

August 25, 2022

State of Texas, Office of the Attorney General  
Attn.: Open Records Division  
P.O. Box 12548  
Austin, TX 78711-2548

*Via Online Complaint Portal and  
First Class Mail*

Subj: Open Records Complaint: Fort Worth Independent School District

To Whom It May Concern:

I am filing this complaint under Texas's Open Records Law, codified at Texas Government Code § 552.001, *et seq.*

Under Texas law, "each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees." Tex. Gov't Code § 552.001(a).

Also, "[a]n officer for public information of a governmental body shall promptly produce public information for inspection, duplication, or both on application by any person to the officer." Tex. Gov't Code § 552.221(a).

On August 8, 2022, I submitted a public records request to the Fort Worth Independent School District ("District"), seeking:

- (1) Copies of lists of required reading books assigned to students in each grade level within the District.
- (2) Copies of book lists or reading materials that teachers are recommended to choose from when assigning reading to students.
- (3) Copies of book lists and reading materials from which teachers within the District are authorized to read to students in each grade level within the District.

The complete public records request is attached hereto as Exhibit A.

The District responded on August 16, 2022, providing the following cost estimate:

"Labor (actual time to locate, compile, manipulate data, and reproduce the requested information): For one grade level it took 6.5 hours to the pull data and create spreadsheet x 13 grades @ \$15.00 per hour = \$1,267.50.  
**Estimated Total: \$1,267.50"**

The District's complete response is attached hereto as Exhibit B.

The District has overcharged for this public information because:

- (1) Texas law requires that charges be reasonable; and
- (2) For requests of 50 or fewer pages, fees are limited to the charge for each page that is photocopied.

Tex. Gov't Code § 552.261 dictates that charges must be "reasonable." "Reasonable" means "Fair, proper, or moderate under the circumstances; sensible." REASONABLE, Black's Law Dictionary (11th ed. 2019).

In this case, I requested lists of assigned books and reading materials assigned to students within the District. The records request is narrow, specific, and reasonably describes the public information sought. The requested records are also within the District's possession and should be readily available for immediate inspection. A charge of \$1,267.50 for a list of reading materials that is—or should be—readily available is not reasonable.

Section 552.261 further provides that "if a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in : (1) two or more separate buildings that are not physically connected with each other; or (2) a remote storage facility."

Further, a governmental body must follow the cost rules written by the Attorney General. Here, the District failed to do so. The "Public Information Cost Estimate Model" provided by your Office explicitly states that labor may be charged "[o]nly if (1) there are more than 50 pages of copies or (2) the information is kept in two or more separate buildings or in remote storage." Public Information Cost Estimate Model, Ken Paxton Attorney General of Texas, [https://www2.texasattorneygeneral.gov/open/cost\\_calculator.php](https://www2.texasattorneygeneral.gov/open/cost_calculator.php).

It is highly unlikely to the point of improbable that a list of required or suggested reading material—even for thirteen grade levels—surpasses 50 pages. The District's charges therefore also violate the Attorney General's cost rules.

I respectfully request that your Office investigate this matter and order the District to reduce the charges for these public records in accordance with Tex. Gov't Code § 552.261 and promptly produce them.

Should you have any questions regarding this matter, I can be contacted directly at [kristina@amlawteam.com](mailto:kristina@amlawteam.com)

Sincerely,

/s/Kristina Denapolis West  
Kristina Denapolis West

State of Texas, Office of the Attorney General  
Open Records Division  
August 25, 2022  
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cc: Joanna Talley  
[Joanna.talley@fwisd.org](mailto:Joanna.talley@fwisd.org) and  
[fwisd@mycusthelp.net](mailto:fwisd@mycusthelp.net)

August 8, 2022

Fort Worth Independent School District  
Public Information Request  
Attention: JoAnna Talley  
100 N. University Dr., Suite SW 172  
Fort Worth, TX 76107  
[joanna.talley@fwisd.org](mailto:joanna.talley@fwisd.org)

Subj: Public Records Request – Books and Reading Materials

Dear Joanna Talley:

Pursuant to Texas Government Code § 552.001 *et seq.*, I respectfully request the following public records in your custody:

- (1) Copies of lists of required reading books assigned to students in each grade level within the Fort Worth Independent School District (“District”).
- (2) Copies of book lists or reading materials that teachers are recommended to choose from when assigning reading to students.
- (3) Copies of book lists and reading materials from which teachers within the District are authorized to read to students in each grade level within the District.

Electronic production of records and information is preferable and acceptable.

I request your response as soon as possible. If responsive records cannot be produced within ten (10) business dates, please contact me with your progress and expected completion date.

Additionally, if some records are available prior to the production of other records, please provide on a rolling or continuing basis as the records are available.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$40. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of the district’s educational priorities for the children in the community.

This request is for a non-commercial purposes, and copies of records will not be used for a commercial purpose.

Should you have any questions regarding this request, please do not hesitate to contact me at [Kristina.denapolis@gmail.com](mailto:Kristina.denapolis@gmail.com)

Thank you for your prompt attention to this matter.

A

Sincerely,

/s/Kristina Denapolis West

Kristina Denapolis West

## Kristina West

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**From:** FWISD Support <fwisd@mycusthelp.net>  
**Sent:** Tuesday, August 16, 2022 2:27 PM  
**To:** kristina.denapolis@gmail.com  
**Subject:** Open Records Request :: W005636-080822

--- Please respond above this line ---



08/16/2022

Kristina Denapolis West

RE: PUBLIC RECORDS REQUEST of 8/8/2022, Reference # W005636-080822

Dear Kristina,

The Fort Worth Independent School District ("District") received a public information request from you on 8/8/2022. Your request mentioned "Pursuant to Texas Government Code § 552.001 et seq., I respectfully request the

following public records in your custody:

- (1) Copies of lists of required reading books assigned to students in each grade level within the Fort Worth Independent School District ("District").
- (2) Copies of book lists or reading materials that teachers are recommended to choose from when assigning reading to students.
- (3) Copies of book lists and reading materials from which teachers within the District are authorized to read to students in each grade level within the District."

It has been determined that the charge for the production of the records you have requested will exceed \$40.00. Therefore, the District is providing you with this cost estimate as required by Texas Government Code, section 552.2615:

Labor (actual time to locate, compile, manipulate data, and reproduce the requested information): For one grade level it took 6.5 hours to the pull data and create spreadsheet x 13 grades @ \$15.00 per hour = \$1,267.50.

**Estimated Total: \$1,267.50**

Please let me know if you will accept these estimated costs. If you do not respond to this letter within 10 business days after the date this statement is sent, your request will be deemed withdrawn under the Texas Public Information Act, Section 552.2615(b), unless you have advised the District that you will accept and will agree to pay the estimated cost, modify your request in response to the cost estimate or that you have sent a complaint to the Office of the Attorney General alleging that you have been overcharged for public information. You may choose to respond to this letter by email, fax, regular mail, or by personally delivering your written response in person at this office. Please note that no work will be undertaken until we receive your response.

Our contact information follows:

Fort Worth Independent School District

Office of Legal Services

100 N. University Drive, Ste. SW 172

Fort Worth, Texas 76107

If you agree to accept the charges, please do so in writing as detailed above. This letter details the charges for copies of the records you have requested. If you wish to view the records, which may be less costly, please contact me. If you wish to view information that has been compiled from electronic data, this may reduce costs of creating printouts or placing onto media such as a CD, but it will not reduce the personnel and overhead costs.

Please contact me and let me know how you would like to proceed.

Sincerely,

JoAnna Talley

Legal Services