



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

October 21, 2024

Via email to [REDACTED]
Christopher Spike Eickholt
Eickholt Law LLC
[REDACTED]

RE: *Public Record Matters Involving Multiple School Districts*
File No. 20241190

Dear Mr. Eickholt:

This letter is in response to your public records petition dated October 1, 2024, which we received on October 4. The petition concerns your September 5, 2024, public records request¹ mailed to the following school districts: Ralston Public School,

¹ The specific items in your request include:

1. Any documents, such as a copy, representing the information your school district provided to the Department [of Education] pursuant to the requirements of Section 79-760.05(2)(a)(1) for the reporting period of 2022-2023 school 2. Any documents, requests, information, directives, or instructions you received from the Department notifying you or explaining to you the reporting requirement described in (1) above. 3. A copy of the school district's restraint and seclusion policy and practices. 4. Any documents that reference or include any instructional or training curriculum or materials regarding restraint and seclusion. 5. Any documents that identify the number or percent of staff who have received training on restraint and seclusion. 6. Any contracts with third-party providers (such as school resource officers or Level III schools) that reference compliance with the school district's restraint and seclusion policy and/or practices. 7. Any documents from third-party providers (such as school resource officers or Level III schools) that report restraint or seclusion of a student to the school district 8. Any documents that refer to the restraint and seclusion policy of the school, such as internal memoranda or supplemental materials 9. Any documents related to complaints made to the school district concerning the restraint or seclusion of a student or students 10. Any documents containing de-identified data concerning the number of students who have been restrained or secluded. 11. Any documents identifying an administrator or designee as a coordinator or with oversight on the use of the district's restraint or

Superintendent Jason Buckingham; Atkinson (West Holt Public Schools), Superintendent Paul Pistulka; South Sioux City Public Schools; and Winnebago Public Schools. You state that these districts did not respond to your request, and have requested that we “review the matter to ensure that these public officials comply with the law.” On October 8, we forwarded your petition to the superintendents involved and requested a response. The responses we received are summarized below. We considered your petition under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022), amended 2024 Neb. Laws LB 43 and LB 1204.

Ralston Public Schools

Superintendent Buckingham represents to us that he responded to your request on October 8. The district estimated more than eight hours to comply with the request, including redacting student names from responsive documents. Mr. Buckingham indicated that the district was proceeding with gathering the information, but wanted assurance that the district would be compensated since responding to the request would likely well exceed the eight hours listed in statute.

Atkinson (West Holt Public Schools)

Superintendent Pistulka responded to your request on October 8, prior to receipt of our letter. He provided you responsive records. Mr. Pistulka represents that he never received the original request, and had no intent to ignore it.

South Sioux City Public Schools

We emailed our letter to Superintendent Rony Ortega, who immediately informed us that the district had responded to your request the previous month. We subsequently received a copy of the district’s response, dated September 10, 2024, from Director of Student Services, Becky Eckhardt.

Winnebago Public Schools

We emailed our letter to Superintendent Kamau Turner, who responded on October 10. Mr. Turner states that he received both of your letters containing the information request the previous week, and that he answered by responding to the email in the letter.

seclusion procedures. 12. Any documents identifying spaces in any school building that are used for seclusion or “alternative learning environments” where individual students who are escalated are placed.

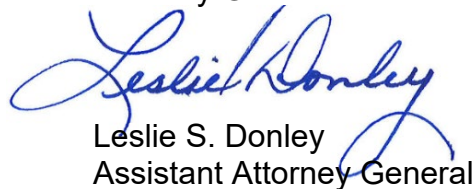
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Based on the information received, all four districts have now responded to your request. Consequently, we consider this matter resolved. However, we will take this opportunity to remind the school officials that, pursuant to Neb. Rev. Stat. § 84-712(4), responses to written public records requests must be made no later than four business days after actual receipt of the request.

If you disagree with our handling of this matter, you may wish to consider the other remedies available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Via email to:
Jason Buckingham
Paul Pistula
Dr. Rony Ortega
Kamau Turner
Justin Knight

49-3655-31