rights. On the SAU 16 District website, find the Statement of Non-discrimination notice. Included in the statement are the following: 1. The link to the materials SAU 16 utilized to train school district personnel in the Title IX process. 2. The link to the form used by SAU 16 to report a concern.

EXHIBIT C

From: David Ryan <dryan@sau16.org>

To: Al Brandano <silver42211@yahoo.com>

Cc: tthompson@sau16.org <tthompson@sau16.org>; Kayla Moore <kmoore@sau16.org>; Esther Asbell <easbell@sau16.org>; Mollie O'Keefe <mokeefe@sau16.org>; Michelle Larson <mlarson@sau16.org>; Chris Andriski <candriski@sau16.org>

Sent: Friday, July 16, 2021, 10:31:55 AM EDT

Subject: Re: SAU 16 - Right to Know - 91A request, from Al Brandano Kensington, NH

Good afternoon Mr. Brandano:

Please find attached the materials that fulfill items #6 and #7 in your NH RSA 91-A request dated July 4, 2021. Budget information for the DEIJ position can be found in the publicly available FY22 budget documents and Budget Advisory Committee files. The "Draft Budget" is the line by line budget with the DEIJ position that matches the warrants that are also posted here. It can be accessed here: <https://www.sau16.org/en-US/budgets-elections-76930aaf/exeter-region-cooperative-9e995246>

We look forward to completing our gathering of emails for Item #3 so that we can send them to you within the 45 days that we previously indicated.

Thank you.

David Ryan, Ed.D. / Superintendent of Schools
dryan@sau16.org / 603.775.8653

SAU 16
30 Linden Street Exeter, NH 03833
www.sau16.org

Download all attachments as a zip file

Mini Grant - NHEEH.pdf
196.2kB

Toyin Augustus Invoices.pdf
1.1MB

A Brandano - grants & contract (1).p

EXHIBIT D

Date: Monday, August 16, 2021, 08:48 PM EDT

Superintendent SAU 16: David Ryan

Chair Joint School Board: Travis Thompson

Chair Exeter Regional Coop: Helen Joyce

Commissioner Dept Of Education: Frank Edelblut

NH Attorney General: John Formella

NH Executive Council: Janet Stevens

SAU 16 RIGHT TO KNOW - follow up Request of July 4, 2021.

Aug 16, 2021

Superintendent Ryan,

I write following up to your responses to my July 4th request for public access to governmental records regarding DEIJ activity in SAU16. I have reviewed the governmental records that your responses made available to me. Furthermore, through means not enabled by your responses, I have obtained numerous additional relevant records that you did not make available to me. This cache of records, both the ones you provided and the ones you did not provide, contains evidence of the existence of yet more inaccessible records that are directly responsive to my request for access to public records.

Note, Mr. Ryan, that this message is not a new request for public access to governmental records. My original request of July 4, 2021 remains active and unfulfilled. This message serves to notify you that I find your responses to date non-compliant with RSA 91-A, and to convey my demand that you comply fully with the law by completely fulfilling my rightful request of July 4th.

I requested public access to all governmental records, of the period from July 1, 2019 to June 30, 2021, regarding "DEIJ Activity" in SAU16 or any School District in SAU16. I defined DEIJ Activity as "the study, development, recommendation, or implementation of curriculum, training, policy, practice, positions of employment, or internal or public communications regarding Diversity, Equity, Inclusion, and Justice". I defined "DEIJ Committees" as "committees or other groups formed to engage in DEIJ Activity". I defined "SAU16 Officer" as "any or all of the following: the Superintendent, the Associate Superintendent, all Assistant Superintendents, the Executive Director for Finance and Operations, the Director of Student Services, and the Director of Human Resources, present or past, within the time period of this request".

I requested public access to:

1. All charters, member lists, or other records establishing or setting out the purposes, goals, or objectives of all DEIJ Committees.
2. All postings, agendas, materials distributed to committee members, presentations, work products, videos, chat logs, and minutes, for all meetings of all DEIJ Committees.

3. All emails or other written communications, between any DEIJ Committee Chairperson or other group leader or facilitator, and any SAU16 Officer, concerning a DEIJ Committee or DEIJ Activity.
4. All records of any DEIJ Activity of any School Board or Committee of a School Board. Such records include but are not limited to postings, agendas, materials distributed to members, presentations, work products, videos, chat logs, and minutes.
5. All records of any DEIJ Activity of any SAU16 Officer.
6. All contracts, agreements, or grant applications that, in whole or in part, concern a DEIJ Committee or seek to enable DEIJ Activity.
7. All records of expenses incurred in support of a DEIJ Committee or DEIJ Activity, and the budgets from which they were paid or will be paid.
8. All records of any DEIJ-Activity-related curriculum materials, for example books, that were distributed, assigned, recommended, or suggested to any SAU16 teachers or students.

Your responses to date indicate that SAU16's position is that it has fully complied with RSA 91-A regarding all Request Items above except Item 3, which will be answered within 45 days of my request.

Your responses referred me, via internet links you provided, to specific web pages and documents downloadable from those pages. You provided me also with a small number of files attached to an email. By my count to date, SAU16 has provided me access to a total of 24 files containing responsive governmental records. Since the time of my request, half of these (12 files) have been removed from the SAU16 website. The now-deleted records were under the heading "Professional Learning Information" on the SAU16 website. Most of these were records of "ABAR [Anti-Bias Anti-Racist] Sessions" with employees.

I have acquired other responsive records that were not accessible through the information provided in your responses to my request. I have categorized their responsiveness to specific Request Items. I find that these unprovided records are responsive collectively to all Request Items except Item 3. So far, there are 43 such records that you did not provide. Please remember at this point that SAU16's position is that it has fully complied with RSA 91-A regarding all Request Items except Item 3.

The large number of responsive records that SAU16 did not provide, and the breadth of their responsiveness, suggests the existence of an unknown number of additional responsive records to which SAU16 has not given me access, and which I have not acquired by other means. Furthermore, records that I have obtained, both through SAU16's responses and otherwise, contain direct evidence of the existence of additional responsive records. The following examples are a sample of such evidence.

Multiple files documenting "ABAR Sessions" (Anti-Bias Anti-Racist) with DEIJ Committees show that they were conducted by the consulting company 2revolutions. However, no record of a contract or invoices from 2revolutions was provided by SAU16, though this would be responsive to Request Items 6 and 7.

The file "Toyin Augustus Invoices.pdf" includes a contract between Olutoyin Augustus and SAU16. The contract is entitled "SAU16 – DEIJ Committee Leadership & Curriculum Development". It lists 3 "Goals, desired outcomes, and agenda". These are: DEIJ Committee Facilitated Sessions (7 sessions); Direct Consultation with various school leaders and teams (10 sessions); and SAU16 Curriculum Team Direct Consultations (5 sessions). The contract specifies 7 DEIJ Committee Sessions. The Superintendent has provided a file "SAU 16 DEIJ

foundations' (1).pdf" that includes presentations for 4 DEIJ Committee sessions of the contracted 7 sessions. This file is now deleted from the web page. No records were found for the remaining 3 contracted DEIJ Committee Sessions. No records were received or found for the 10 sessions for "Direct Consultation with various school leaders and teams" and the 5 sessions for "SAU16 Curriculum Team Direct Consultations". Such records are likely to be responsive to Request Items 1, 2, 5, and 8.

The file "Mini Grant NHEEH.pdf" mentions a "CMS Equity Team". This team is covered by my request as one of the "committees or other groups formed to engage in DEIJ Activity". However, I do not have access to any records of its work. Such records are responsive to Request Items 1, 2, and possibly 8.

At the SAU16 Blog page there are blog posts containing DEIJ content (Request Item 1, 5, and 8) not provided by SAU16. The January 2021 post (file "January Blog.pdf") mentions a "DEIJ Curriculum Committee". Though records of this committee would be responsive to Request Items 1, 2, 5, and 8, I have access to none.

The minutes (file "8.18.20 Minutes with email.pdf") of the Exeter School Board meeting on August 18, 2020 include a DEIJ Committee report that mentions 4 "affinity groups": Families of Black Indigenous and People of Color, Learning to be an Anti-Racist White Ally, School Leaders for Social Justice, Educators for Social Justice. These groups fit under my request's definition of DEIJ Committees as "committees or other groups formed to engage in DEIJ Activity" (Request Items 1, and 2). Nonetheless, I have no access to records of the proceedings of these groups.

The minutes (file "School Board 10.13.2020 draft.docx", approved the following month) of the Exeter School Board meeting on October 13, 2020 record a motion, passed unanimously by the Board to provide "\$7000 for DEIJ training" including "a session with just the Board and an outside facilitator". These minutes are responsive to Request Items 4 and 7. But you did not direct me to them. I obtained them independently. Moreover, these minutes indicate the existence of at least one Exeter School Board session with a DEIJ training facilitator. I have access to no records of any such meeting, though they would be responsive to Request Item 4.

The minutes (file "School Board_12.08.2020_Regular_Meeting_Approved.docx") of the Exeter School Board meeting on December 8, 2020 document DEIJ work with the ESSO Group from PEA. I have no access to records of this work.

The minutes (file "School Board Regular Meeting 01.12.2021 draft.docx") of the Exeter School Board meeting on January 12, 2021 record that at that time there were 13 DEIJ groups in SAU16. I do not have access to records for 13 DEIJ groups as requested in Request Items 1, 2, 4, 7, 8.

The large number of responsive records I obtained without access provided by SAU16, and the abundant compelling evidence of the existence of yet more responsive records, show that SAU16's responses to my request for access to governmental records are grossly noncompliant with RSA 91-A. So that the public interest can be served, I demand that you comply fully with the law by completely fulfilling my rightful request of July 4th.

Sincerely,

Al Brandano
3 West School Road
Kensington, NH 03833
Silver42211@yahoo.com

EXHIBIT E

SAU 16 -RIGHT to KNOW 91A's - July 4, 2021 - Notice of Delinquency

From: Al Brandano (silver42211@yahoo.com) Aug 23, 2021

To: janet.l.stevens@nh.gov; frank.edelblut@doe.nh.gov; attorneygeneral@doj.nh.gov; dryan@sau16.org
Cc: aroy@sau16.org; ahiggins@sau16.org; aherum@sau16.org; bgauthier@sau16.org; bhall@sau16.org; bduffy@sau16.org; cmagri@sau16.org; ceveleigh@sau16.org; dslifka@sau16.org; dbullens@sau16.org; dwheelerbean@sau16.org; egarciadeparedes@sau16.org; hjoyce@sau16.org; jtassinari@sau16.org; jawalsh@sau16.org; jranz@sau16.org; jleonard@sau16.org; jlavelle@sau16.org; kadavis@sau16.org; kamcneill@sau16.org; kmeyer@sau16.org; lbedard@sau16.org; mfitzgerald@sau16.org; mlitchfield@sau16.org; mlyons@sau16.org; poday@sau16.org; psurette@sau16.org; pbauer@sau16.org; sedwards@sau16.org; sgalligher@sau16.org; thayward@sau16.org; tthompson@sau16.org

SAU 16
Superintendent Ryan
Joint SAU 16 School Boards
Notice of Delinquency

Aug 23, 2021

I submitted my request on July 4, 2021 for specific 91A's (Right to Know Law) in a spirit of good faith. Based on my rights under the NH State Constitution as well as accepted legislative law practices and precedence, I expected a full and timely response.

Be advised the following items are still outstanding from my

- 1.) July 4 letter - we are still waiting on (*45 days mentioned below will be AUG 23, 2021)

As for Request Items 3, due to the breadth of your request in terms of the time period covered and the volume of information requested, we are not able to respond within five (5) days. In accordance with RSA 91-A:4, IV(b)(3) I am informing you that we will need additional time to search for emails which are responsive to your request and review any responsive emails to determine whether they are exempt from disclosure under RSA 91-A:5. We anticipate that it will take up to 45 days to be able to respond to your request.

- 2.) **No Response** as of yet -Aug 23, 2021 for my

July 16 "demand request letter" response for non full compliance to our July 4 request

Respectfully

Al Brandano
2 West School Rd.
Kensington, NH 03833

silver42211@Yahoo.com

EXHIBIT F

Sent: Friday, August 27, 2021, 02:38:59 PM EDT

Subject: Fw: SAU 16 -Public Notice of Violation of 91-A Right to Know laws - Aug 27, 2021 Al Brandano

From: Al Brandano <silver42211@yahoo.com>

To: Janet.L.Stevens@nh.gov <janet.l.stevens@nh.gov>; Frank.edelblut@doe.nh.gov <frank.edelblut@doe.nh.gov>; attorneygeneral@doj.nh.gov <attorneygeneral@doj.nh.gov>; Alison Roy <aroy@sau16.org>; Allison Higgins <ahiggins@sau16.org>; Andrew Herum <aherum@sau16.org>; Bill Gauthier <bgauthier@sau16.org>; Bob Hall <bhall@sau16.org>; Brian Duffy <bduffy@sau16.org>; Carissa Magri <cmagri@sau16.org>; Cheryl Eveleigh <ceveleigh@sau16.org>; David Slifka <dslifka@sau16.org>; Dawn Bullens <dbullens@sau16.org>; Deb Wheeler-Bean <dwheelerbean@sau16.org>; Erin Garcia de Paredes <egarciadeparedes@sau16.org>; Helen Joyce <hjoyce@sau16.org>; Jackie Tassinari <jtassinari@sau16.org>; Jane Walsh <jawalsh@sau16.org>; Jennifer Ranz <jranz@sau16.org>; Jenny Leonard <jleonard@sau16.org>; Johnathan Lavelle <jlavelle@sau16.org>; Kate Davis <kadavis@sau16.org>; Kathy McNeill <kamcneill@sau16.org>; Kimberly Meyer <kmeyer@sau16.org>; Letty Bedard <lbedard@sau16.org>; Meghan Fitzgerald <mfitzgerald@sau16.org>; Melissa Litchfield <mlitchfield@sau16.org>; Melissa Lyons <mlyons@sau16.org>; Patrick O'Day <poday@sau16.org>; Patty Surette <psurette@sau16.org>; Paul Bauer <pbauer@sau16.org>; Sarah Edwards <sedwards@sau16.org>; Sarah Galligher <sgalligher@sau16.org>; Thomas Hayward <thayward@sau16.org>; Travis Thompson <tthompson@sau16.org>; Seacoastonline Newsletter <newsletter@seacoastonline.com>; opinion@seacoastonline.com <opinion@seacoastonline.com>

Sent: Friday, August 27, 2021, 02:38:00 PM EDT

Subject: SAU 16 -Public Notice of Violation of 91-A Right to Know laws - Aug 27, 2021 Al Brandano

Superintendent Ryan

SAU 16 school Board Members

Aug 27, 2021

Public Notice:

REF: Notice of Delinquency Aug 23, 2021

Superintendent Ryan you are now in Violation of Section 91-A:4.

Your inaction as well as violation of the spirit of the law for full disclosure,

leaves me no other option than to proceed under NH State Law; 91-A:7 Violation and 91-A:8 Remedies.

Respectfully

Al Brandano

2 West School Rd