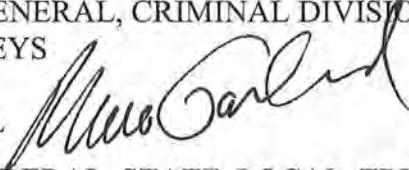




Office of the Attorney General
Washington, D. C. 20530

October 4, 2021

MEMORANDUM FOR DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL 
SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL,
AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS
THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD
MEMBERS, TEACHERS, AND STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.



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September 29, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: *Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators*

Dear Mr. President:

America's public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation. Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and promotion of free speech. However, there also must be safeguards in place to protect public schools and dedicated education leaders as they do their jobs.

NSBA believes immediate assistance is required to protect our students, school board members, and educators who are susceptible to acts of violence affecting interstate commerce because of threats to their districts, families, and personal safety. As our school boards continue coronavirus recovery operations within their respective districts, they are also persevering against other challenges that could impede this progress in a number of communities. Coupled with attacks against school board members and educators for approving policies for masks to protect the health and safety of students and school employees, many public school officials are also facing physical threats because of propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula.¹ This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.

On behalf of our state associations and the more than 90,000 school board members who govern our country's 14,000 local public school districts educating more than 50 million schoolchildren, NSBA appreciates your leadership to end the proliferation of COVID-19 in our communities and our school districts. We also appreciate recent discussions with White House and U.S. Department of Education staff on many critical issues facing public schools, including threats school officials are receiving.

¹ The Armed Conflict Location & Event Data Project (ACLED), "Fact Sheet: Demonstrations over Critical Race Theory in the United States," July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf.

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In addition, we applaud your actions to restore resources to school districts that have not yet received their education stabilization funding through the Project SAFE (Supporting America's Families and Educators) grant program for coronavirus recovery efforts, including the use of face masks and other precautions to help prevent COVID-19 infections among students and educators. Now, we ask that the federal government investigate, intercept, and prevent the current threats and acts of violence against our public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures to ensure the safety of our children and educators, to protect interstate commerce, and to preserve public school infrastructure and campuses.

While local and state law enforcement agencies are working with public school officials in several communities to prevent further disruptions to educational services and school district operations, law enforcement officials in some jurisdictions need assistance – including help with monitoring the threat levels. As these threats and acts of violence have become more prevalent – during public school board meetings, via documented threats transmitted through the U.S. Postal Service, through social media and other online platforms, and around personal properties – NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats.² NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center³ regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We also request the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the

² The Herald Editorial Board, *HeraldNet*, “Editorial: Mob’s actions at school board meeting unacceptable,” September 1, 2021, <https://www.heraldnet.com/opinion/editorial-mobs-actions-at-school-board-meeting-unacceptable/>.

³ U.S. Secret Service, National Threat Assessment Center, “Averting Targeted School Violence,” March 2021, <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>.

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protection of students and public school district personnel, and any related measure. As the threats grow and news of extremist hate organizations showing up at school board meetings is being reported, this is a critical time for a proactive approach to deal with this difficult issue.

These threats or actual acts of violence against our school districts are impacting the delivery of educational services to students and families, as many districts receive federal funds and subsidies for services to millions of students with disabilities, health screenings and supplemental supports for disadvantaged students, child nutrition, broadband connectivity, educator development, school safety activities, career and technical education, and more. School board meetings have been disrupted in California⁴, Florida⁵, Georgia⁶, and other states⁷ because of local directives for mask coverings to protect students and educators from COVID-19.

An individual was arrested in Illinois for aggravated battery and disorderly conduct during a school board meeting.⁸ During two separate school board meetings in Michigan⁹, an individual yelled a Nazi salute in protest to masking requirements, and another individual prompted the board to call a recess because of opposition to critical race theory.

⁴ Elizabeth Marie Himchak, *Poway News Chieftain/ Rancho Bernardo News Journal*, "Protesters disrupt Poway Unified board meeting, cause its adjournment," September 9, 2021, <https://www.sandiegouniontribune.com/pomerado-news/news/schools/story/2021-09-09/protesters-disrupt-poway-unified-board-meeting-force-its-ag>.

⁵ Ryan McKinnon, *Sarasota Herald-Tribune*, "Sarasota school board may limit public input after some meetings get disorderly," September 20, 2021, <https://www.heraldtribune.com/story/news/education/2021/09/20/sarasota-school-board-may-limit-public-input-after-meetings-gone-wild/8417784002/>.

⁶ Alia Malik, *The Atlanta Journal-Constitution*, "Anti-mask crowd disrupts Gwinnett school board meeting," May 21, 2021, <https://www.ajc.com/news/anti-mask-crowd-disrupts-gwinnett-school-board-meeting/IYO7R6GHJ5DTLEFCQHER7V3GBA/>

⁷ Julie Wootton-Greener, *Las Vegas Review-Journal*, "School board meeting turns contentious over COVID-19 policies," August 12, 2021, <https://www.reviewjournal.com/local/education/school-board-meeting-turns-contentious-over-covid-19-policies-2418652/>.

WAVY.com, "Norfolk school officials, police monitoring threats made toward Norview schools," September 21, 2021, <https://www.wavy.com/news/local-news/norfolk/norfolk-school-officials-police-monitoring-threats-made-toward-norview-schools/>.

WBTV-Charlotte, "Gov. Roy Cooper addresses 'threats, bullying, intimidation' at school board meetings over mask requirements," September 21, 2021, <https://www.wbvtv.com/2021/09/21/gov-roy-cooper-address-fight-against-covid-19-north-carolina/>.

⁸ WGEM, "Mendon man arrested following disruption at Unity School board meeting," September 2, 2021, <https://wgem.com/2021/09/02/mendon-man-arrested-following-disruption-at-unity-school-board-meeting/>.

⁹ Steve Neavling, *Detroit Metro Times*, "Nazi salute, insults hurled at chaotic Birmingham schools meeting over mask mandate," August 19, 2021, <https://www.metrotimes.com/news-hits/archives/2021/08/19/nazi-salute-insults-hurled-at-ruckus-birmingham-schools-meeting-over-mask-mandate>.

Kalie Marantette, *WLNS.com*, "Grand Ledge school board goes into recess due to public 'disruption,'" June 16, 2021, <https://www.wlns.com/news/grand-ledge-school-board-goes-into-recess-due-to-public-disruption/>.

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In New Jersey¹⁰, Ohio¹¹, and other states¹², anti-mask proponents are inciting chaos during board meetings. In Virginia¹³, an individual was arrested, another man was ticketed for trespassing, and a third person was hurt during a school board meeting discussion distinguishing current curricula from critical race theory and regarding equity issues. In other states including Washington¹⁴, Texas¹⁵, Wisconsin¹⁶, Wyoming¹⁷, and Tennessee¹⁸, school boards have been confronted by angry mobs and forced to end meetings abruptly. A resident in Alabama, who proclaimed himself as “vaccine police,” has called school administrators while filming himself on Facebook Live.¹⁹

¹⁰ Joe Strupp, *Asbury Park Press*, “NJ mask mandate for students sparks school board disruption, suspends meeting,” August 26, 2021, <https://www.app.com/story/news/education/in-our-schools/2021/08/26/nj-school-mask-mandate-sparks-disruption-boe/5585283001/>.

¹¹ Maia Belay, *Fox8*, “Sheriff deputies called to tense Nordonia Hills school board meeting due to mask policy,” August 31, 2021, <https://fox8.com/news/sheriff-deputies-called-to-tense-nordonia-hills-school-board-meeting-due-to-mask-policy/>.

¹² Pete Bannon, *The Delaware County Daily Times*, “Mask protest brings police to Garnet Valley School Board meeting,” August 25, 2021, Updated August 26, 2021, <https://www.delcotimes.com/2021/08/25/mask-protest-brings-cops-to-garnet-valley-school-board-meeting/>.

Brenley Goertzen, *Salon.com*, “Anti-mask mob swarms school board meeting,” August 12, 2021, <https://www.salon.com/2021/08/12/anti-mask-mob-swarm-school-board-meeting/>.

¹³ Drew Wilder, Jackie Bensen, Andrea Swalec and NBC4 Washington Staff, *NBCWashington.com*, “‘The Meeting Has Degenerated’: 1 Arrest, 1 Injury at Loudoun Schools Meeting on Equity,” June 22, 2021, Updated June 23, 2021, <https://www.nbcwashington.com/news/local/northern-virginia/loudoun-school-board-transgender-student-policy-race-equity/2708185/>.

Adele Uphaus, *The Free Lance-Star*, “Unruly crowd causes Spotsylvania School Board meeting to adjourn after 13 minutes,” August 24, 2021, https://fredericksburg.com/news/local/unruly-crowd-causes-spotsylvania-school-board-meeting-to-adjourn-after-13-minutes/article_1d39b83c-fa43-5626-acca-4e2768a811de.html.

¹⁴ Emily Gilbert, *Whidbey News Times*, “Oak Harbor school board clears the room after audience shouts disrupt meeting,” August 13, 2021, <https://www.whidbeynewstimes.com/news/oak-harbor-school-board-clears-the-room-after-audience-shouts-disrupt-meeting/>.

¹⁵ Talia Richman and Brayden Garcia, *The Dallas Morning News*, “‘Critical race theory’ roils Fort Worth school board meeting as Texas braces for continued fight,” June 22, 2021, <https://www.dallasnews.com/news/education/2021/06/22/critical-race-theory-roils-fort-worth-school-board-meeting-as-texas-braces-for-continued-fight/>.

¹⁶ WBAY news staff and Jason Zimmerman, *WBAY.com*, “Oshkosh School Board meeting postponed after protesters disrupt it, argument breaks out,” August 25, 2021, Updated August 26, 2021, <https://www.wbay.com/2021/08/25/oshkosh-school-board-meeting-called-off-after-protesters-enter-board-members-walk-out/>.

¹⁷ Margaret Austin, *Wyoming Tribune Eagle* via Wyoming News Exchange, *Pinedale Roundup*, “School board meeting over COVID stopped after disruption,” August 4, 2021, <https://pinedaleroundup.com/article/school-board-meeting-over-covid-stopped-after-disruption>.

¹⁸ Jackie Delpilar, *WZTV Nashville*, “Anti-mask protesters show lack of empathy at recent Middle Tennessee school meetings,” September 12, 2021, <https://fox17.com/news/local/anti-mask-protesters-show-lack-of-empathy-at-recent-middle-tennessee-school-meetings>.

¹⁹ Aubrey Bailey, *WHNT.com*, “‘If you give one more shot, you yourself will be executed’ Alabama man tells Missouri pharmacists,” August 24, 2021, <https://whnt.com/news/alabama-news/if-you-give-one-more-shot-you-yourself-will-be-executed-alabama-man-tells-missouri-pharmacists/>.

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Other groups are posting watchlists against school boards and spreading misinformation that boards are adopting critical race theory curriculum and working to maintain online learning by haphazardly attributing it to COVID-19.²⁰

In Ohio, an individual mailed a letter to a school board member labeling the return address on the envelope from a local neighborhood association and then enclosing threatening hate mail from another entity.²¹ This correspondence states that, “We are coming after you and all the members on the ... BoE [Board of Education].” This hate mail continues by stating, “You are forcing them to wear mask—for no reason in this world other than control. And for that you will pay dearly.” Among other incendiaries, this same threat also calls the school board member a “filthy traitor,” implies loss of pension funds, and labels the school board as Marxist. Earlier this month, a student in Tennessee was mocked during a board meeting for advocating masks in schools after testifying that his grandmother, who was an educator, died because of COVID-19.²² These threats and acts of violence are affecting our nation’s democracy at the very foundational levels, causing school board members – many who are not paid – to resign immediately and/or discontinue their service after their respective terms.²³ Further, this increasing violence is a clear and present danger to civic participation, in which other citizens who have been contemplating service as either an elected or appointed school board member have reconsidered their decision.

NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools.²⁴ It is vital that public discourses be encouraged in a safe and open environment, in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive dialogue even with different opinions. However, with such acute threats and actions that are disruptive to our students’ well-being, to the safety of public school officials and personnel, and to interstate commerce, we urge the federal government’s intervention against individuals or hate groups who are targeting our schools and educators.

²⁰ Nick Surgery, *Documented*, “TPUSA launches project targeting school board members,” August 20, 2021, <https://substack.documented.net/p/tpusa-school-board-watchlist>

²¹ Lindsey Mills, WBNS, “‘Disturbing’: Worthington school board member receives threats for masks in schools,” September 21, 2021, <https://www.10tv.com/article/news/local/worthington-school-board-member-receives-threats-for-masks-in-schools/530-f3c04240-76b4-456b-aad9-8555397b5427>.

²² Kim Bellware, *The Washington Post*, “Student mocked at school board meeting after sharing that his grandmother died of covid-19,” September 10, 2021, https://www.washingtonpost.com/nation/2021/09/10/grady-knox-tennessee/?utm_campaign=wp_main&utm_medium=social&utm_source=facebook&fbclid=IwAR29rIKzLY0tz4p0yB5VJDk_n_oIj5AJp6oiEvzJC1oRAYsMMMOPb8EvjY.

²³ Andy Humbles, *The Nashville Tennessean*, “Jon White resigns as Wilson County School Board member,” September 8, 2021, <https://www.tennessean.com/story/news/local/wilson/2021/09/08/jon-white-resigns-wilson-county-school-board-member/5750949001/>.

Terri Pederson, *The Daily Citizen*, “Beaver Dam school board member resigns citing safety concerns for family,” September 20, 2021, Updated September 21, 2021, https://www.wiscnews.com/bdc/news/local/education/beaver-dam-school-board-member-resigns-citing-safety-concerns-for-family/article_066fc86c-4356-5a00-9940-187e02eb7340.html.

²⁴ National School Boards Association and AASA, The School Superintendents Association, “NSBA, AASA Issue Joint Statement Calling for End to Threats and Violence Around Safe School Opening Decisions,” September 22, 2021, <https://www.nsba.org/News/2021/end-threats-violence-joint-statement>.

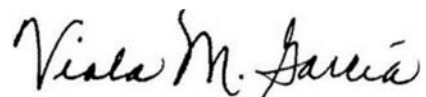
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September 29, 2021

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NSBA is committed to working with you and your Administration as a partner to address this crisis affecting America's public schools, and greatly appreciates your prompt attention to our requests. We stand ready to work with you.

Respectfully,

Handwritten signature of Viola M. Garcia in black ink.

Viola M. Garcia, EdD
President

Handwritten signature of Chip Slaven in black ink.

Chip Slaven, Esq.
Interim Executive Director & CEO



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October 18, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Merrick B. Garland, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Department of Justice's Suppression of the Free Speech Rights of Parents

Dear President Biden and Attorney General Garland,

Today, we write to you in our capacity as State Attorneys General, chief legal officers for our respective states. Over the last year, as legal officers, we have advised our constituencies of their constitutional right to free speech and encouraged public engagement to voice their opinions on important issues affecting their country, state, and communities, especially parents who have concerns about their children's education. Your recent action seeks to chill lawful dissent by parents voiced during local school board meetings by characterizing them as unlawful and threatening.

On October 4, 2021, Attorney General Garland issued a Memorandum¹ steering the Department of Justice toward combatting what he characterizes as a "disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff", and directs the Federal Bureau Investigation ("FBI"), the United States Attorneys, and the Criminal Division to fan out throughout the United States to put an immediate stop to these activities. However, this Memorandum and the promised "series of measures designed to address" this purported crisis are unnecessary as they:

1. Are based upon a flawed premise, i.e. that there has been a nationwide spike in "threats of violence against school administrators, board members, teachers, and staff";
2. Violate the First Amendment rights of parents to address school administrators, board members, teachers, and staff on educational matters by seeking to criminalize lawful dissent and intimidate parents into silence; and

¹ Office of the Attorney General Memorandum, *Re: Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*, (October 4, 2021), <https://www.justice.gov/ag/page/file/1438986/download>.

President Joseph R. Biden, Jr.
Attorney General Merrick B. Garland
October 18, 2021

3. Intrude on the well-recognized First and Fourteenth Amendment rights of parents and guardians to direct the upbringing and education of their children by intimidating parents away from raising concerns about the education of their children.

1. **The October 4, 2021 Memorandum repeats the canard that “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff.”**

The October 4, 2021 Memorandum and its statement that “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff” appears to be based solely on a September 29, 2021 letter from the National School Boards Association (“NSBA”) to President Biden calling for him to invoke “the PATRIOT Act in regards to domestic terrorism,” arguing that as “acts of malice, violence and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes.”²

To be sure, anyone who attacks or threatens violence against school administrators, board members, teachers, or staff should be prosecuted. However, in its letter demanding action, the NSBA fails to document a single legitimate instance of violence. And even if it did, there are sufficient criminal and civil remedies already available in all 50 states and territories.

Instead, the letter cites news articles about disruptions (“Protesters disrupt Poway Unified board meeting,” “Anti-mask crowd disrupts Gwinnett school board meeting,” “Grand Ledge school board goes into recess due to public ‘disruption’”); disorderly conduct (“Sarasota school board may limit public input after some meetings get disorderly”); and contentious behavior (“School board meeting turns contentious over COVID-19 policies”) all of which were handled quickly and effectively by local law enforcement. Several articles detail the fallacies contained in the NSBA letter.³ The fact is, the vast majority of incidents that NSBA cites involved disruptive

² National School Board Association Letter, *Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators* (September 29, 2021), <https://www.nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf?la=en&hash=642B7B91E0029BA4427D0F38D7054A007537160F>.

³ For a detailed analysis of the fallacies in the NSBA letter, *see e.g.*, Max Eden, *Concerned About Your Child's School? You Might Be a Domestic Terrorist*, Newsweek (October 6, 2021 6:30 AM), <https://www.newsweek.com/concerned-about-your-childs-school-you-might-domestic-terrorist-opinion-1635751>; and Lindsay Kornick, *AP's fact check falsely claims NSBA never requested protesting parents to be labeled as 'domestic terrorists'*, Fox News (October 7, 2021), <https://www.foxnews.com/media/ap-factcheck-claims-nsba-never-labeled-parents-domestic-terrorists>.

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and disorderly conduct rather than threats.⁴⁵ In fact, in no known instance, has there been anything like the burning, looting, police assaults, vandalism and other criminal activity that occurred in the summer of 2020. We note that to date your administration has done nothing to bring those thousands of perpetrators to justice and we could not find where the NSBA condemned any of that outright and documented criminal behavior.⁶

Indeed, in its letter, the NSBA seems more concerned about suppressing speech with which it disagrees than real threats of violence. For example, it notes that it is concerned that “[o]ther groups are posting watchlists against school boards and spreading misinformation that boards are adopting critical race theory curriculum and working to maintain online learning by haphazardly attributing it to COVID-19.”⁷

The bottom line is that actual threats and violence towards school administrators, board members, teachers, or staff are rare, and there are already existing criminal and civil legal remedies available if individuals threaten or conspire to commit violence against public officials in person, by U.S. mail, by email or otherwise. A physical assault on a school administrator, board member, teacher, or staff is just that, a criminal assault and will be addressed under state law. Even the NSBA letter itself acknowledges that in the rare instances where there were physical escalations, local law enforcement immediately intervened.

The falsity of the NSBA narrative which forms the basis of the DOJ’s actions are also being challenged by leaders in Congress. For example, Senators Tom Cotton and Josh Hawley questioned Deputy Attorney General (“DAG”) Lisa Monaco in an October 5, 2021 Senate hearing.⁸ During the Senate hearing, DAG Monaco walked back portions of the Memorandum that relied on the NSBA’s domestic terrorism assertions:

⁴ Caroline Downey, *Vast Majority of Incidents Cited by School-Board Group to Justify Federal Intervention Didn’t Involve Threats*, National Review (October 8, 2021 11:04 AM), https://www.nationalreview.com/news/vast-majority-of-incidents-cited-by-school-board-group-to-justify-federal-intervention-didnt-involve-threats/?utm_source=email&utm_medium=breaking&utm_campaign=newstrack&utm_term=25277587.

⁵ One such parent was arrested for “disorderly conduct” after he attempted to bring to the school board’s attention during discussions of their transgender bathroom policy that their daughter has been raped in the girl’s bathroom by a boy “wearing a skirt.” Jennifer Smith, *Loudon County father who was dragged out of work school board meeting reveals his daughter was ‘raped’ in the girls’ bathroom by a ‘skirt-wearing’ male student who was arrested for assaulting the SECOND girl months later – but staff did nothing*, Daily Mail (October 12, 2021 10:19 AM), <https://www.dailymail.co.uk/news/article-10083783/Loudoun-County-father-arrested-school-meeting-says-daughter-raped-boy-girls-bathroom.html>.

⁶ NSBA discussed how the protests and pandemic pointed to the need to address systemic racism, but clearly omitted any denouncement of violence. *The Time is Now*, NSBA (August 1, 2020), <https://www.nsba.org/ASBJ/2020/August/the-time-is-now>.

⁷ *Supra*, fn. 2 at 5.

⁸ Michael Ginsberg, *Republicans Pepper Deputy AG With Questions About Treating American Parents AS Domestic Terrorists*, Daily Caller (October 5, 2021 5:00 PM), <https://dailycaller.com/2021/10/05/tom-cotton-josh-hawley-lisa-monaco-memorandum-fbi-local-law-enforcement/>.

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Attorney General Merrick B. Garland
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“The association is asking the administration to use the PATRIOT Act, a law that this Congress passed and has repeatedly reauthorized, primarily to stop the threat of Islamic Jihadists, to bring criminal charges for domestic terrorism against parents who attend school boards to oppose things like Critical Race Theory or mask mandates resulting in a recess being called. Ms. Monaco is it domestic extremism for a parent to advocate for their child’s best interests?” Cotton asked. “What you have described, no I would not describe as domestic extremism,” Monaco responded after initially dodging the question.⁹

Nevertheless, she continued to defend the DOJ and FBI actions in seeking to intervene in what is a quintessential local issue. We would assure you and DAG Monaco that state and local law enforcement are perfectly capable of handling a ruckus at a school board meeting, as well as more serious threats. They do so every day without the specter of FBI involvement.

Surely the FBI and the Department of Justice have more pressing matters to attend to, like the massive spike in murders in major cities throughout the United States. According to figures released by the FBI, “The United States experienced its biggest one-year increase on record in homicides in 2020,” with an “additional 4,901 homicides in 2020 compared with the year before.”¹⁰ Our country’s law enforcement efforts should be focused on this rise in crime instead of harassing and intimidating parents that petition local governments to better serve their children. These parents want the best for their children and are willing to challenge school leaders who seek to supplant their God-given authority to raise their children according to their values.

2. The October 4, 2021 Memorandum violates American parents’ First Amendment rights by seeking to intimidate parents into silence via the threat of federal agents coming to their homes to “investigate” their attempts to effectively participate in and freely discuss the education of their children.

For many Americans, their first, live personal interaction with their government is with their local public school board. Parents or other taxpayers may be aggrieved by what happened at school and/or they want more information about some issue or school practice. For example, a kindergarten parent is upset their child has to wear a mask in school. The parents targeted for suppression by the NSBA letter and the DOJ Memorandum are not lobbyists or politicians or others used to speaking in public—they are simply ordinary Americans who in many cases are, for the first time, speaking in a public forum to express their concerns. This is likely intimidating to parents. We as a country should celebrate their participation in our system of self-government, not

⁹ See *Id.* Following the hearing. On October 6, 2021, Senator Cotton issued a [letter to Attorney General Garland](#) specifically requesting the information underpinning the DOJ’s reliance on the debunked NSBA’s allegations of widespread threats of violence that undergirded his Memorandum.

¹⁰ Neil MacFarquhar, *Murders Spiked in 2020 in Cities Across the United States*, New York Times (September 27, 2021), <https://www.nytimes.com/2021/09/27/us/fbi-murders-2020-cities.html>. (“The year-to-year increase in homicides from 2019 was the largest since national record-keeping began in 1960.”)

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silence them by accusing them of “domestic terrorism”¹¹ and threaten them with the prospect of the FBI knocking on their door to investigate their activities. “Domestic Terrorism” for the FBI’s purposes is defined as activities that:

- (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
- (B) appear to be intended—
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
- (C) occur primarily within the territorial jurisdiction of the United States

18 U.S.C. § 2331(5). Concerned parents at public school board meetings do not meet this definition of “domestic terrorism.” Using federal security apparatuses to quiet individuals is the hallmark of oppressive regimes and has all the characteristics of McCarthyism.

In *Globe Newspaper Co. v. Superior Ct. for Norfolk Cty.*, the Supreme Court recognized both the vital role that citizen participation in government plays and the guarantee of that participation that the First Amendment provides:

[It] is the common understanding that “a major purpose of that Amendment was to protect the free discussion of governmental affairs,” *Mills v. Alabama*, 384 U.S. 214, 218 (1966). By offering such protection, the First Amendment serves to ensure that the individual citizen can effectively participate in and contribute to our republican system of self-government. See *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S., at 587–588 (BRENNAN, J., concurring in judgment). See also *id.*, at 575 (plurality opinion) (the “expressly guaranteed freedoms” of the First Amendment “share a common core purpose of assuring freedom of communication on matters relating to the functioning of government”).

457 U.S. 596, 604 (1982). In *City of Madison, Joint Sch. Dist. No. 8 v. Wisconsin Emp. Rels. Comm’n*, the Supreme Court specifically noted these protections in the context of school board meetings which are open to the public. 429 U.S. 167, 174-175 (1976).

School board meetings are thus “a ‘designated’ and ‘limited’ public forum: ‘designated’ because the government has ‘intentionally open[ed]’ it ‘for public discourse,’ and ‘limited’ because ‘the State is not required to . . . allow persons to engage in every type of speech’ in the forum.” *Lowery v. Jefferson Cty. Bd. of Educ.*, 586 F.3d 427, 432 (6th Cir. 2009) (citing *Cornelius v. NAACP Legal Defense and Ed. Fund, Inc.*, 473 U.S. 788, 802 (1985); *Good News Club v.*

¹¹ *Supra*, fn. 2 at 2.

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Milford Cent. Sch., 533 U.S. 98, 106 (2001)). While school boards are granted some discretion in these limited public fora, “[a]t the same time . . . we have necessarily recognized that the discretion of the States and local school boards in matters of education must be exercised in a manner that comports with the transcendent imperatives of the First Amendment.” *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987) (citing *Board of Education, Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853, 864 (1982)).

Thus, the parents targeted by the NSBA, the DOJ, and the FBI, have a clearly established First Amendment right to “effectively participate in” school board meetings and express their opinions on issues relating to their children’s education. School boards may not appreciate or agree with parents’ spirited concerns, but the remedy for speech we don’t like is “more speech, not enforced silence.” *U.S. v. Alvarez*, 567 U.S. 709, 728 (2012). “[T]he public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers.” *Street v. New York*, 394 U.S. 576, 592 (1969). *See also Texas v. Johnson*, 491 U.S. 397, 414 (1989) (“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”) The NSBA letter and the subsequent October 4, 2021 Memorandum, however, are clearly designed to, and will have the effect of, suppressing these parents’ First Amendment rights.

The Supreme Court has repeatedly noted that task forces, investigations, and inquiries of the type ordered in the October 4, 2021 Memorandum by their very nature intimidate citizens into foregoing their First Amendment rights. “[W]hen a State attempts to make inquiries about a person’s beliefs or associations, its power is limited by the First Amendment. Broad and sweeping state inquiries into these protected areas. . . discourage citizens from exercising rights protected by the Constitution.” *Baird v. State Bar of Ariz.*, 401 U.S. 1, 6 (1971) (citing *Shelton v. Tucker, supra*; *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Cf. Speiser v. Randall*, 357 U.S. 513 (1958)).

Just three months ago the Supreme Court reaffirmed the chilling nature that actions of this kind have on Americans’ exercise of their First Amendment rights: “When it comes to ‘a person’s beliefs and associations,’ ‘[b]road and sweeping state inquiries into these protected areas . . . discourage citizens from exercising rights protected by the Constitution.’” *Americans for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2384 (2021) (citing *Baird v. State Bar of Ariz.*, 401 U.S. 1, 6 (1971)).

3. The October 4, 2021 Memorandum proposing a Federal Task Force to coordinate the fight against parents expressing concerns about their children’s education at school board meetings also violates their First Amendment Rights and also their Fourteenth Amendment rights.

As noted above, the NSBA’s letter focused on disputes between parents and their local schools over educational issues impacting their children such as school boards adopting critical

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race theory curriculum and disagreements over whether young children should be forced to wear masks at school. These are issues where the Supreme Court has clearly and unequivocally held that parents have constitutionally protected rights to advocate about, and indeed, to direct the education of their children.

In *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Court noted that “this primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition” citing *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) and noting that under *Pierce* “the values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society.” The Court quoted the following passage from *Pierce*:

“Under the doctrine of *Meyer v. Nebraska*, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed. 1042, 29 A.L.R. 1146, we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” 268 U.S., at 534—535, 45 S.Ct., at 573.

Yoder, 406 U.S. at 233.

These parental rights are also protected under the 14th Amendment: “In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the ‘liberty’ specially protected by the Due Process Clause includes the righ[t] . . . to direct the education and upbringing of one’s children.” *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997) (citing *Meyer* and *Pierce*). “In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

Congress has also recognized the primary role parents play in the education of their children. For example, the United States Department of Education Organization Act’s preamble states that “parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role.”¹² The federal government does not have any such role. In the Department of Education

¹² 20 USC § 3401(3)&(4) (Pub. L. 96–88, title I, § 101, Oct. 17, 1979, 93 Stat. 669).

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Organization Act Statement in October of 1979, former President Jimmy Carter reiterated that the “[p]rimary responsibility for education should rest with those States” and warned of the dangers of federal intrusion: “Instead of assisting school officials at the local level, it [the Federal Government] has too often added to their burden.”¹³

Despite the “primary role of the parents” in “direct[ing] the education and upbringing of [their] children” the NSBA letter and the October 4, 2021 Memorandum seek to intimidate parents under the threat of being investigated as “domestic terrorists” from exercising their rights.

To that end we request that you immediately withdraw the October 4, 2021 Memorandum, to immediately cease any further actions designed to intimidate parents from expressing their opinions on the education of their children, and demand that you respect their First Amendment rights to freedom of speech and to raise their children.

Sincerely,



Todd Rokita
Indiana Attorney General



Steve Marshall
Alabama Attorney General



Mark Brnovich
Arizona Attorney General



Leslie Rutledge
Arkansas Attorney General



Christopher Carr
Georgia Attorney General

¹³ “Department of Education Organization Act Statement on Signing S. 210 Into Law,” *American Presidency Project*, October 17, 1979, <https://www.presidency.ucsb.edu/documents/departement-education-organization-act-statement-signing-s-210-into-law>.

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Derek Schmidt
Kansas Attorney General



Jeff Landry
Louisiana Attorney General



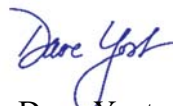
Lynn Fitch
Mississippi Attorney General



Eric S. Schmitt
Missouri Attorney General



Austin Knudsen
Montana Attorney General



Dave Yost
Ohio Attorney General



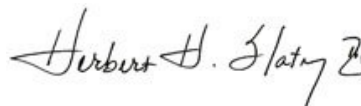
John M. O'Connor
Oklahoma Attorney General



Alan Wilson
South Carolina Attorney General



Jason R. Ravensborg
South Dakota Attorney General



Herbert H. Slatery, III
Tennessee Attorney General



Ken Paxton
Texas Attorney General



Sean D. Reyes
Utah Attorney General



Ruben Archuleta <[REDACTED]>

Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

1 message

Beverly Slough <[REDACTED]> Mon, Oct 11, 2021 at 3:58 PM
 To: viola garcia <[REDACTED]>, Frank <[REDACTED]>, Kristi Swett <[REDACTED]>, Charlie - OH Wilson <[REDACTED]>, Janine Bay Teske <[REDACTED]>, Chapman Steven <[REDACTED]>, Pam Doyle <[REDACTED]>, Becky Fle <[REDACTED]>, Kathy Gebhardt <[REDACTED]>, Kathryn Green <[REDACTED]>, "John W. Halkias" <[REDACTED]>, Peter Hoepfner <[REDACTED]>, "Ronald "Ronnie" K. Hopkins" <[REDACTED]>, "Donald R. Hubler" <[REDACTED]>, "Marnie J. Maraldo" <[REDACTED]>, Devin Sheehan <[REDACTED]>, Floyd Simon <[REDACTED]>, Lydia CT Tedone <[REDACTED]>, Lydia - CT Tedone <[REDACTED]>, Steve III Gallon <[REDACTED]>, Devin Del Palacio <[REDACTED]>, Ruben Archuleta <[REDACTED]>, "Michael Jr. Swain" <[REDACTED]>, Kirk Schneidawind <[REDACTED]>, Joy Surratt Baskin <[REDACTED]>

Viola,

I have tickets to Hamilton on Sunday, October 17. I would not be able to attend a board meeting. Is there any other time??

Bev Slough

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From: viola garcia <[REDACTED]>
Sent: Monday, October 11, 2021 3:10:51 PM
To: Frank <[REDACTED]>; Kristi Swett <[REDACTED]>; Charlie OH Wilson <[REDACTED]>; Janine Bay Teske <[REDACTED]>; Chapman Steven <[REDACTED]>; Pam Doyle <[REDACTED]>; Becky Fles <[REDACTED]>; Kathy Gebhardt <[REDACTED]>; Kathryn Green <[REDACTED]>; John W. Halkias <[REDACTED]>; Peter Hoepfner <[REDACTED]>; Ronald "Ronnie" K Hopkins <[REDACTED]>; Donald R. Hubler <[REDACTED]>; Marnie J. Maraldo <[REDACTED]>; Devin Sheehan <[REDACTED]>; Floyd Simon <[REDACTED]>; Beverly Slough <[REDACTED]>; Lydia - CT Tedone <[REDACTED]>; Lydia CT Tedone <[REDACTED]>; Steve III Gallon <[REDACTED]>; Devin Del Palacio <[REDACTED]>; Ruben Archuleta <[REDACTED]>; Michael Jr Swain <[REDACTED]>; Kirk Schneidawind <[REDACTED]>; Joy Surratt Baskin <[REDACTED]>
Subject: Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

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NSBA Directors,

As you are aware the Executive Committee met last night to discuss the serious and complex issues before the NSBA Board of Directors. We are aware that NSBA's recent letter to the President of the United States, which was well publicized and widely reported on, has created significant controversy. We have received feedback from state EDs and NSBA directors questioning both the letter's content and the manner in which it was distributed. We take this feedback seriously and are implementing a number of steps to understand the chain of events which led to this issue and to consider initiatives which are critical going forward. We also understand the fluid nature of the situation and changes in circumstances and/or positions and suggestions made during the last two weeks over this concern. The sense of urgency is also of utmost consideration.

The Executive Committee knows that the Board of Directors will ultimately make final decisions related to these issues. We agreed that it is critical for the board to work through a reflective, methodical, informed process. Given the diversity of opinions around the issue, the Executive Committee agreed that a comprehensive process and review of all feedback sources is important for the board to have to make the best decisions for NSBA. In addition, it was agreed that a decision or decisions made by the board should be coordinated in tandem with the assistance of crisis management communication support. The Executive Committee approved investigating and securing such support. In addition, NSBA's outside counsel, Tom McCally, is prepared to provide guidance to the Executive Committee and/or to the Board as needed.

These activities are designed to help us get there:

Wednesday, October 13 The Organization of State Association Executive Directors (OSAED) will meet to further assess the effects on states and provide us feedback.

Friday, October 15 The Executive Committee will review all feedback to provide the board with a comprehensive assessment of the situation.

Sunday, October 17 The Executive Committee, previously scheduled to consider a search firm recommendation, may also review any updates prior to the BOD meeting.

Sunday, October 17 7:00 p.m. ET the NSBA Board of Directors will meet to review the analysis and consider next steps.

Wednesday, October 20 The Executive Committee will meet if needed.

Thursday, October 21 7:00 p.m. ET the NSBA Board of Directors will meet to decide next steps.

Regards, stay well and stay safe,

Viola

On Saturday, October 9, 2021, 09:54:05 PM CDT, viola.garcia [REDACTED] wrote

NSBA Directors,

As I indicated in my last email to you, these are troubling times. There is a great deal occurring in a heightened political environment that we need to address. As I shared previously, email as a mode of communication about these serious matters does not help us work through this together. Therefore, these are the planned next steps:

I have called a meeting of the Executive Committee for tomorrow, October 10, to discuss this and related matters. Given the fluid nature of discussions around this concern, I have also

asked the Executive Committee to reserve October 17 and October 20, should we need additional time to discuss next steps to bring to the board on October 21. You should know that I have contacted NSBA's outside counsel, Tom McCally, to be prepared to provide guidance to the Executive Committee and/or to the Board.

I would also like to provide an update on the NSBA ED/CEO search process.

The officers will conduct in person interviews of finalist search firms on Friday, October 15 and Saturday, Oct. 16 in Alexandria. It is our intent to bring a recommendation to the Executive Committee on October 17 so that the Executive Committee can bring a recommendation to Board at our scheduled virtual meeting on October 21 to review and approve a search firm. Do let me know if you have questions or concerns

Regards, stay well and stay safe,

Viola

On Saturday, October 2, 2021, 06:59:47 AM CDT, viola garcia <[REDACTED]> wrote:

Good morning NSBA Directors,

First of all, I want to thank you for your active engagement and recent responses. These are troubling times NSBA has been engaged with the White House and the Department of Education on these and other issues related to the pandemic for several weeks now. The pandemic and our heightened political environment have created a lot of tension in our society.

School boards have been under the spotlight since the start of the pandemic, but it's risen to a new level over the last few weeks. We felt compelled to say something when we started hearing about the threats, harassment, and acts of intimidation at school board meetings.

What we have witnessed are coordinated efforts, *playbooks*, for creating chaos at school board meetings and in local communities. Letters across states are very similar and these incidents are beyond random acts. What we are now seeing is a pattern of threats and violence occurring across state lines and via online platforms, which is why we need the federal government's assistance.

Disagreements are one thing, even among us, but what we're seeing is rising to a dangerous level in some instances. We also want the public to understand that these disruptions are interfering with school boards' most important business—ensuring the health, safety, and education of our students. These disruptions are interfering with the REAL issues facing school boards ensuring we have enough good teachers for all students; serving students with disabilities; and making sure all kids have access to their internet in their homes. That's what school board members care about. It's why we decided to run for school board. We want to get back to the business of making sure that every student is preparing for a successful future

I know, and we all acknowledge that email as a mode of communication about these serious matters does not optimize our ability to work through this together. I will follow up with the officers and Chip to coordinate next steps for all of us

Regards, stay well and stay safe,

Viola

On Saturday, October 2, 2021, 12:11:18 AM CDT, Steven Chapman <[REDACTED]> wrote:

My hope for a letter like this, or any letter that we are going to send to the President of the United States and push through a press release is at least reviewed by the executive committee.

That being said, in Arizona earlier this year a governing board was forced to leave their boardroom due to security issues with those in attendance. After the board and staff left the room, those in the audience decided that it would be alright for them to stage their own board meeting, elect new board members, and vote on their own items. A month or so ago, we had an individual film himself with a parent and that parent's student on their way to a school site with a pair of zip tie handcuffs to arrest a principal for enforcing a quarantine policy that was approved by the county and state. And these are just a few of several examples just in my state. These are not acts of concerned parents, nor should they be dismissed as just one off situations.

I agree that if a board meeting remains civil, and the community is at the microphone during public comment criticizing board/district decisions, threatening to recall or vote them out, that it is fair game whether we agree on their rationale or not. But when it becomes more, it needs to be taken seriously. We have seen what happens when it is not taken seriously.

We need to be mindful of the political ramifications of any action or inaction we take, but we also cannot shy away from every controversial issue. No elected official or public servant should be in physical danger because of the work they do.

Steven Chapman
Board of Directors, Pacific Region | NSBA
Immediate Past President | ASBA
Immediate Past Chair | NSBA Pacific Region
Past President, Board Member | Tolleson UHSD



On Fri, Oct 1, 2021 at 7:54 PM Beverly Slough <[REDACTED]> wrote:

Thank you, John. Very thoughtful analysis of our current situation. I agree - we must do better.

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From: John Halkias <[REDACTED]>
Sent: Friday, October 1, 2021 10:50:52 PM
To: Chip Slaven <[REDACTED]>
Cc: 2021-2022 Board of Directors <[REDACTED]>; Elena Kukanova – Carpenter <[REDACTED]>; Francisco Negron <[REDACTED]>; Jane Mellow <[REDACTED]>; Renee Joe <[REDACTED]>; Kimberly Muse <[REDACTED]>; Patricia Boyd-King <[REDACTED]>
Subject: Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

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After a challenging week and seeing the responses of some of my fellow board members to this issue, I wanted to think through this more deeply and share my thoughts.

I have no doubt that this was done with the best of intentions and in an attempt to support our members and our schools during this difficult time for us. Many of us have faced challenges these last two years that we have never faced in our history as school board members. It has indeed been difficult, but we have faced them and persevered. We do want the understanding and support of our association for our membership.

However, while I believe the intent was good, unfortunately, instead of helping our members and working to decrease the tensions and hostility that many of us are facing, we seem to have fanned those flames of hostility and division. Rather than helping our cause and calming the waters, this letter has re-awakened hostilities that were just beginning to finally calm down as the things many of us put in place were having a positive effect on student safety, learning, and attendance.

I agree with many of my colleagues that the Board of Directors should have been consulted before a letter like this was sent out publicly, and no less to the President of the United States and the National Press. I also agree that the letter took a stance that went beyond what many of us would consider to be reasonable and used terms that were extreme, and asked for action by the Federal Government that many of us would not request. In fact in a recent press conference, the White House Press Secretary stated that when these incidents occur, it is a matter for local law enforcement and local authorities, and NOT the Federal government. Local control has been a stalwart of our principles, and we do not want to abandon that concept now.

Many of us have been put in a position now of explaining or defending this action of our association as we are asked by members of our community if we consider them domestic terrorists for showing up to our meetings and expressing their opinions. As a Member of this Board, I can defend the intent, but not the approach or much of the tone or content. And it makes me chagrined to have to say that. I have learned in my own state of Ohio that is filled with diverse views that it does me no good to ignore the views of my neighbors and not try to find common ground rather than sow division.

This letter has created a new and renewed firestorm. We have given our loudest critics more ammunition to criticize us. I believe this letter was created unfortunately in the same kind of vacuum that has fueled the recent criticism of this Board and our Association.

We can, and should do better, but we can only do that if we work together and collaborate for our common good rather than acting without our full consent and counsel. We owe that to our association and our membership if we are to continue and succeed.

Sorry for the length of this, but what happened with this letter and the backlash I am seeing has made me reflect on my service on this board to this point, and how we have gone about our business that goes beyond this letter, and has caused me concern. If we don't do better, the very survival and relevance of NSBA is at stake.

John W. Halkias
Director, Central Region NSBA

Sent from my iPad

On Sep 29, 2021, at 8:18 PM, Chip Slaven <[REDACTED]> wrote:

Good evening,

Attached is a letter President Garcia asked that I share with the board. It was sent to President Biden concerning threats to public schools and school board members. We co-signed the letter which lays out the current issues local school board members are facing and asks for federal cooperation with state and local law enforcement as well as public schools to address these serious issues. It also asks for threat assessments regarding the current situation. Additionally, in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter also details many of the incidents that have been occurring.

As you are probably aware, the level of threats and actual violence have increased the last few weeks and there are now some groups recognized for violence showing up at schools and school board meetings. The level of concern is rising. It is hoped the letter will also call out the bad behavior occurring and promote calmer thinking when people are debating these important issues. This letter is embargoed

until tomorrow morning when it will be shared publicly. The letter will also be shared this evening with the state association executive directors.

Thank you for all your leadership on your local school board.

Take care,

Chip



Ruben Archuleta [redacted] >

Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

1 message

Steven Chapman [redacted] > Mon, Oct 11, 2021 at 3:54 PM
 To: viola garcia [redacted] >
 Cc: Frank [redacted] >, Kristi Swett [redacted] >, Charlie - OH Wilson [redacted] >, Janine Bay Te ke [redacted] >, Pam Doyle [redacted] >, Becky Fle [redacted] >, Kathy Gebhardt [redacted] >, Kathryn Green [redacted] >, "John W. Halkias" [redacted] >, [redacted] >, Peter Hoepfner [redacted] >, "Ronald "Ronnie" K. Hopkins" [redacted] >, [redacted] >, "Donald R. Hubler" [redacted] >, "Marnie J. Maraldo" [redacted] >, Devin Sheehan [redacted] >, Floyd Simon [redacted] >, Beverly Slough [redacted] >, Lydia - CT Tedone [redacted] @ [redacted].com>, Lydia - CT Tedone [redacted] @ [redacted].com>, Steve Ill Gallon [redacted] @ [redacted].com>, Devin Del Palacio [redacted] @ [redacted].com>, Ruben Archuleta [redacted] @ [redacted].org>, "Michael Jr. Swain" [redacted] @ [redacted].com>, Kirk Schneidawind [redacted] @ [redacted].org, Joy Surratt Ba kin [redacted] @ [redacted].org

Those meeting days/times work for me.

I look forward to the updates and conversation.

Steven Chapman
 Board Member, Pacific Region | NSBA
 Immediate Past President | ASBA
 Immediate Pa t Chair | NSBA Pacific Region
 Past President, Board Member | Tolleson UHSD
 Arizona School Boards Association
 o: [redacted] | [redacted] | c: [redacted]

"The Best Schools In Every Arizona Community"

On Mon, Oct 11, 2021, 12 11 PM viola garcia [redacted] wrote

NSBA Directors,

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Regards, stay well and stay safe,

Viola

On Saturday, October 9, 2021, 09:54:05 PM CDT, viola garcia <[REDACTED]> wrote:

NSBA Directors,

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Regards, stay well and stay safe,

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What we have witnessed are coordinated efforts, *playbooks*, for creating chaos at school board meetings and in local communities. Letters across states are very similar and these incidents are beyond random acts. What we are now seeing is a pattern of threats and violence occurring across state lines and via online platforms, which is why we need the federal government's assistance.

Disagreements are one thing, even among us, but what we're seeing is rising to a dangerous level in some instances. We also want the public to understand that these disruptions are interfering with school boards' most important business—ensuring the health, safety, and education of our students. These disruptions are interfering with the REAL issues facing school boards—ensuring we have enough good teachers for all students; serving students with disabilities; and making sure all kids have access to their internet in their homes. That's what school board members care about. It's why we decided to run for school board. We want to get back to the business of making sure that every student is preparing for a successful future.

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Board of Directors, Pacific Region | NSBA
Immediate Past President | ASBA
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Past President, Board Member | Tolleson UHSD



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Thank you, John. Very thoughtful analysis of our current situation. I agree - we must do better.

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From: John Halkias <[REDACTED]>
Sent: Friday, October 1, 2021 10:50:52 PM
To: Chip Slaven <[REDACTED]>
Cc: 2021-2022 Board of Directors <[REDACTED]>; Elena Kukanova – Carpenter <[REDACTED]>; Francisco Negron <[REDACTED]>; Jane Mellow <[REDACTED]>; Renee Joe <[REDACTED]>; Kimberly Muse <[REDACTED]>; Patricia Boyd-King <[REDACTED]>
Subject: Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

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I have no doubt that this was done with the best of intentions and in an attempt to support our members and our schools during this difficult time for us. Many of us have faced challenges these last two years that we have never faced in our history as school board members. It has indeed been difficult, but we have faced them and persevered. We do want the understanding and support of our association for our membership.

However, while I believe the intent was good, unfortunately, instead of helping our members and working to decrease the tensions and hostility that many of us are facing, we seem to have fanned those flames of hostility and division. Rather than helping our cause and calming the waters, this letter has re-awakened hostilities that were just beginning to finally calm down as the things many of us put in place were having a positive effect on student safety, learning, and attendance.

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This letter has created a new and renewed firestorm. We have given our loudest critics more ammunition to criticize us. I believe this letter was created unfortunately in the same kind of vacuum that has fueled the recent criticism of this Board and our Association.

We can, and should do better, but we can only do that if we work together and collaborate for our common good rather than acting without our full consent and counsel. We owe that to our association and our membership if we are to continue and succeed.

Sorry for the length of this, but what happened with this letter and the backlash I am seeing has made me reflect on my service on this board to this point, and how we have gone about our business that goes beyond this letter, and has caused me concern. If we don't do better, the very survival and relevance of NSBA is at stake.

John W. Halkias
Director, Central Region NSBA

Sent from my iPad

On Sep 29, 2021, at 8:18 PM, Chip Slaven <[REDACTED]> wrote:

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As you are probably aware, the level of threats and actual violence have increased the last few weeks and there are now some groups recognized for violence showing up at schools and school board meetings. The level of concern is rising. It is hoped the letter will also call out the bad behavior occurring and promote calmer thinking when people are debating these important issues. This letter is embargoed until tomorrow morning when it will be shared publicly. The letter will also be shared this evening with the state association executive directors.

Thank you for all your leadership on your local school board.

Take care,

Chip



Ruben Archuleta <[REDACTED]>

Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

1 message

Pam Doyle <[REDACTED]> Mon, Oct 11, 2021 at 3:33 PM
 To: John Halkias <[REDACTED]>
 Cc: viola garcia <[REDACTED]>, Frank Henderson <[REDACTED]>, Kristi Swett <[REDACTED]>, Charlie OH Wil on <[REDACTED]>, Janine Bay Te ke <[REDACTED]>, Chapman Steven <[REDACTED]>, Becky Fles <[REDACTED]>, Kathy Gebhardt <[REDACTED]>, Kathryn Green <[REDACTED]> @ [REDACTED].com>, Peter Hoepfner <[REDACTED]> @ [REDACTED].com>, "Ronald "Ronnie" K. Hopkins" <[REDACTED]> @ [REDACTED].com>, Donald Hubler <[REDACTED]> @gmail.com>, "Marnie J. Maraldo" <[REDACTED]> @ [REDACTED].com, Devin Sheehan <[REDACTED]>, Floyd Simon <[REDACTED]>, Beverly Slough <[REDACTED]>, Lydia - CT Tedone <[REDACTED]>, Lydia - CT Tedone <[REDACTED]>, "Dr. Steven Gallon" <[REDACTED]>, Devin Del Palacio <[REDACTED]>, Ruben Archuleta <[REDACTED]>, "Michael Jr. Swain" <[REDACTED]>, Kirk Schneidawind <[REDACTED]>, Joy Surratt Ba kin <[REDACTED]>

I have fall conference as well.

Pam Doyle

On Mon, Oct 11, 2021, 4:11 PM John Halkias <[REDACTED]> wrote:

Viola,

I will be in Denver on Sunday the 17th, and I will be at a work conference with e ion from 1 3 ET, and unfortunately also 6:30-9:00 ET.

My frustration is that meetings get scheduled without seeking any comment or doing a poll on availability. I will not be able to make the meeting of the Board on the 17th

John

John W Halkia
 Plain Local Schools
 Board Member
 NSBA Central Region Director
 2019 OSBA Pa t Pre ident
 Term 2018-2021
 Home Phone: [REDACTED]
 Cell [REDACTED]

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The Executive Committee knows that the Board of Directors will ultimately make final decisions related to these issues. We agreed that it is critical for the board to work through a reflective, methodical, informed process. Given the diversity of opinions around the issue, the Executive Committee agreed that a comprehensive process and review of all feedback sources is important for the board to have to make the best decisions for NSBA. In addition, it was agreed that a decision or decisions made by the board should be coordinated in tandem with the assistance of crisis management communication support. The Executive Committee approved investigating and securing such support. In addition, NSBA's outside counsel, Tom McCally, is prepared to provide guidance to the Executive Committee and/or to the Board as needed.

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 Board Member
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 Home Phone: [redacted]
 [redacted]

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From: John Halkias <[REDACTED]>
Sent: Friday, October 1, 2021 10:50:52 PM
To: Chip Slaven <[REDACTED]>
Cc: 2021-2022 Board of Directors <[REDACTED]>; Elena Kukanova – Carpenter <[REDACTED]>; Francisco Negron <[REDACTED]>; Jane Mellow <[REDACTED]>; Renee Joe <[REDACTED]>; Kimberly Muse <[REDACTED]>; Patricia Boyd-King <[REDACTED]>
Subject: Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please report suspicious or potentially dangerous emails using the "Phish Alert Button".

After a challenging week and seeing the responses of some of my fellow board members to this issue, I wanted to think through this more deeply and share my thoughts.

I have no doubt that this was done with the best of intentions and in an attempt to support our members and our schools during this difficult time for us. Many of us have faced challenges these last two years that we have never faced in our history as school board members. It has indeed been difficult, but we have faced them and persevered. We do want the understanding and support of our association for our membership.

However, while I believe the intent was good, unfortunately, instead of helping our members and working to decrease the tensions and hostility that many of us are facing, we seem to have fanned those flames of hostility and division. Rather than helping our cause and calming the waters, this letter has re-awakened hostilities that were just beginning to finally calm down as the things many of us put in place were having a positive effect on student safety, learning, and attendance.

I agree with many of my colleagues that the Board of Directors should have been consulted before a letter like this was sent out publicly, and no less to the President of the United States and the National Press. I also agree that the letter took a stance that went beyond what many of us would consider to be reasonable and used terms that were extreme, and asked for action by the Federal Government that many of us would not request. In fact in a recent press conference, the White House Press Secretary stated that when these incidents occur, it is a matter for local law enforcement and local authorities, and NOT the Federal government. Local control has been a stalwart of our principles, and we do not want to abandon that concept now.

Many of us have been put in a position now of explaining or defending this action of our association as we are asked by members of our community if we consider them domestic terrorists for showing up to our meetings and expressing their opinions. As a Member of this Board, I can defend the intent, but not the approach or much of the tone or content. And it makes me chagrined to have to say that. I have learned in my own state of Ohio that is filled with diverse views that it does me no good to ignore the views of my neighbors and not try to find common ground rather than sow division.

This letter has created a new and renewed firestorm. We have given our loudest critics more ammunition to criticize us. I believe this letter was created unfortunately in the same kind of vacuum that has fueled the recent criticism of this Board and our Association.

We can, and should do better, but we can only do that if we work together and collaborate for our common good rather than acting without our full consent and counsel. We owe that to our association and our membership if we are to continue and succeed.

Sorry for the length of this, but what happened with this letter and the backlash I am seeing has made me reflect on my service on this board to this point, and how we have gone about our business that goes beyond this letter, and has caused me concern. If we don't do better, the very survival and relevance of NSBA is at stake.

John W. Halkias
Director, Central Region NSBA

Sent from my iPad

On Sep 29, 2021, at 8:18 PM, Chip Slaven <[REDACTED]> wrote:

Good evening,

Attached is a letter President Garcia asked that I share with the board. It was sent to President Biden concerning threats to public schools and school board members. We co-signed the letter which lays out the current issues local school board members are facing and asks for federal cooperation with state and local law enforcement as well as public schools to address these serious issues. It also asks for threat assessments regarding the current situation. Additionally, in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter also details many of the incidents that have been occurring.

As you are probably aware, the level of threats and actual violence have increased the last few weeks and there are now some groups recognized for violence showing up at schools and school board meetings. The level of concern is rising. It is hoped the letter will also call out the bad behavior occurring and promote calmer thinking when people are debating

these important issues. This letter is embargoed until tomorrow morning when it will be shared publicly. The letter will also be shared this evening with the state association executive director

Thank you for all your leadership on your local school board

Take care,

Chip



Ruben Archuleta <[redacted]>

Re: NSBA Letter to President Biden on Threats School Boards Members and Public Schools

1 message

viola garcia <[redacted]> Mon, Oct 11, 2021 at 1:10 PM
 To: Frank <[redacted]>, Kristi Swett <[redacted]>, Charlie - OH Wilson <[redacted]>, Janine Bay Teske <[redacted]>, Chapman Steven <[redacted]>, Pam Doyle <[redacted]>, [redacted], Becky Fle <[redacted]>, Kathy Gebhardt <[redacted]>, Kathryn Green <[redacted]>, "John W. Halkias" <[redacted]>, Peter Hoepfner <[redacted]>, [redacted], "Ronald "Ronnie" K. Hopkins" <[redacted]>, "Donald R. Hubler" <[redacted]>, [redacted], "Marnie J. Maraldo" <[redacted]>, Devin Sheehan <[redacted]>, Floyd Simon <[redacted]>, Beverly Slough <[redacted]>, Lydia CT Tedone <[redacted]>, [redacted], Lydia - CT Tedone <[redacted]>, Steve Ill Gallon <[redacted]>, Devin Del Palacio <[redacted]>, Ruben Archuleta <[redacted]>, "Michael Jr. Swain" <[redacted]>, [redacted], Kirk Schneidawind <[redacted]>, Joy Surratt Baskin <[redacted]>

NSBA Directors,

As you are aware the Executive Committee met last night to discuss the serious and complex issues before the NSBA Board of Directors. We are aware that NSBA's recent letter to the President of the United States, which was well publicized and widely reported on, has created significant controversy. We have received feedback from state EDs and NSBA directors questioning both the letter's content and the manner in which it was distributed. We take this feedback seriously and are implementing a number of steps to understand the chain of events which led to this issue and to consider initiatives which are critical going forward. We also understand the fluid nature of the situation and changes in circumstances and/or positions and suggestions made during the last two weeks over this concern. The sense of urgency is also of utmost consideration.

The Executive Committee knows that the Board of Directors will ultimately make final decisions related to these issues. We agreed that it is critical for the board to work through a reflective, methodical, informed process. Given the diversity of opinions around the issue, the Executive Committee agreed that a comprehensive process and review of all feedback sources is important for the board to have to make the best decisions for NSBA. In addition, it was agreed that a decision or decisions made by the board should be coordinated in tandem with the assistance of crisis management communication support. The Executive Committee approved investigating and securing such support. In addition, NSBA's outside counsel, Tom McCally, is prepared to provide guidance to the Executive Committee and/or to the Board as needed.

These activities are designed to help us get there

Wednesday, October 13 The Organization of State Association Executive Directors (OSAED) will meet to further assess the effects on states and provide us feedback.

Friday, October 15 The Executive Committee will review all feedback to provide the board with a comprehensive assessment of the situation.

Sunday, October 17 The Executive Committee, previously scheduled to consider a search firm recommendation, may also review any updates prior to the BOD meeting.

Sunday, October 17 7:00 p.m. ET the NSBA Board of Directors will meet to review the analysis and consider next steps

Wednesday, October 20 The Executive Committee will meet if needed.

Thursday, October 21 7 00 p m ET the NSBA Board of Directors will meet to decide next steps

Regards, stay well and stay safe,

Viola

On Saturday, October 9, 2021, 09:54:05 PM CDT, viola garcia <[REDACTED]> wrote

NSBA Directors,

As I indicated in my last email to you, these are troubling times. There is a great deal occurring in a heightened political environment that we need to address. As I shared previously, email as a mode of communication about these serious matters does not help us work through this together. Therefore, these are the planned next steps:

I have called a meeting of the Executive Committee for tomorrow, October 10, to discuss this and related matters. Given the fluid nature of discussions around this concern, I have also asked the Executive Committee to reserve October 17 and October 20, should we need additional time to discuss next steps to bring to the board on October 21. You should know that I have contacted NSBA's outside counsel, Tom McCally, to be prepared to provide guidance to the Executive Committee and/or to the Board.

I would also like to provide an update on the NSBA ED/CEO search process.

The officers will conduct in person interviews of finalist search firms on Friday, October 15 and Saturday, Oct. 16 in Alexandria. It is our intent to bring a recommendation to the Executive Committee on October 17 so that the Executive Committee can bring a recommendation to Board at our scheduled virtual meeting on October 21 to review and approve a search firm. Do let me know if you have questions or concerns

Regards, stay well and stay safe,

Viola

On Saturday, October 2, 2021, 06:59:47 AM CDT, viola garcia <[REDACTED]> wrote:

Good morning NSBA Directors,

First of all, I want to thank you for your active engagement and recent responses. These are troubling times NSBA has been engaged with the White House and the Department of Education on these and other issues related to the pandemic for several weeks now. The pandemic and our heightened political environment have created a lot of tension in our society.

School boards have been under the spotlight since the start of the pandemic, but it's risen to a new level over the last few weeks. We felt compelled to say something when we started hearing about the threats, harassment, and acts of intimidation at school board meetings.

What we have witnessed are coordinated efforts, *playbooks*, for creating chaos at school board meetings and in local communities. Letters across states are very similar and these incidents are beyond random acts. What we are now seeing is a pattern of threats and violence occurring across state lines and via online platforms, which is why we need the federal government's assistance.

Disagreements are one thing, even among us, but what we're seeing is rising to a dangerous level in some instances. We also want the public to understand that these disruptions are interfering with school boards' most important business—ensuring the health, safety, and education of our students. These disruptions are interfering with the REAL issues facing school boards—ensuring we have enough good teachers for all students; serving students with disabilities; and making sure all kids have access to their internet in their homes. That's what school board members care about. It's why we decided to run for school board. We want to get back to the business of making sure that every student is preparing for a successful future.

I know, and we all acknowledge that email as a mode of communication about these serious matters does not optimize our ability to work through this together. I will follow up with the officers and Chip to coordinate next steps for all of us.

Regards, stay well and stay safe,

Viola

On Saturday, October 2, 2021, 12:11:18 AM CDT, Steven Chapman <[REDACTED]> wrote:

My hope for a letter like this, or any letter that we are going to send to the President of the United States and push through a press release is at least reviewed by the executive committee.

That being said, in Arizona earlier this year a governing board was forced to leave their boardroom due to security issues with those in attendance. After the board and staff left the room, those in the audience decided that it would be alright for them to stage their own board meeting, elect new board members, and vote on their own items. A month or so ago, we had an individual film himself with a parent and that parent's student on their way to a school site with a pair of zip tie handcuffs to arrest a principal for enforcing a quarantine policy that was approved by the county and state. And these are just a few of several examples just in my state. These are not acts of concerned parents, nor should they be dismissed as just one off situations.

I agree that if a board meeting remains civil, and the community is at the microphone during public comment criticizing board/district decisions, threatening to recall or vote them out, that it is fair game whether we agree on their rationale or not. But when it becomes more, it needs to be taken seriously. We have seen what happens when it is not taken seriously.

We need to be mindful of the political ramifications of any action or inaction we take, but we also cannot shy away from every controversial issue. No elected official or public servant should be in physical danger because of the work they do.

Steven Chapman
Board of Director , Pacific Region | NSBA
Immediate Past President | ASBA
Immediate Past Chair | NSBA Pacific Region
Past President, Board Member | Tolleson UHSD



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On Fri, Oct 1, 2021 at 7:54 PM Beverly Slough <[REDACTED]> wrote:

Thank you, John. Very thoughtful analysis of our current situation. I agree - we must do better.

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Thank you for all your leadership on your local school board.

Take care,

Chip



Memorandum

TO: State Association Officers and Executive Directors
FR: Dr. Viola M. Garcia, President, National School Boards Association (NSBA)
RE: Update and Action Items on Addressing the Needs of State Association Members
DA: Tuesday, October 12, 2021

I. Summary

The NSBA Board of Directors is committed to forging a strong future for the organization focused on the needs of our members—our state school board associations. This process began earlier this summer with the holding of regional meetings to hear directly from our members and learn additional information on the direction that NSBA should be taking during these unprecedented times. The regional meetings added additional clarity to previous efforts focused on the future of the organization such as the strong work of the Governance Review Committee and recent Strategic Learning process.

This memorandum will provide additional information on activities since that time and planned action items to move the process forward including a report on NSBA Board of Directors' (BOD) activity since the BOD meeting on August 11 and 12, 2021, and collaborative work in addressing opportunities for NSBA to meet the needs of its members, the state associations.

II. Developments at the OSAED Meeting in Utah

In late July, the NSBA officers and members of the NSBA executive staff met with state association executive directors in Utah during the Organization of State Association Executive Directors (OSAED) Summer Institute to further the process to move the organization forward. During that meeting, the NSBA officers and interim executive director offered a presentation to the full group on the NSBA finances, an update on the regional meetings, and a series of action items to begin to address the future of the organization and promote a better relationship between the NSBA board and executive directors. Some of the highlights outlined from the regional discussion were 1) Governance Structure – Promoting a strong, engaged, and focused board that actively listens and understands the needs of the membership and that models good governance and works as a nonprofit board. 2) Member Service – Recognizing most of NSBA's services must be designed to be delivered at the state level so that school boards access the services in the context of their relationship with the state association. 3) Focus – An intentional, focused, and sustained effort to make the organization a more visible, influential, and effective leader in public education. 4) Return on Investment – Services must provide reasonable return in non-dues revenue for both state associations and NSBA. 5) Clear Communication Plan – All levels of stakeholders including executive directors, state association officers, and board members must be part of the process. 6) Financials Viability and Clarity – Transparency regarding the pension plan liability and revenue streams (non-dues). 7) Organizational Culture – Respond to recommendations for improved staff climate and

NSBA Update and Action Items on Addressing the Needs of State Association Members conduct a culture survey, and address concerns of staff wellbeing and retention. The presentation was entitled “Regional Meetings Update and Action Plans” and included the following proposed action items to begin to address some of the issues concerning working more productively with the executive members:

- The Board of Directors will hold virtual regional meetings with the state associations twice a year.
- There will be one joint meeting with the BOD and the state association executive directors once a year at either Annual Conference or Advocacy Institute.
- The Officers of the NSBA Board will meet with OSAED twice a year.
- The chair of OSAED, or a designee, will sit on the Board of Directors Finance Committee.
- Board meeting agendas, minutes, and highlights will be shared through the microsite community for members.
- Build new communications opportunities and/or resources based on recommendations from the executive directors to get vital feedback from the state associations on important issues such as finances, to provide more transparency, and improve the flow of information between the board and state associations.

In turn, the executive directors met as a group and came away with four key takeaways they want to work with the board on to move the organization forward. Additionally, a fifth item was later added. They include:

1. There will be a clearly defined purpose/mission for NSBA with a clear pathway forward for the organization with a defined timeline for action.
2. Efforts will be undertaken to reform the board governance structure with a focus on best practice with experts in executive/nonprofit board training space.
3. The board and NSBA Executive Director will build an alliance with OSAED and rely on the group’s expertise with state association executive directors by having representatives serve on each NSBA committee and/or three OSAED representatives will be added to the BOD with voting privileges (NOTE) This latter action can only be undertaken by a proposal and vote of the Delegate Assembly).
4. The full BOD will participate with all hands-on deck information to state associations that includes regular and transparent reports from NSBA board representatives for their respective regions.
5. There will focus provided internally to improve climate and culture within the organization and at the office and staff level. (NOTE: This item was provided after the gathering in Utah).

The OASED Summer Institute set the stage for next steps and action taken during the August NSBA Board of Directors meeting and the NSBA Delegate Assembly.

III. NSBA August Board of Directors Meeting and Delegate Assembly

A. NSBA August Board of Directors Meeting

On Wednesday, August 11, 2021, the NSBA board of directors met and discussed the information shared during the regional meetings and the Utah meeting of OASED. After a review of the information, BOD members broke into four groups to discuss the issues broached at the Summer Institute with the executive

NSBA Update and Action Items on Addressing the Needs of State Association Members directors. This was the first meeting where the board undertook an effort to include executive directors in the meeting and they were given the opportunity to join in the group conversations.

Group 1 Conversation: There will be a clearly defined purpose/mission for NSBA with a clear pathway forward for the organization with a defined timeline for action.

The group began with a discussion of a proposal from the Montana School Board Association and supported by OSEAD. The proposed amendment would better define the mission of NSBA. Lance Melton, Executive Director of the Montana School Boards Association, walked the group through the proposal and explained the rationale behind it. This was a significant portion of the group's deliberations. Other subjects discussed centered on how to have more positive discussions on issues during Delegate Assembly; moving towards a non-divisive agenda; and finding a purpose everyone can agree on. The group also agreed that advocacy must be a priority for the organization.

Group 2 Conversation: Efforts will be undertaken to reform the board governance structure with a focus on best practice with experts in executive/nonprofit board training space.

Discussions on this subject included annual training for the board of directors on fiduciary responsibilities; receiving training directly from state executive directors who have strong experience working with their boards who often deal with many of the same challenges—this would allow states to be part of the solution. The Group also discussed sending out a request for proposals from leadership and board consultants or having Jeff Henderson who has been working with the Georgia School Boards Association conduct sessions with the board¹; and providing more robust orientation for new board of directors' members. There must also be continuous training in the board training space (it should not be a one and done process).

Group 3 Conversation: The board and NSBA Executive Director will build an alliance with OSAED and rely on the group's expertise with state association executive directors by having representatives serve on each NSBA committee and/or three OSAED representatives will be added to the BOD with voting privileges.

Topics discussed in this group included noting that a broader governance structure is a longer-term solution. The group is supportive of the NSBA president appointing state association executive directors to NSBA Board committees; recognizing that past committee work should not be ignored, and focusing on how to honor that work. The group also heard from North Carolina who shared examples from the National Cities and Counties Associations. The group further discussed how adding executive directors to the board would work such as having one from each region while recognizing that the that most of the board would still be school board/association board members if a change by the Delegate Assembly did happen. Examples discussed also included

¹ NSBA was planning to bring Jeff Henderson in Louisville, KY for a session with the entire Summer Leadership Institute prior to the event being terminated due to COVID-19 spikes. Board training was planned for the in person meeting in Louisville with Mr. Henderson and Valarie Wilson, Executive Director, Georgia School Boards Association. The training was designed to lead the Board in clarifying what NSBA is known FOR. Plans pivoted to an engaging discussion to lay the framework and collaborative work in addressing opportunities presented to the BODs by state Executive Directors. Plans for the December Board meeting include work on a Board self-assessment that lays the foundation for further executive nonprofit training and board development.

NSBA Update and Action Items on Addressing the Needs of State Association Members replacing one of the regional representatives with an executive director chosen by OSAED. Finally, the group noted this is likely a longer discussion that will need to continue. The group recommended that the President appoint executive directors to serve on board committees² and that the permanent NSBA Executive Director focus on serving the members and that should be addressed during the hiring process.

Group 4 Conversation: The full BOD will participate with all hands-on deck information to state associations that includes regular and transparent reports from NSBA board representatives for their respective regions.

Focused discussion in this group included considering what this kind of model would look like. The group discussed efforts in the Pacific and Southern Regions to hold monthly meetings with state executive directors and officers and considered a template established by Past President, Beth Branham, for Regional Directors to report to State Associations in response to questions and additional comments. The group also discussed both pros and cons of the issues including turnover on the Board of Directors; culture issues; improving consistency in communicating with state associations with regional directors, staff communications, and with the NSBA president. The group also discussed how to better set a roadmap to improve getting to this goal including consistent and detailed new board director orientation and provide tutoring on using board tools; implementing Policies and Bylaws complimentary of, but not limited to, C&B Article XVI Regions, Policy B-36 Guidelines for NSBA Regions. The group concluded with recommended next steps including establishing common board talking points; strong regular and ongoing communications; Regional Directors promoting both online and in-person contact with state associations; and creating a consistent association culture.

B. Delegate Assembly

On August 13, 2021, the Delegate Assembly adopted a clear mission statement which the Board of Directors embrace:

THE PURPOSE OF THE ASSOCIATION SHALL BE TO SUPPORT STATE SCHOOL BOARD ASSOCIATIONS IN CARRYING OUT THEIR MISSIONS AND PROMOTE ADVOCACY FOR PUBLIC EDUCATION.

The passage of this new language is a significant step forward for NSBA. At the conclusion of the Delegate Assembly, the work from the regional meetings and developments from the Utah meeting were delivered to the group. The presentation also included a financial update and the written report in the form of a PowerPoint presentation was distributed to all the Delegate Assembly.

IV. Current Board of Directors Actions and NSBA Interim Executive Director Updates

A. Current Board of Directors Action

Two recent actions create the footing and momentum to clarify NSBA's future and are now being undertaken by the board of directors under the leadership of the officers. This work includes the new focus adopted by the organization through the Delegate Assembly which is now being implemented as the

² This action has now been adopted. Section IV.A of this document the names BOD committees and executive director assignments to them.

NSBA Update and Action Items on Addressing the Needs of State Association Members

NSBA process in developing the 2022 proposed budget begins. The Finance Committee's initial planning meeting emphasized the review of the strategic goals to align with the newly adopted purpose to guide the budget's development. The budget will align with the five strategic goals the Board of Directors affirmed at its April 5, 2021 meeting:

1. Public Advocacy
2. Products, Programs and Services (Portfolio),
3. Revenue,
4. NSBA Governance
5. Federation Strategic Communication.

Aligning the proposed budget to these goals provides a pathway to adopt a timeline and achieve the newly adopted purpose/mission for NSBA.

The board appreciates the good working relationship with OSAED Chair Kirk Schneidawand and the focus to collaborate more productively with state executive directors. The following state association executive directors have volunteered to serve on NSBA Board Committees by providing valuable input to the NSBA Board. The executive directors and board committee membership now includes:

Advocacy Committee:

Andrea Messina, Florida School Boards Association

Constitution and Bylaws Committee:

Brian Farmer, Wyoming School Boards Association

Finance Committee:

Robert Schneider, New York State School Boards Association

Governance Committee:

Kerri Schelling, Kentucky School Boards Association

Sally Smith, Alabama Association of School Boards

Pension Committee:

Terry Spradlin, Indiana School Boards Association

Policy Committee:

Don Wotruba, Michigan Association of School Boards

There is also a review of roles and responsibilities for officers, directors and regional directors which will clarify BOD participation in regular and transparent reports out to the regions from our NSBA board representatives. Communication efforts are currently under review. The officers are looking for the best ways to move forward to continue to address the areas of focus identified by the state association executive directors. The board is also looking for an opportunity to encourage the members to provide additional amendments or proposals for the next Delegate Assembly that will require a vote of the membership.

NSBA Update and Action Items on Addressing the Needs of State Association Members
B. NSBA Interim Executive Director Updates

To begin addressing the needs of the organization and to address the five primary issues identified by the executive directors, the NSBA interim executive director is working directly with the officers of the board of directors to help implement additional action items. Additionally, he has appointed the NSBA Director of Projects to assist the board in implementing the actions items identified in this document and any further additions in the future.

In the August board of directors meeting, the interim executive director outlined his overall plans in a presentation entitled “Serving the Needs of the State Associations” and his personal goals to accomplish it and move the organization forward during this transition time prior to the selection of a permanent executive director. His goals compliment the five areas outlined by the state association executive directors. He also shared these goals with the NSBA staff in August. Those goals include:

Goal 1: Help our state associations and their members navigate the dynamic of COVID-19 and the emerging political and social issues school boards are facing through strong member services and legislative and legal advocacy.

Goal 2: Provide steady leadership for the staff while focusing on the future of the organization.

Goal 3: Work with the NSBA board of directors, executive directors, and state associations to address the federation needs around governance.

Goal 4: Continue to position NSBA as a national leader for public schools on advocacy and equity issues.

Goal 5: Be a good steward of the organization finances, revenues, and related fiduciary obligations.

With these goals in mind and the focus on the staff, the interim executive director has taken immediate steps to improve the climate of the organization. This includes a recent survey of all staff that is now being reviewed, planned future staff surveys that will occur on a regular basis focused on how NSBA will operate its workplace in the future in light of the pandemic, currently seeking proposals to bring in a professional leadership consultant to work with the executive team to improve the climate and promote positive leadership, and there is currently an active search for a new Human Resources Director that has entered the final stage with anticipation of the new Human Resources Director to be announced no later than November 1, 2021

As noted earlier in this document, work is also underway for the 2022 budget process which incorporates specific goals as outlined earlier in this memorandum. Focus on advocacy and impacts on equity is going to be a high priority in the budget process. The budget process is inclusive and includes all the NSBA teams with input from staff. The budget process officially kicked off on September 22 and has been moving forward through meetings of the BOD Finance Committee and on the individual staff teams. As part of this process, updates on the finance and budget operation are being reported out to the federation. The Finance Committee meetings have included Robert Schneider, New York State School Boards Association ED, who has provided valuable perspective to the work. As of this writing, the Finance Committee has been meeting weekly and will continue to do so in the coming weeks. The BOD will meet on October 21 to discuss the budget further with final adoption expected in an in-person meeting on December 4-5.

NSBA Update and Action Items on Addressing the Needs of State Association Members

NSBA successfully held its first in-person event in Atlanta, GA with the 2021 Council on Urban Boards of Education (CUBE) Annual Conference. NSBA deployed multiple measures to assist in creating a safe environment for the attendees and staff. These measures include proof of either at least one vaccination or a negative COVID-19 test and an app that required answering a series of questions each day that were mandatory to enter the meeting space. Due to the success experienced at CUBE, similar measures will be implemented for future NSBA events. Preparations are now under way for 2022 events including Equity Symposium, Advocacy Institute, and Annual Conference.

Focus on the NSBA advocacy and equity efforts continue to be a top priority for the interim executive director. NSBA has been working diligently to provide information and advice to the members on issues related to the pandemic and school building reopening's while advocating for strong investments in public schools by Congress and the Administration in budget reconciliation and infrastructure negotiations. Concern over the current climate for school board members is also a top priority as disruptions at school board meetings grow and members face growing threats. NSBA has been actively engaged with the White House, Department of Justice, Department of Homeland Security, Department of Education, Surgeon General, and other federal agencies on pandemic related issues.

In the September 14, 2021 meeting of the OSAED liaison group, they were informed there had been a meeting with White House staff that morning and that NSBA was preparing to send a letter to the President. Subsequently, on September 17, 2021, the interim Executive Director emailed notice to the state association executive directors that indicated a letter requesting federal assistance would be sent.

“NSBA is taking a number of actions regarding calling for protection and resources to assist school board members with these threats including a call for the President and federal government for more assistance.”

That notice later stated:

“Further, NSBA has drafted its own individual letter that has been in the planning for several days that will also go out next week. This is a very detailed letter calling attention to the problem and laying out some very specific requests for action. That letter will be shared out with all of you next week when it is sent out so you can share it with your members and also your Congressional Delegations.”

In response to the letter sent by NSBA, on October 4, 2021 the Attorney General announced in a memorandum widely shared throughout the U.S. Department of Justice that he was ordering all U.S. Attorney Offices and local FBI offices to reach out to local and state law enforcement officials to coordinate efforts on this problem within 30 days of the memorandum.

Work continues on advocating for public school investment in the current budget reconciliation process and debate over infrastructure. NSBA has also been actively engaging with state associations encouraging districts to take advantage of funding provided to help close the digital divide in education, commonly called the homework gap. It is anticipated major issues going forward will include dealing with the teacher shortage, assisting students with disabilities, and calling for fully funding the Individuals with Disabilities Education Act, and advocating for finally closing the homework gap. In addition, calling for resources for public schools and pushing back against school privatizations will remain key priorities.

NSBA Update and Action Items on Addressing the Needs of State Association Members

V. Timeline and Closing

A. Summary

Plans are well underway for the first BOD in-person meeting during which the board will actively engage in the most viable methods to put the new NSBA purpose/mission into action.

NSBA has engaged in a long-range plan of executive/nonprofit board training with Phil Gore, PhD, former NSBA employee and currently with the Texas Association of School Boards as Division Director of Leadership Team. A board self-assessment survey will be conducted prior to the December 3rd and 4th in-person meeting, the first since the pandemic began. Intentional, short and long-range governance training will be developed and scheduled based on the survey outcomes and most pressing issues around effective nonprofit training.

Executive directors are now serving on board committees and the Constitution and Bylaws Committee is actively communicating with state associations to bring collaboratively proposed amendments to the 2022 delegate assembly. Particular discussions regarding amendments for OSAED representatives on the BOD with voting privileges is encouraged.

A plan of action including the process for establishing common board talking points; strong regular and ongoing communications; regional directors promoting both online and in-person contact with state associations; and creating a consistent association culture will be developed at the December board meeting. This plan will include designated staff support and a timeline for reporting after each BOD meeting.

Collaborative engagement for NSBA to meet the needs of its members, the state associations, will be scheduled and planned with the OSAED representative on the BOD and with the OSAED Liaison Committee to further opportunities for NSBA to meet the needs of its members.

B. Action Items by Timeline

TIMELINE

The following reflects events and action items undertaken by NSBA from the last several months beginning with the regional listening sessions and future action expected by quarterly periods

Timeline June 1, 2021 – August 31, 2021	
June 2021 –August 2021	<ul style="list-style-type: none"> • Regional listening sessions are conducted by the NSBA Board of Directors. • CEO Anna Maria Chavez resigns. • Chip Slaven is selected to become interim executive director and CEO • NSBA officers and interim executive director do a presentation to the state association executive directors at the OSEAD Summer Institute in Park City, Utah. Specific action items are presented to the executive directors in that presentation and a financial report is included

NSBA Update and Action Items on Addressing the Needs of State Association Members

	<ul style="list-style-type: none"> • The leadership of OSEAD presented the recommendations of the executive directors to the officers. • The NSBA Board of Directors meets on August 14-15. The recommendations of the executive directors are discussed at the meeting and the BOD focuses on them in group discussions • The 2021 Delegate Assembly votes and passes a new NSBA mission statement. • NSBA President and interim CEO present to the entire Delegate Assembly and update the Delegates on the finances. The report included a written PowerPoint presentation which was later shared with the Delegates .
<p>September 2021-November 2021</p>	<ul style="list-style-type: none"> • Executive Directors are appointed to board committees • Plans are shared with the federation on the upcoming national search for a permanent executive director • The NSBA budget process begins with new focus on the mission of the organization. • Finance Committee begins bi-weekly meetings including a liaison from OSEAD • The NSBA BOD meets to discuss the upcoming budget process and the process for the permanent executive director's search • A request for proposals (RFP) is sent out to national search firms • Interviews are scheduled for search firms • A consultant is acquired for board training at the December 2021 BOD meeting. • Proposals for Delegate Assembly deadline is due in November. This would include the deadline for any proposals related to organization governance.
<p>December 2021-February 2021</p>	<ul style="list-style-type: none"> • BOD will hold its December meeting to approve the budget and get an update on the search committee process • Equity Symposium and Advocacy Institute will be held • There will be a joint meeting with the BOD and the state association executive directors to be held at either Annual Conference or Advocacy Institute. •
<p>March 2021-May 202</p>	<ul style="list-style-type: none"> • Annual Conference will be held • Delegate Assembly will be held and any governance proposals will be voted on by the selected Delegates. • The Board of Directors will hold the first virtual regional meetings with the state associations. • The new executive director will be announced in the spring <p>There will be one joint meeting with the BOD and the state association executive directors once a year at either Annual Conference or Advocacy Institute.</p>

Deliverables:

By the conclusion of this timeline the following actions will be completed, will be ongoing, or have already been completed:

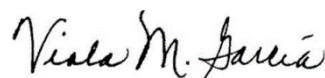
- The Board of Directors (BOD) will have focused board training and a survey of the board will be issued. (Scheduled for December 2021)
- BOD will have held the first of its virtual regional meetings with the state associations in the first quarter of 2022
- The second regional virtual meeting for 2022 will have been scheduled for late summer or early fall.
- A joint meeting with the BOD and the state association executive directors will have been held.
- The Officers of the NSBA Board will meet with OSAED during the first half of the year.
- The second meeting between officers and OSAED will be scheduled for Summer Institute or at another time.
- The Delegate Assembly will convene and any governance recommendations will be voted on by the membership.
- IN PROGRESS: A search will be conducted for a new NSBA Director of Human Resources

NSBA Update and Action Items on Addressing the Needs of State Association Members

- IN PROGRESS: An RFP will be issued for a leadership consultant to assist members of the NSBA executive team to assist in leadership training and improving the climate of the organization.
- ONGOING: Build new communications opportunities and/or resources based on recommendations from the executive directors to get vital feedback from the state associations on important issues such as finances, to provide more transparency, and improve the flow of information between the board and state associations.
- ONGOING: Board meeting agendas, minutes, and highlights will be shared through the microsite community for members.
- COMPLETED: Executive directors will be appointed to the various BOD committees.
- COMPLETED: Notice will be given to the state associations regarding the process for a new executive director
- COMPLETED: A request for proposals will be issued to national search firms to hire a new executive director
- COMPLETED: A staff survey will be sent out asking questions concerning NSBA and ways to move forward during the transition period under the leadership of the interim executive director.
- PARTIALLY COMPLETED: AND ONGOING: BOD will review the issues raised by the state association executive directors and discuss the possible courses of action. The first step of this effort occurred in August and debate will continue in subsequent months.

Additional actions and information not contained in this memorandum may be undertaken by the BOD as work continues concerning these important issues. We look forward to communicating further on these issues in the coming weeks and months.

Thank you,



Viola M. Garcia
President, NSBA



Marnie Maraldo <mmaraldo@gmail.com>

Statement to President Biden

2 messages

mmaraldo@gmail.com <mmaraldo@gmail.com>
To: "Swett, Kristi (UT)" <kristi.swett@slcschools.org>

Tue, Oct 5, 2021 at 8:06 PM

Hi Kristi,

I was wondering if the following Board policy was followed when the statement to President Biden was drafted or sent:

B-17 EXECUTIVE COMMITTEE: EMERGENCY POWERS

When it is not possible or feasible for the Board to meet, the Executive Committee shall have general authority to act for the Board on policy decisions or to make statements on public issues subject to the constraint that the decisions or statements are within the limits of and consistent with the NSBA Beliefs and Policies and Constitution and Bylaws and do not include any action reserved for the NSBA Board by the Illinois Not-for Profit Corporation Act. Such authority to act for the Board shall be taken only when the Executive Committee has declared an emergency and determined that it is not possible or feasible for the Board to meet as an assembled body, by telephone or by mail. To declare such an emergency requires the affirmative vote of all the elected officers and one of the other voting members of the Executive Committee. When the Executive Committee makes policy decisions or statements on public issues under such emergency conditions, action will be valid only when five members of the Executive Committee indicate agreement. The members of the Board shall be advised of any emergency action of the Executive Committee within 24 hours and shall confirm the Executive Committee action at the next regular meeting.

I am very concerned about the process by which the statement was made and the tone that essentially allowed the White House to direct the Attorney General to consider members of our community "domestic terrorists". I agree that we need to focus on civility, and we should be looking to our local law enforcement to protect board members and deal with threats of violence. I would have appreciated an opportunity to work with my fellow board members to give better direction on this very delicate topic.

Thanks,

Marnie

Kristi Swett <Kristi.Swett@slcschools.org>
To: "mmaraldo@gmail.com" <mmaraldo@gmail.com>

Wed, Oct 6, 2021 at 8:02 AM

Hi Marnie

I would love to talk with you about the letter when we are all together this weekend.

At the time, no, I didn't think the letter fell under an emergency situation, it certainly was not characterized that way when Chip told the officers he was writing a letter to provide information to the White House, from a request by Secretary Cordona.

In hindsight, I do think our board needs to have a discussion about a screening process for communications which go out from NSBA, that is aligned with our mission, vision and purpose statement. If we (the board) can have a productive conversation to identify guardrails, it will begin to address the communication issues which plagues NSBA.

I am glad we will be together, lets find time to strategize for the upcoming board meeting.

Thanks....

Kristi

From: mmaraldo@gmail.com <mmaraldo@gmail.com>

Sent: Tuesday, October 5, 2021 9:06 PM

To: Kristi Swett <Kristi.Swett@slcschools.org>

Subject: Statement to President Biden

[Quoted text hidden]

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National School Boards Association
1680 Duke St. FL2, Alexandria, VA 22314-3493
Phone: (703) 838.6722 • Fax: (703) 683.7590
www.nsba.org

MEMORANDUM

TO: NSBA Members
FROM: NSBA Board of Directors
DATE: October 22, 2021
RE: Message to NSBA Members

As you all know, there has been extensive media and other attention recently around our letter to President Biden regarding threats and acts of violence against school board members. We wanted to write to you directly to address this matter.

On behalf of NSBA, we regret and apologize for the letter. To be clear, the safety of school board members, other public school officials and educators, and students is our top priority, and there remains important work to be done on this issue. However, there was no justification for some of the language included in the letter. We should have had a better process in place to allow for consultation on a communication of this significance. We apologize also for the strain and stress this situation has caused you and your organizations.

As we've reiterated since the letter was sent, we deeply value not only the work of local school boards that make important contributions within our communities, but also the voices of parents, who should and must continue to be heard when it comes to decisions about their children's education, health, and safety.

We are going to do better going forward. We are engaged in a formal review of our processes and procedures. We will announce specific improvements soon to ensure there is improved coordination and consultation among our staff, our board, and our members across the country. The review will include not only the proceedings leading to the letter, but also other related concerns raised by members even before the letter was sent.

We will have more to share with you soon as our review continues. If you have any questions, please don't hesitate to contact us. Thank you.



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October 26, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Merrick B. Garland, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: NSBA's Fraud on the American People

Dear President Biden and Attorney General Garland,

One week ago in a [letter dated October 18, 2021](#), my fellow Attorneys General and I laid out the facts surrounding the massive fraud that the National School Boards Association (NSBA) has perpetrated on the American people. In a letter to the Department of Justice (DOJ) dated September 29, 2021, NSBA accused parents throughout the United States of "domestic terrorism and hate crimes" warranting the invocation of "the PATRIOT Act in regards to domestic terrorism."

Our letter objected to Attorney General Garland's [Memorandum](#) of October 4, 2021, which attacked dissent by parents during local school board meetings in an effort "to intimidate parents into giving up their constitutional rights to direct the upbringing and education of their children." We surmised that the Attorney General's Memorandum was based on the NSBA's false accusations against parents. The Attorney General confirmed as much during his House Judiciary Committee Testimony on October 21, 2021, when he said that "[w]ell, the National School Board Association, which represents thousands of school boards and school board members, says that there are these kinds of threats. When we read in the newspapers reports of threats of violence—"¹

But in deciding to target parents through its October 4 memorandum, the DOJ did not merely rely on factual allegations voluntarily supplied by private citizens. As Attorney General Garland observed in his testimony before the House Judiciary Committee, in an e-mail to the NSBA Board dated September 29, 2021, the NSBA Executive Director stated that he had been "in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the

¹ A clip of the video of this answer and Attorney General's admission under questioning by Rep. Jim Jordan may be viewed here: <https://thefederalist.com/2021/10/21/ag-merrick-garland-admits-federal-war-on-parents-sprang-from-school-boards-letter-not-evidence>.

President Biden
Attorney General Garland
October 26, 2021

incidents that have been occurring.”² In addition, Attorney General Garland admitted that the DOJ officials were involved in discussions with the NSBA and the White House over the now repudiated NSBA letter that formed the factual basis for the October 4, 2021 memorandum as noted above: “I am sure that the communication from the National Association of School Boards was discussed between the White House and the Justice Department and that’s perfectly appropriate.”

Attorney General Garland’s reliance on the NSBA letter is troubling enough, but potential collusion between the White House, the DOJ, and the NSBA in the actual creation of the September 29 letter—as a pretext for threats against parents—raises serious concerns.³ Officials with the awesome power to initiate criminal actions using the USA PATRIOT ACT abuse citizens when they solicit, as an excuse for mobilizing federal law enforcement, complaints against ordinary Americans who merely disagree with local school officials.

Now, in a development that confirms the unfounded and abusive nature of the DOJ’s October 4 memorandum, the NSBA Board of Directors, in a [“Message to NSBA Members” dated October 22, 2021](#), has repudiated the September 29 letter.⁴ The Board said, “we regret and apologize for the letter,” and admitted that “there was no justification for some of the language included in that [September 29] letter.” In addition, nearly half of NSBA’s state affiliates have repudiated the September 29 letter, with many accusing the NSBA of engaging in “partisan” activities with your administration in connection with the development of that letter.⁵ In a letter yesterday, members of congress vigorously requested the revocation of the DOJ’s October 4 memorandum.⁶

² See e.g. [“White House in contact with school board group for 'weeks' before controversial 'Patriot Act' letter: emails: NSBA's CEO said they were in talks with White House for 'several weeks' before sending letter”](#) and [White House Collaborated With School Board Group On Letter Comparing Parents To ‘Domestic Terrorists’](#).

³ It should be noted that there is a request pending for a DOJ OIG investigation over an allegation that DOJ officials were involved in the genesis and crafting of the NSBA letter. See e.g. <https://protect-us.mimecast.com/s/-jojCqxMARcVo8gPHZgAhj?domain=wordpress.aflegal.org>.

⁴ It is worth noting that that the NSBA website includes the September 29 letter to the DOJ and an October 4 statement praising the DOJ for its memo, but the October 22 repudiation letter is nowhere on its website. See <https://www.nsba.org/News>.

⁵ The current list of states includes Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, and Wyoming. <https://defendinged.org/press-releases/state-school-board-associations-responses-to-the-nsba-letter>.

⁶ “Because the NSBA letter was the basis for your memorandum and given that your memorandum has been and will continue to be read as threatening parents and chilling their protected First Amendment rights, the only responsible course of action is for you to fully and unequivocally withdraw your memorandum immediately.” See <https://republicans-judiciary.house.gov/wp-content/uploads/2021/10/2021-10-25-HJC-GOP-to-Garland-re-school-memo.pdf>.

President Biden
Attorney General Garland
October 26, 2021

With the NSBA's repudiation of its core allegations, the White House and the DOJ must in turn disavow their own involvement in this offensive episode. Accordingly, the White House and the DOJ should immediately take the following steps:

1. Revoke the October 4, 2021, memorandum and disband the task force mentioned therein;
2. Produce all communications of any federal officials or agencies to or from the NSBA (including its employees, directors, members or affiliated individuals or organizations) relating to "the proceedings leading to the [September 29] letter" as noted in the NSBA's letter of October 22, 2021, including but not limited to the following:
 - A. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the White House or White House related entities such as the Domestic Policy Council;
 - B. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Justice, including but not limited to Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, Associate Attorney General Vanita Gupta, Assistant Attorney General Kristen Clark, or their "front office staff" including but not limited to their deputies, senior advisors, and senior counsel;
 - C. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Education, including but not limited to Secretary Miguel Cardona, Deputy Secretary Cindy Marten, Acting General Counsel Emma Leheny, Assistant Secretary for the Office of Civil Rights Catherine Lhamon, or their "front office staff" including but not limited to their deputies, senior advisors, and senior counsel;
 - D. All documents, e-mails, memoranda or other materials prepared by any individual employed by or affiliated with the United States government relating to the situation described in Mr. Slavens' e-mail to the NSBA Board dated September 29, 2021, wherein he stated that the NSBA had been "in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring;"
 - E. All drafts, discussion copies, memoranda or other material exchanged with the NSBA as defined above and any federal government employees of what ended up being the September 29, 2021, letter; and,

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Attorney General Garland
October 26, 2021

- F. Notes, memoranda, internal e-mails, or other documents and materials prepared by any individual employed by or affiliated with the United States government discussing, summarizing, or memorializing any of the above referenced communications.

Please be advised that this letter serves as a request under the Freedom of Information Act for the foregoing information. FOIA notes that “[e]xcept with respect to the records made available under paragraphs (1) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.” 5 U.S.C.A. § 552(a)(3)(A). “FOIA mandates the disclosure of documents held by a federal agency unless the documents fall within one of nine enumerated exemptions.” *United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 141 S. Ct. 777, 785 (2021). Please produce all requested documents in complete and unredacted form, regardless whether to or from federal employees’ official government devices and e-mails or personal devices and e-mails.

The response to parental school board protests initiated by NSBA has been reprehensible and offensive. We look forward to your prompt response to these requests so that we may begin the process of accountability.

Sincerely,



Todd Rokita
Indiana Attorney General



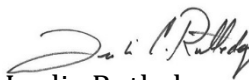
Steve Marshall
Alabama Attorney General



Mark Brnovich
Arizona Attorney General



Treg R. Taylor
Alaska Attorney General



Leslie Rutledge
Arkansas Attorney General

President Biden
Attorney General Garland
October 26, 2021




Christopher M. Carr
Georgia Attorney General



Daniel Cameron
Kentucky Attorney General



Austin Knudsen
Montana Attorney General



Alan Wilson
South Carolina Attorney General



Ken Paxton
Texas Attorney General



Derek Schmidt
Kansas Attorney General



Eric S. Schmitt
Missouri Attorney General



John M. O'Connor
Oklahoma Attorney General



Jason R. Ravensborg
South Dakota Attorney General



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October 26, 2021

Chip Slaven
Interim Executive Director
& Chief Executive Officer
National School Boards Association
1680 Duke Street, Floor 2
Alexandria, Virginia 22314-3493

Viola M. Garcia, EdD
President
Board of Directors
National School Boards Association
1680 Duke Street, Floor 2
Alexandria, Virginia 22314-3493

Re: NSBA's Fraud on the American People

Dear Mr. Slaven and Ms. Garcia,

One week ago in a [letter dated October 18, 2021](#), my fellow Attorneys General and I, in a letter to the White House and the Department of Justice, laid out the facts surrounding the massive fraud that the National School Boards Association (NSBA) has perpetrated on the American people. Our letter rebutted in detail the premise of a letter to the Department of Justice dated September 29, 2021, where NSBA accused parents throughout the United States of "domestic terrorism and hate crimes" warranting the invocation of "the PATRIOT Act in regards to domestic terrorism."

Our October 18 letter also objected to Attorney General Garland's reliance on the fraudulent claims of the September 29 NSBA letter as a basis for the Department of Justice's October 4, 2021, [Memorandum](#) creating a task force to investigate parental school board protests. In our view, that task force was "designed to intimidate parents into giving up their constitutional rights to direct the upbringing and education of their children."

We appreciate and note that the NSBA has now admitted its part in this fraud on the American people in its October 22, 2021, ["Message to NSBA Members"](#), which specifically states that "there was no justification for some of the language included in that [September 29] letter."¹ However, given the damage wrought by NSBA's lies and the federal government's reliance on those lies to target lawful protests by parents concerned with the health and safety of their children attending public schools, NSBA must do far more.

¹ It is worth noting that that the NSBA website includes the September 29 letter to the DOJ and an October 4 statement praising the DOJ for its memo, but the October 22 repudiation letter is nowhere on its website. See <https://www.nsba.org/News>.

Chip Slaven
Viola M. Garcia
October 26, 2021

According to your website the “NSBA is a federation of state associations and the U.S. territory of the Virgin Islands that represent locally elected school board officials serving approximately 51 million public school students.”² As of the date of this letter almost half of your own state associations have recognized that the September 29, 2021 letter was a lie and have repudiated that letter in the strongest language.³ For example:

- Delaware: “Disagrees, in the strongest possible terms, with parents and citizens protesting school board meetings being characterized as ‘domestic terrorists’ and their protests being likened to ‘hate crimes.’”
- Idaho: “Had we been asked, we would have readily pointed out the mischaracterization of parents and patrons in our communities as domestic terrorists who merited federal investigation.”
- Mississippi: “The terminology used in the letter was inflammatory.”
- North Carolina: “The Association does not agree with the tone or language in the letter nor the request for federal agencies to intervene in our communities.”
- Ohio: “[R]ejects the labeling of parents as domestic terrorists.”

State associations have also expressed serious concerns over the partisan nature of the letter and of the NSBA, and indeed some have disaffiliated with the NSBA as a consequence:

- Delaware: “The DSBA is an apolitical advocacy organization, and we do not engage in partisan politics. The DSBA Constitution prohibits the endorsement of political candidates.”
- Florida: “[W]e did not submit payment for 2020-2021 dues, which were due July 1, 2021. We have been clear about reassessing the value of our affiliation with NSBA due to concerns surrounding NSBA’s governance, leadership, transparency, and failure to embrace non-partisanship.”
- Kentucky: “KSBA’s leadership is currently evaluating the benefits of continued membership in NSBA.”
- Louisiana: “The LSBA has long been a member of the NSBA but has not yet paid membership dues for the 2021-2022 year.”
- Ohio: “The OSBA board of trustees will be discussing our membership and relationship with NSBA at our next meeting of our Board of Trustees in November.”

² <https://www.nsba.org/About>.

³ The current list of states includes Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, and Wyoming. <https://defendinged.org/press-releases/state-school-board-associations-responses-to-the-nsba-letter>.

Chip Slaven
Viola M. Garcia
October 26, 2021

- Pennsylvania: “On Thursday, Oct. 14, 2021, the Pennsylvania Schools Boards Association released a statement that it voted to withdraw from the National School Boards Association.”

School boards are governmental entities funded by taxpayers. The state associations and the NSBA are nonprofit entities who receive taxpayer funds from local school boards in the form of membership fees (state associations from local school boards) and dues (NSBA from state associations).⁴ It is no surprise that the associations should be appalled not only by the false statements in the September 29, 2021 letter, but NSBA’s use of taxpayer funds to engage in blatant partisan politics jeopardizing the nonprofit status of both NSBA and themselves.

Recent reporting and e-mails not only make clear that NSBA likely colluded with the Biden administration, but also suggest that Biden administration officials may have participated in the development of the September 29 letter and asked you to sign it. In your e-mail to the NSBA Board dated September 29, 2021, you specifically stated that you had been “in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring.”⁵

Indeed, Attorney General Garland [under questioning by Rep. Jim Jordan](#) admitted during his testimony before the House Judiciary Committee that the DOJ was involved in discussions with the White House concerning the content of the NSBA letter before he issued the October 4, 2021 memorandum: “I am sure that the communication from the National School Boards was discussed by the White House and the Justice Department.”

Your fraudulent letter, prepared by a nonprofit organization using taxpayer funds, drafted by or in coordination with the Biden Administration labeling parents as domestic terrorists and calling for the invocation of the Patriot Act, requires an immediate and transparent response. As your apology of October 22 itself makes clear, a full accounting of this incident must include “not only the proceedings leading to the letter but also other related concerns.”

To that end, we request that the NSBA immediately take the following steps:

1. Revoke the September 29, 2021 letter in its entirety because, as you admitted on October 22, 2021, there was “no justification for some of the language included in that letter”;

⁴ As the NSBA website notes: “Our members are state school boards associations and U.S. territory of the Virgin Islands. State school boards associations are nonprofit organizations that represent local school board members who serve on local school boards.” <https://www.nsba.org/About>.

⁵ See e.g. [“White House in contact with school board group for 'weeks' before controversial 'Patriot Act' letter: emails: NSBA's CEO said they were in talks with White House for 'several weeks' before sending letter”](#) and [White House Collaborated With School Board Group On Letter Comparing Parents To 'Domestic Terrorists'](#).

Chip Slaven
Viola M. Garcia
October 26, 2021

2. Join us in calling on President Biden and Attorney General Garland to revoke the October 4, 2021, DOJ memorandum creating a task force to investigate parents—a memorandum that was based on your admittedly false allegations.
3. Call on these same officials to cease efforts to target parents for exercising their First Amendment rights;
4. Release all complete and unredacted communications to or from federal agencies or officials (using either official or personal email accounts and devices) relating to what your October 22, 2021, “apology” letter referred to as “the proceedings leading to the [September 29] letter,” including but not limited to the following:
 - A. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the White House or White House related entities such as the Domestic Policy Council;
 - B. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Justice, including but not limited to Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, Associate Attorney General Vanita Gupta, Assistant Attorney General Kristen Clark, or their “front office staff” including but not limited to their deputies, senior advisors, and senior counsel;
 - C. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Education, including but not limited to Secretary Miguel Cardona, Deputy Secretary Cindy Marten, Acting General Counsel Emma Leheny, Assistant Secretary for the Office of Civil Rights Catherine Llhamon, or their “front office staff” including but not limited to their deputies, senior advisors, and senior counsel;
 - D. All documents, e-mails, memoranda or other materials prepared by you or received from any source that relate to or discuss your e-mail to the NSBA Board dated September 29, 2021, wherein you stated that you had been “in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring;”
 - E. All drafts, discussion copies, memoranda or other material exchanged with any federal government employees of what ended up being the September 29, 2021, letter; and,

Chip Slaven
Viola M. Garcia
October 26, 2021

- F. Notes, memoranda, internal e-mails, or other NSBA documents discussing, summarizing or memorializing any of the above referenced communications.⁶

The actions of the NSBA colluding with the White House and the Department of Justice to create a pretext for using the USA PATRIOT Act against protesting parents have been both reprehensible and offensive. Your October 22, 2021, apology letter seems to admit as much, but its half-hearted concessions are insufficient. Immediate and voluntary compliance with the foregoing requests, while not righting the wrong, would be a productive next step toward ensuring accountability to the parents and students you claim to serve.

Sincerely,



Todd Rokita
Indiana Attorney General



Steve Marshall
Alabama Attorney General



Treg R. Taylor
Alaska Attorney General



Mark Brnovich
Arizona Attorney General



Leslie Rutledge
Arkansas Attorney General



Christopher M. Carr
Georgia Attorney General



Derek Schmidt
Kansas Attorney General



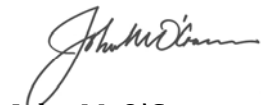
Eric S. Schmidt
Missouri Attorney General



Austin Knudsen
Montana Attorney General

⁶ To the extent applicable, please also take these requests as requests for information/public records under any applicable state or federal statutes.

Chip Slaven
Viola M. Garcia
October 26, 2021



John M. O'Connor
Oklahoma Attorney General



Alan Wilson
South Carolina Attorney General



Ken Paxton
Texas Attorney General

RICHARD J. DURBIN, ILLINOIS, CHAIR

PATRICK J. LEAHY, VERMONT
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THOM TILLIS, NORTH CAROLINA
MARSHA BLACKBURN, TENNESSEE

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

December 6, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

Are concerned parents domestic terrorists or not?

This letter follows up on our letter to you of October 7 in which we called on you to make clear to the nation's parents and educators that it is not the job of the federal government to silence those who question local school boards. In light of a disturbing new revelation about the FBI's Counterterrorism Division following your directive, we call on you to withdraw your October 4 memorandum and make abundantly clear through words and actions that no arm of the government, including the offices under your command, may be used to chill criticism of local government officials. By involving the FBI's Counterterrorism Division in this matter, that is exactly what you have done.

Recently a whistleblower at the Department of Justice provided to the U.S. House Judiciary Committee a copy of an internal DOJ email containing "A Joint Message from Criminal Investigative Division & Counterterrorism Division."¹ That email stated that the FBI's Counterterrorism and Criminal Divisions created the threat tag, "EDUOFFICIALS," to track "instances of related threats" about school administrators, school board members, teachers, and staff.² This followed your October 4 memorandum alleging a "disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools."³ In that memo, you directed the FBI and the various United States Attorneys to hold meetings with "federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days" in order to "facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff..."⁴ And as you well know by now, you issued this directive in response to a September 29 letter from the National School Boards Association (NSBA) to President Biden, which compared impassioned parents to domestic terrorists.⁵ The NSBA has since

¹ Email from Carlton Peeples, Acting Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, to FBI_SACS et al. (Oct. 20, 2021, 10:02 EDT), hereinafter and attached hereto as Exhibit 1.

² *Id.*

³ Memorandum from Attorney Gen. Merrick Garland, Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021), at <https://www.justice.gov/ag/page/file/1438986/download>.

⁴ *Id.*

⁵ Letter from Viola M. Garcia, President, and Chip Slaven, Interim Executive Director & CEO, National School Boards Association, to Joseph R. Biden, President of the United States (September 29, 2021), at <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf> (hereinafter September 29 NSBA letter).

apologized for its September 29 letter.⁶

You testified on October 27 to the Senate Committee on the Judiciary that your October 4 memorandum was only about violence and threats of violence, and you specifically said, “The Constitution protects spirited debate, and I don’t believe there’s anything in [that memorandum] that could be read to intimidate mothers and fathers.”⁷ You confirmed that parents are exercising their Constitutional rights when they speak before their local school boards and even get upset and yell what they really believe.⁸ You testified that it would be unreasonable to read your October 4 memorandum as chilling those rights.⁹

However, it should be abundantly clear to you now that no matter what your claimed intention was at the time of issuing that memo, the subsequent reaction of American parents and the public shows it has had a clear chilling effect on them. Since you issued your October 4 memorandum, all of us have received hundreds of letters and emails from our constituents who are angry and concerned about the idea that the FBI will be tracking what they say at local school board meetings. Despite your testimony to the contrary, these parents have good reason to be concerned. The attached Joint Message from the FBI’s Criminal and Counterterrorism divisions naturally leads normal, loving, and impassioned parents to wonder whether the FBI’s *Counterterrorism Division* – an eyebrow raising fact that cannot be emphasized enough – will be reviewing and storing videos of them speaking at school-board meetings. Speaking in public is a nerve-racking experience for most people. Undoubtedly many of them will now just skip it. When that happens, democracy is failing. Other parents will be even more nervous speaking their minds and will not be as clear as they would like to be when speaking. All of this is an outrageous tipping of the scales in the marketplace of ideas in favor of school officials, who just happen to be a major constituency of the political party that currently controls the White House and the Department of Justice.¹⁰ And you have now enlisted the FBI’s Counterterrorism Division as muscle in that marketplace of ideas.

No matter how you might rationalize this, the FBI’s Counterterrorism Division should never have had anything to do with school-board meetings. Congress has received multiple whistleblower reports from within the Department of Justice about the DOJ and FBI processes that have taken place since you issued your October 4 memorandum. It is not just the public and Congress that are concerned about introducing national-security tools into local-government debates. It is also dedicated, career public servants—the very same people you said in your confirmation hearing that you would listen to when leading the Department.

⁶ Letter from NSBA Board of Directors to NSBA Members (Oct. 22, 2021), at <https://www.nsba.org/-/media/letter-to-nsba-membership-oct-22-2021.pdf?la=en&hash=F1B1348E2B4071132A992687120409BF0D72C3C7> (hereinafter October 22 NSBA letter).

⁷ Department of Justice Oversight Hearing before the Senate Committee on the Judiciary (testimony of Attorney General Merrick Garland), at <https://www.c-span.org/video/?515521-1/attorney-general-garland-testifies-senate-judiciary-committee-oversight-hearing> (3:41:45).

⁸ *Id.* at 3:42:25.

⁹ *Id.* at 1:15:05.

¹⁰ See Teachers Unions, Open Secrets, at <https://www.opensecrets.org/industries/indus.php?ind=11300> (“Teachers unions have steadily amped up their political involvement: From 2004 to 2016, their donations grew from \$4.3 million to more than \$32 million -- an all-time high. Even more than most labor unions, they have little use for Republicans, giving Democrats at least 94 percent of the funds they contributed to candidates and parties since as far back as 1990, where our data begins.”)

The Hon. Merrick B. Garland
December 6, 2021
Page 3

Make no mistake about it—there are those who would be perfectly happy with the federal government, now including the FBI’s Counterterrorism Division, scaring people out of criticizing local school boards. A big part of this problem, which you either do not understand or are complicit in, is that too many people nowadays equate ideas they do not like with violence. Many are effectively taught that anything or anybody that hurts their feelings with words or ideas can be sanctioned so as to effectively make those hurt feelings go away. That is the gist of NSBA’s September 29 letter to President Biden, which neither its state school-board-association members nor its own board of directors even approved. Read it again. Read the news stories in the footnotes of that letter and notice how many of the school-board meetings that the NSBA complained about did not actually involve any sort of serious criminal activity. When taken as a whole, that letter was not concerned about actual physical violence and true threats of violence as much as it was frustrated by people harshly criticizing school boards.¹¹ It was a shameless request for the federal government to stop people from making them feel bad in school-board meetings. Its complaint about the group Turning Point USA “spreading misinformation that [school] boards are adopting critical race theory curriculum and working to maintain online learning by haphazardly attributing it to COVID-19”¹² was particularly galling in this regard. By now involving the FBI’s Counterterrorism Division in this effort, even if you personally believe that division would never cross a line into silencing criticism of local governments, you have given life to the idea that dissidents are synonymous with terrorists. This is a common tactic of third-world dictatorships, but it should never be FBI practice.

Parents and other citizens who get impassioned at school-board meetings are not domestic terrorists. You may believe that, but too many people involved in this issue seem to think harsh words can be criminalized. Getting the FBI’s Counterterrorism Division involved in the matter only makes this worse—dramatically worse. Therefore, we call on you to work with us in coming to a resolution on this matter. We need you to make clear in very simple terms that violence and true threats of violence are well-defined, discreet ideas in the law and do not include harsh tones and strong criticisms that might make local school-board officials feel disrespected or uncomfortable. There is no other way to communicate this to the American people other than by unequivocally withdrawing your October 4 memorandum.

You may contact John Schoenecker on Ranking Member Grassley’s staff at (202) 224-5225 with any questions you may have about this letter and its request.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Lindsey O. Graham
United States Senator
Committee on the Judiciary

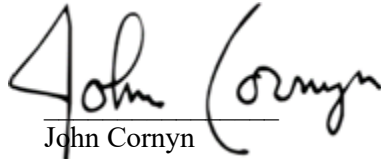
¹¹ See generally Letter from Republican Members of the Senate Committee on the Judiciary to Merrick Garland, Attorney General, U.S. Department of Justice (Oct. 7, 2021), at https://www.grassley.senate.gov/imo/media/doc/2021-10-07_sjc_to_doj_school_boards.pdf.

¹² September 29 NSBA letter at 5.

The Hon. Merrick B. Garland

December 6, 2021

Page 4



John Cornyn
United States Senator
Committee on the Judiciary



Michael S. Lee
United States Senator
Committee on the Judiciary



Ted Cruz
United States Senator
Committee on the Judiciary



Ben Sasse
United States Senator
Committee on the Judiciary



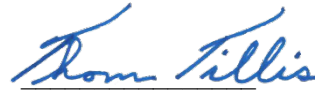
Josh Hawley
United States Senator
Committee on the Judiciary



Tom Cotton
United States Senator
Committee on the Judiciary



John Kennedy
United States Senator
Committee on the Judiciary



Thom Tillis
United States Senator
Committee on the Judiciary



Marsha Blackburn
United States Senator
Committee on the Judiciary

From: Peeples, Carlton L. (INSD) (FBI) <[REDACTED]>
Sent: Wednesday, October 20, 2021 10:02 AM
To: FBI_SACS <[REDACTED]>
Cc: Greenberg, Jay (CID) (FBI) <[REDACTED]>; Shivers, Calvin A. (CID) (FBI) <[REDACTED]>;
Cohen, Brian M. (CID) (FBI) <[REDACTED]>; Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>;
Vorndran, Kevin (CTD) (FBI) <[REDACTED]>
Subject: Guidance: Threat to violence against School Administrators --- UNCLASSIFIED

Classification: UNCLASSIFIED

=====



All,

On October 04, 2021, the Attorney General forwarded a memorandum addressing a spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff. The memorandum directed each United States Attorney, in coordination with the FBI, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of the memorandum.

We share an obligation to ensure all individuals are able to do their jobs without threats of violence or fear for their safety. This can only be accomplished with effective coordination internally between relevant Divisions and through effective coordination and engagement with our law enforcement partners and United States Attorney Offices.

As a result, the Counterterrorism and Criminal Divisions created a threat tag, EDUOFFICIALS, to track instances of related threats. We ask that your offices apply the threat tag to investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff. The purpose of the threat tag is to help scope this threat on a national level and provide an opportunity for comprehensive analysis of the threat picture for effective engagement with law enforcement partners at all levels. When evaluating potential threats, we ask that you attempt to identify the following:

- a) Is there a federal nexus?
- b) Are there potential federal violations that can be investigated and charged?
- c) What's the motivation behind the criminal activity?

EXHIBIT
1

We appreciate your attention to this matter and welcome any engagement to identify trends, strategies, and best practices to accomplish discouraging, identifying, and prosecuting those who use violence, threats of violence, and other forms of intimidation and harassment pertaining to this threat.

On behalf of,

AD Timothy R. Langan Jr.
Counterterrorism Division

AD Calvin A. Shivers
Criminal Division

Respectfully,
Carlton Peeples
A/Deputy Assistant Director
Criminal Investigative Division
[REDACTED]

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 17, 2021

Todd Rokita
5th Floor
302 West Washington Street
Indianapolis, IN 46204

Re: FOIA-2022-00380

Dear Todd Rokita:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated October 26, 2021, and received in this Office on November 18, 2021, in which you requested records concerning communications between the Department and the National School Boards Association.

The records you seek require a search in and/or consultation with another Office, and so your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2018). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

For your information, the Department has a decentralized system for processing FOIA requests and each component of the Department maintains its own records. Accordingly, FOIA requesters need to direct their requests to the Department component(s) they believe have records pertaining to the subjects of their requests. Based on the type of records that you seek, this Office has forwarded your request to the Civil Rights Division (CRT) for processing and direct response to you. Contact information for CRT may be found online at <https://www.justice.gov/oip/find-foia-contact-doj/list>.

We regret the necessity of this delay, but we assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact this Office by telephone at the above number or you may write to the Office of Information Policy, United

-2-

States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001. Lastly, you may contact our FOIA Public Liaison, Valeree Villanueva, at the telephone number listed above to discuss any aspect of your request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,
Initial Request Staff
Office of Information Policy
U.S. Department of Justice

U.S. Department of Justice

Washington, D.C. 20530

01144 G St, NW
6th Floor

Official Business
Penalty for Private Use \$300

45204952740 0045

01144 G St, NW
6th Floor
Washington, DC 20530

REGPOST FIRST-CLASS MAIL

01/14/2022

157-091783

\$000.53



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\$300 Penalty
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ZIP 20530
041M12120106

RECEIVED 01/18/2022



U.S. Department of Justice
Civil Rights Division

KK:ANF:AKL

*Freedom of Information/PA Unit -4CON
950 Pennsylvania Ave., NW
Washington, DC 20530*

Via Electronic Mail

Mr. Todd Rokita
Office of the Attorney General
IGCS-5th Floor
302 West Washington Street
Indianapolis, IN 46204
Todd.Rokita@atg.in.gov

January 5, 2022

Date Received: December 17, 2021

FOI/PA No.22-00114-F

Subject of Request: Information pertaining to the National School Boards Association

Dear Mr. Rokita:

This is to inform you that your request for records from the files of the Civil Rights Division was received by the Division's Freedom of Information/Privacy Acts (FOI/PA) Branch on the date indicated above. Your request has been assigned the FOI/PA number shown above. Please refer to this number in any future correspondence concerning this request. In connection with review of your FOI/PA request, the following paragraph(s) are applicable:

_____ In searching its file for records responsive to your request, _____
_____ located records that originated with the Civil Rights Division. These records were referred to the Civil Rights Division as the originating component for review and release determination. Upon completion of our review, the releasable document(s) will be sent directly to you.

XX As a result of the large number of Freedom of Information and Privacy Acts requests received by the Civil Rights Division, some delay may be encountered in processing your request. In an attempt to treat each requester fairly, we have adopted a policy of processing requests in the approximate order of receipt. Please be assured that your request is being handled as equitably as possible. We appreciate your patience and will provide you with a response at the earliest possible date. Please note that the Civil Rights Division utilizes multi-track processing in which processing ranges from faster tracks for requests (seeking access to documents already processed for prior requests) to much slower tracks for complex requests involving voluminous amounts of responsive documents or extensive consultation. At your option, you may wish to call the number below and limit the scope of your request to enable your request to be handled in the most expeditious manner available to fulfill your interests.

____ Since your letter did not include authorization or a certification of identity, we will close your file for now. We will re-open your request on receipt of the required authorization forms. The Privacy Act, and the Department of Justice Privacy Act regulation, 28 C.F.R. §16.41, require each person requesting records indexed or maintained under his or her name or another person's name, to furnish the Department with proof of identity/consent to disclosure. Please complete the enclosed form and return it directly to the Freedom of Information/Privacy Acts Branch, Civil Rights Division, US Department of Justice, Washington, D.C. 20530.

XX We have to consult with other offices in the Civil Rights Division to conduct a search and locate records which may be responsive to your request. Because of the need to examine a voluminous amount of records, we can respond only after consulting with the other offices. Thus, there may be some delay in the processing of your request as a result. Accordingly, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request **beyond the ten additional days provided by the statute**. The time needed to process your request will necessarily depend on the volume and complexity of the records located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately **one month**, whereas complex requests necessarily take longer. To allow us to respond more quickly to you, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing.

XX Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

If you are not satisfied with the Civil Rights Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any further questions, contact this office by calling (202) 514-4210.

Sincerely,

April N. Freeman

for

Kilian Kagle, Chief
Freedom of Information/Privacy Acts Unit
Civil Rights Division

Youngs, Corrine

From: Wise, Camilla L
Sent: Wednesday, December 1, 2021 8:09 AM
To: Youngs, Corrine
Subject: FW: 2024010920 Received Nov/30/2021 3:24:48 PM

Good morning Corrine,

Please see email below.

Not sure how to respond to this.
Please advise.

Camilla

-----Original Message-----

From: ED FOIA Manager <EDFOIAManager@ed.gov>
Sent: Tuesday, November 30, 2021 3:46 PM
To: Wise, Camilla L <Camilla.Wise@atg.in.gov>
Cc: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: RE: 2024010920 Received Nov/30/2021 3:24:48 PM

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Good Afternoon,

We received your FOIA/Privacy Act request in our office November 30, 2021. However, in order to process your request for records we require additional information. Please describe the records that you are looking for.

Please provide clarification by close of business December 7, 2021, via secured email to EDFOIAManager@ed.gov, fax to 202-401-0920 or mail to:

US Department of Education
400 Maryland Ave SW
Washington, DC 20202
Attn: FOIA Service Center

Once received, we will begin processing your request. If no response is received within the time frame provided above your request will be administratively closed.

Please feel free to call with any questions. Thank you for contacting the FOIA Service Center.

Sincerely,

FOIA Service Center
US Department of Education

Phone: 202-401-8365
Fax: 202-401-0920
Email: EDFOIAManager@ed.gov

-----Original Message-----

From: edfoiamanager@ed.gov <edfoiamanager@ed.gov>
Sent: Tuesday, November 30, 2021 3:28 PM
To: ED FOIA Manager <EDFOIAManager@ed.gov>
Subject: 2024010920 Received Nov/30/2021 3:24:48 PM

***** HP Digital Sending: Fax Archive *****

The following is an archived copy of a fax job.

Product Serial Number: MXDCLDN18Y
Product Phone Number:2024010920
Time: Nov/30/2021 3:24:48 PM
Type: Received
Line: Analog

Sender: [8 Pages] [Success]

Youngs, Corrine

From: Gunnarson, Heather <Heather.Gunnarson@ed.gov>
Sent: Friday, January 7, 2022 11:04 AM
To: Youngs, Corrine
Subject: RE: Clarification Request - FOIA 22-01131-F

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Hi Corrine –

Wonderful! Thanks for getting back to me so quickly. I figured there must have been some sort of hang-up with the email. I also sent a copy of it via our tracking database, so don't be surprised if you get a duplicate.

We will get started on your FOIA request as soon as we can. In the meantime, please let me know if you have any questions or concerns.

Best –
Heather

From: Youngs, Corrine <Corrine.Youngs@atg.in.gov>
Sent: Friday, January 7, 2022 11:00 AM
To: Gunnarson, Heather <Heather.Gunnarson@ed.gov>
Subject: RE: Clarification Request - FOIA 22-01131-F

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Heather,

I must have missed your email. Thank you for following up on this. This appears to be all correct on what we discussed last month.

Thank you,
Corrine

Corrine L. Youngs
Policy Director and Legislative Counsel
Office of Attorney General Todd Rokita
302 West Washington Street
IGCS-5th Floor
Indianapolis, Indiana 46204
Cell: 317.966.5964
Corrine.Youngs@atg.in.gov

From: Gunnarson, Heather <Heather.Gunnarson@ed.gov>
Sent: Friday, January 7, 2022 10:55 AM

To: Youngs, Corrine <Corrine.Youngs@atg.in.gov>

Subject: Clarification Request - FOIA 22-01131-F

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Corrine –

On December 22, I sent you the following email but I have not received a response. Maybe my email was caught in your spam filter? Please let me know at your earliest convenience if the email below represents what we discussed, and the clarifications/amendments you made to your FOIA request. We will get started processing your FOIA request as soon as I have received your approval. On the other hand, if I have misunderstood your clarifications or what we discussed in any way, please let me know.

Corinne –

It was a pleasure to talk to you today about your FOIA request (FOIA 22-01131-F), and to receive clarification on what you are looking for. Based on our conversation, the following is my understanding of how you've agreed to amend your FOIA request.

A. When: You agreed to limit the timeframe to records created between March 1, 2021 and December 3, 2021.

B. Who: You agreed to limit your records request to records to, from, or in the possession of the following individuals:

1. Miguel Cardona
2. Cindy Marten
3. Emma Leheny
4. Catherine Lhamon
5. Suzanne Goldberg
6. Political appointees in the Secretary's office (individuals to be identified by the Secretary's office)
7. Political appointees in the Deputy Secretary's office (individuals to be identified by the Deputy Secretary's office)

8. Monique Dixon, Jasmine Bolt and Alice Abrokwa (political appointees in ED's Office for Civil Rights)
9. Political appointees in the ED's Office of the General Counsel (individuals to be identified by OGC)
10. Career senior counsel in the Secretary's office (individuals to be identified by the Secretary's office)
11. Career senior counsel in the Deputy Secretary's office (individuals to be identified by the Deputy Secretary's office)
12. Jady Hsin, Meir Katz and Joshua Schopf (career senior counsel in ED's Office for Civil Rights)
13. Career senior counsel in the ED's Office of the General Counsel individuals to be identified by OGC)

C. What: You agree that *records* means all emails, memoranda, notes, drafts, documents and copies.

You stated that you are looking for records referring or relating to the following three documents:

1. September 29, 2021 letter from the National School Board Association (NSBA) to President Biden with the subject line: *Federal Assistance To Stop Threats And Acts Of Violence Against Public Schoolchildren, Public School Board Members, And Other Public School District Officials And Educators*
2. October 4, 2021 Memorandum from Merrick Garland with the subject line: *Partnership Among Federal, State, Local, Tribal And Territorial Law Enforcement To Address Threats Against School Administrators, Board Members, Teachers, And Staff*
3. October 22, 2021 Memorandum from the NSBA Board of Directors to MSBA Members with the subject line: *Message to NSBA Members*

You agreed that in searching for records referring or relating to those three documents, OCR should use the following search terms:

- NSBA
- "NSBA Board"
- Slaven
- "Viola Garcia"

- "Viola M. Garcia"
- "School board"
- "September 29 letter"
- "Sept 29 letter"
- "Federal assistance to stop threats"
- "Violence against public"
- "Preclusion of further threats"
- "October 4 memo"
- "Oct 4 memo"
- Garland
- "Threats against school administrators"
- "October 22 memo"
- "Oct 22 memo"
- "Message to NSBA members"

To summarize, OCR will search the records (emails, memoranda, notes, drafts, documents and copies) created between March 1, 2021 and December 3, 2021, of the individuals listed in paragraph B, using the search terms listed in paragraph C.

Please confirm that this email accurately reflects our conversation earlier today and how you agree to amend your request – or send me corrections/updates. Once I receive confirmation from you, I will forward this request to our coordinators for processing. Given the upcoming holidays, I will be out of town until Tuesday, January 4. However, I will be checking my email when I'm out, and if I can, I will respond to you before my return if necessary. My work email is heather.gunnarson@ed.gov.

Thanks for your assistance and please let me know if you have any questions.

Heather

Heather Gunnarson | FOIA Director

U.S. Department of Education, Office for Civil Rights

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