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Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

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ASSISTANT ATTORNEY GENERAL

February 17, 2026

Via email at [REDACTED]
Matthew Bower

RE: *Public Record Matter Involving Chadron Public Schools*
Our File No. 20261013

Dear Mr. Bower:

This letter is in response to your public records petition received by this office on February 2, 2026, in which you challenge the handling of your January 19, 2026, public records request by Chadron Public Schools (District). We forwarded your petition to District attorney Bobby Truhe on February 2, and discussed the matter with him later that day. We considered your petition in accordance with the provisions of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings and conclusion in this matter are set out below.

Before we begin, we note your petition and underlying documents reference an ongoing dispute you are having with the District, apparently concerning a trigonometry course taught at the District's high school. You indicate that due to the District's purported failure to conduct "any internal fact-finding or review . . . , access to these public records is necessary to evaluate whether the course operates equitably and as intended for all students." To be clear, "[t]he [NPRS] apply 'equally to all persons without regard to the purpose for which the information is sought.' As a general rule, citizens are not required to explain why they seek public information." *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 801, 943 N.W.2d 231, 247 (2020). Accordingly, your various reasons for requesting records from the District and what you intend to do with the information once received are irrelevant. Under Neb. Rev. Stat. § 84-712.03(1)(b), our review is limited to whether the District complied with the NPRS in responding to your public records request, and we do not consider matters ancillary to that issue.

RELEVANT FACTS

On January 19, 2026, you emailed a document entitled “Public Records Request” to District Superintendent Ginger Meyer. This document began with a section on “Legal and Policy Authority,” which set out, generally, information on the NPRS and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. Sections denoted “Executive Summary” and “Purpose and Scope of the Request” followed. The next section—“Itemized Records Request”—stated in part:

All student-level data may be produced using unique, consistent identifiers that are anonymized and allow records to be reliably linked across datasets. Records are listed in an order intended to facilitate production only; the order does not imply analytical sequencing or priority.

Definition of Applicable Period. For Items 1 through 51, the phrase Applicable Period means each academic semester in each academic year during which (i) Jerry Mack served as Principal of Chadron High School and (ii) Ginger Meyer served as Superintendent of Chadron School District.

Following these instructions, you listed fifty-one (51) items of requested records separated by ten “blocks,” i.e.:

- Block A—Employment, Responsibility, and Oversight (14 items)
- Block B—Curriculum Authorization and Course Design” (5 items)
- Block C—Student Population Baselines (8 items)
- Block D—Trigonometry Participation and Access (4 items)
- Block E—Post-Trigonometry Course Pathways (1 item)
- Block F—Academic Outcomes (5 items)
- Block G—Withdrawals and Failures (2 items)
- Block H—Workload and Grading Mechanics (5 items)
- Block I—Retained-Semester Trigonometry Records (6 items)
- Block J—Advising and Placement Materials (1 item)

Mr. Truhe timely responded to your request on January 23, 2026. He informed you that due to the volume and scope of your request, the District estimated the actual added cost to produce responsive records would be \$11,878.50 (\$500 for copies and \$11,378.50 for “cost of employee time”). Since the estimated costs to fulfill your request exceeded \$50, he requested a deposit in that amount prior to fulfilling your request. Mr. Truhe further informed you the District estimated that it would fulfill your request within 45 days of receipt of your deposit. Finally, Mr. Truhe advised you of the deadline in which to respond to the estimates and the opportunity to narrow or simplify the items in your request.

On January 26, you requested that Dr. Meyer waive the fee, referencing “the absence of internal review” by the District in support of your request. Mr. Truhe responded

on January 28, informing you the District has discretion whether to grant a waiver but “[g]iven the broad scope and volume of your request, which will take dozens of staff hours and inherently implicates the privacy protection of many students which must be addressed very carefully, the public interest clearly favors the district recouping the costs to fulfill it.” He further informed you the District’s options and timelines provided to you in his January 23 response remained in effect.

On January 28, you emailed Ms. Meyer requesting the hourly rate(s) used to calculate the estimate and “[t]he estimated staff hours attributed to each item requested, or to reasonable categories of items.” You further requested the District to identify its “procedure for on-site inspection and copying of the requested records during regular business hours” Mr. Truhe responded on January 30, providing you the estimated employee cost breakdown (number of hours and hourly rates after the first eight hours) for Mr. Mack and Ms. Meyer, as well as Loni Watson (school counselor) and Vic Bradley (teacher). Mr. Truhe further stated:

A couple of times, you’ve referenced “replacing” student names with “consistent anonymized identifiers.” That would constitute the creation of new records or amending existing records, which is not required by law. If records can be redacted and disclosed, they would be in the original (redacted) format without modification.

Finally, you asked about the procedure for on-site inspection and copying. If you choose to bring your own copying equipment and make your own copies of physical records, you may do so. However, the cost estimates for searching, identifying, and redacting records account for virtually all of the estimated costs. Whether you seek copies or inspection, the district must still invest substantial time in locating and compiling the responsive records in compliance with the confidentiality and other requirements.

YOUR PETITION

You have requested this office to determine whether the District’s handling of your public records request, “taken as a whole, is consistent with the purpose and requirements of the [NPRS]” We have briefly summarized the specific allegations set out in your petition below:

1. Whether the estimated fees and deposit requirement, considered together, effectively deny you access to public records.
2. Whether having “senior administrators and other highly compensated personnel” perform the search, review, etc., as opposed to lower paid staff (“clerical, technical, or custodial”), is consistent with the NPRS.

3. Whether the District's refusal to break down the estimate by item or "reasonable records category" precludes you from evaluating the fee calculation or narrowing the request.
4. Whether the District's refusal to use "consistent anonymized identifiers" constitutes creating a new record which prohibits access to student records.
5. Whether the District's on-site inspection and copying process provides a "meaningful alternative means of access"
6. Whether the delay in production and deposit demand "is consistent with the statute's requirements for timely access to public records"
7. Whether the cumulative effect of the District's responses deny you access to public records.

RELEVANT LAW

Your allegations implicate several provisions in Neb. Rev. Stat. § 84-712, beginning with the basic access rule in subsection (1):

Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

Subsection (3)(b) contains provisions regarding the actual added costs that may be assessed to a requester by the records custodian. Subsection (3)(c), applicable to Nebraska residents, authorizes a special service charge for labor expended after eight cumulative hours, i.e.:

[T]he actual added cost used as the basis for the calculation of a fee for records shall not include any charge for the existing salary or pay obligation to the public officers or employees with respect to the first eight cumulative hours of searching, identifying, physically redacting, or copying. A special service charge reflecting the calculated labor cost may be included in the fee for time required in excess of eight cumulative hours, since that large of a request may cause some delay or disruption of the other responsibilities of the custodian's office, except that the fee for records

shall not include any charge for the services of an attorney or any other person to review the requested public records seeking a legal basis to withhold the public records from the public. No special service charge or fee shall be charged for copies of blank forms or pages that have all meaningful information redacted.

Subsection (3)(f) provides that § 84-712 “shall not be construed to require a public body or custodian of a public record to produce or generate any public record in a new or different form or format modified from that of the original public record.” Subsection (3)(g) allows the records custodian to request a deposit prior to fulfilling a request if the estimated costs are more than \$50. Subsection (3)(h) provides that

[t]he custodian may waive or reduce any fee described in this section if the waiver or reduction of the fee would be in the public interest. Waiver or reduction of the fee is in the public interest if disclosure of the public record at issue is likely to contribute to the understanding of the operations or activities of government and is not primarily in the commercial interest of the person requesting such records.

Finally, subsection (4), which outlines the process for access to public records, provides in pertinent part:

Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten business days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request. If the requester does not respond to the custodian within ten business days, the custodian shall not proceed to fulfill the request.

Neb. Rev. Stat. § 84-712 (2024) (emphasis added).

DISCUSSION

We reviewed each of your allegations in accordance with the statutory provisions set out above. We also reviewed all fifty-one items in your request. For the reasons stated

below, we believe the District's responses to your requests were appropriate and within the parameters of § 84-712.

Estimate

You received an estimate of \$11,878.50 from the District, which reflected the cost of copies (§ 84-712(3)(b)) and the cost of labor (§ 84-712(3)(c)). Although not expressly required under § 84-712, Mr. Truhe provided you the hourly rate and numbers of hours for the four individuals (i.e., principal, superintendent, school counselor, teacher) who would be performing the search, etc. The fact you received no further breakdown attributed to each of the fifty-one items in your request or "reasonable categories of items" does not constitute a violation of the NPRS.

Individuals Fulfilling the Request

Public bodies have the discretion to determine who will fulfill a public records request. There is nothing in subsection (3)(c) that would require the District to assign the work to lesser-paid employees to lower the estimate. Moreover, certain items in your request specifically pertain to Mr. Mack, Ms. Meyer, Ms. Watson, and Mr. Bradley,¹ so their involvement in this process is evident.

Use of "Consistent Anonymized Identifiers"

As noted above, § 84-712(3)(f) does not require a public body "to produce or generate any public record in a new or different form or format modified from that of the original public record." We concur with Mr. Truhe that replacing student names with "consistent anonymized identifiers" would be modifying a public record from its original form. Mr. Truhe indicated that if responsive records could be disclosed, they would be produced as redacted originals. This satisfies the requirements of the NPRS, see Neb. Rev. Stat. § 84-712.06, and the additional obligations of the District to safeguard student privacy under FERPA.

¹ For example, item no. 10 states: "For each semester in the Applicable Period, records of any formal evaluations, evaluation summaries, or written performance reviews maintained by the District for Ginger Meyer, Jerry Mack, and Vic Bradley." Item no. 12 seeks:

For each semester in the Applicable Period, records identifying any written communications, notes, logs, referrals, or other records maintained by Loni Watson in her capacity as a school counselor that relate to student distress, academic difficulty, course withdrawal, schedule changes, or counseling interventions associated with Trigonometry, including communications with students, parents, teachers, or administrators, using unique and consistent anonymized student identifiers where applicable.

On-site Inspection and Copying

The District advises that it will allow you to make copies on-site but will still charge you for “searching, identifying and redacting records” due to the investment of “substantial time in locating and compiling the responsive records in compliance with the confidentiality and other requirements.” Having reviewed the fifty-one items in your request, we can safely assume there is no box or file cabinet containing responsive records waiting to be inspected. Rather, the records you requested will have to be located and redacted—activities that may be assessed a cost under § 84-712(3)(c). Consequently, while you may have the opportunity to inspect the records or make your own copies, we believe the District may charge you for “searching, identifying, [and] physically redacting” records to fulfill your request.

Propriety of Delay

As noted in the emphasized language in § 84-712(4), when a delay is necessary “due to the significant difficulty or the extensiveness of the request,” the explanation of delay must include the earliest practicable date for fulfilling the records request. Here, that date was forty-five days from receipt of the deposit. The legislative history of the delay provision² makes it clear that the custodian of the records may take whatever time is needed under the circumstances to fulfill the request, taking into account available resources, e.g., personnel, facilities, equipment. Public bodies are not required to abandon all other duties to respond to a public records request. In addition, according to Mr. Truhe, your request comes at one of the busiest parts of the school year. The District followed the statutory process and provided you a reasonable date in which to fulfill an extensive and voluminous request.

The Cumulative Effect of the District’s Responses Did Not Impinge on Any Rights Granted Under the NPRS

As discussed above, we find nothing in the District’s responses contrary to the requirements in the NPRS. You were provided an estimate of costs. Mr. Truhe provided you a breakdown of those costs upon request. Mr. Truhe informed you of the earliest practicable date in which to fulfill your request, the statutory deadline to respond, and the opportunity to narrow or simplify the items in your request. The waiver of fees is discretionary and the District elected not to do so. There is no statutory requirement to modify records as requested, and the District informed you it would produce redacted records if disclosable consistent with the NPRS.

Your assertion that “the cumulative effect of the District’s responses operate[d] to discourage or impede practical access to records that are otherwise subject to disclosure”

² See Floor Debate on LB 628, 96th Neb. Leg., 2nd Sess. 11212-11214 (March 22, 2000) (Statements of Sens. Bruning and Brashear).

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February 17, 2026
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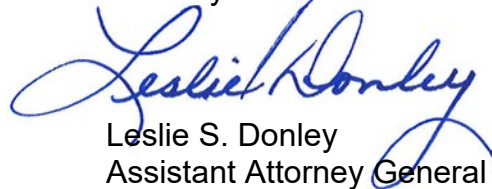
ignores the clear statutory authority which allows the District to charge you to produce public records and delay fulfillment to a later date. Also, keep in mind that Section 84-712 imposes legal obligations on individuals who request public records. In our view, the District fully complied with its requirements in the NPRS in handling your request and your rights to access public records guaranteed under § 84-712 have not been violated as a result of this process.

CONCLUSION

Since we have identified no violations of the NPRS with respect to this matter, no further action by this office is necessary and we are closing this file. If you disagree with our analysis, you may wish to discuss this matter with your private attorney to determine what, if any, additional remedies might be available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Bobby Truhe (via email only)

49-4079-31