

PETITION EXHIBIT C

From: Ken Blackstone <ken.blackstone@doe.virginia.gov>
Sent: 2/7/2022 6:03:00 PM
To: bpaviour@vpm.org
Cc: "FOIA, rr" <foia@doe.virginia.gov>, "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Subject: Re: FOIA request - CRT emails

Hello Mr. Paviour,

Thanks for your follow-up request. We did consult with counsel and the VDOE's decision to withhold the attachment still stands. That document has been classified as a Governor's Confidential Working Paper pursuant to Section 2.2-3705.7(2) of the Code of Virginia.

Sincerely,

Ken
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KEN BLACKSTONE, APR
EXECUTIVE DIRECTOR
OFFICE OF COMMUNICATION & CONSTITUENT SERVICES
VIRGINIA DEPARTMENT OF EDUCATION
o: 804.225.2543 | ken.blackstone@doe.virginia.gov

----- Forwarded message -----

From: Ben Paviour <bpaviour@vpm.org>
Date: Wed, Feb 2, 2022 at 12:17 PM
Subject: Re: FOIA request - CRT emails
To: FOIA, rr <foia@doe.virginia.gov>
Cc: Charles Pyle <charles.pyle@doe.virginia.gov>

Hi Rebecca,

Thanks for getting back to me. I would challenge your citation of the working paper exemption. There have been several FOI Advisory Council Opinions relating to documents that leave the Executive Branch. The EA_Instructions document that was withheld is no longer in the Executive Branch because it was sent to DOE officials.

I would point you toward this 2016 [advisory](#), for example: "In summary, it appears that while the list may have been a Governor's working paper when it was first created, it would no longer be a working paper after being disseminated to the Department for the Department's use."

Please turn over the document since it clearly does not fit the criteria you're citing under state law.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.262.9472

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From: FOIA, rr <foia@doe.virginia.gov>
Sent: Tuesday, February 1, 2022 9:18 AM
To: Ben Paviour <bpaviour@vpm.org>
Cc: Charles Pyle <charles.pyle@doe.virginia.gov>
Subject: Re: FOIA request - CRT emails

You don't often get email from foia@doe.virginia.gov. [Learn why this is important](#)

Good morning, Mr. Paviour:

This email is in response to your FOIA request. All responsive records are attached.

Please be advised that some records were withheld pursuant to Section 2.2-3705.7(2) related to the Governor's Confidential Working Papers. There is no cost associated with this request.

Sincerely,
Rebecca S. Askew
FOIA Officer

On Tue, Jan 25, 2022 at 5:12 PM FOIA, rr <foia@doe.virginia.gov> wrote:
Good afternoon, Mr. Paviour

This email is in response to your FOIA request. We anticipate that it will not be practically possible to provide the requested records within the five-work-day period allowed by FOIA due to an issue with our technology; therefore we are invoking the additional seven working days allowed by Section 2.2-3704 B.4 of the Virginia FOIA.

Sincerely,
Rebecca S. Askew

On Tue, Jan 18, 2022 at 6:16 PM FOIA, rr <foia@doe.virginia.gov> wrote:
Good evening,

The VDOE is in receipt of your FOIA request and is in the process of processing it.

In your FOIA request, you indicated that you were seeking records "from 1/13/22 to the date this request is fulfilled." Under the Virginia Freedom of Information Act, you may request records up to the present date, not a future date. Therefore, the VDOE will search for records up to close of business 1/18/22, the date that we received your request.

Also, please be advised that both Jillian Balow or Elizabeth Schultz were sworn in on Saturday, January 15, 2022, chances are their Virginia Department of Education email accounts were activated on that day.

I will notify you in advance if there is a cost associated with this request. In the meantime, please let me know if you have any questions.

Sincerely,
Rebecca S. Askew
FOIA Officer

On Tue, Jan 18, 2022 at 2:42 PM Ben Paviour <bpaviour@vpm.org> wrote:
Hi Rebecca,

I'd like to request the following records:

1. Copies of any emails in the accounts of both Jillian Balow or Elizabeth Schultz containing the phrase "Critical Race Theory" or "divisive concepts" from 1/13/22 to the date this request is fulfilled.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

That said, please let me know if there will be any costs associated with this request or if you have any questions.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.282.9472

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Email Header:

MIME-Version: 1.0
Date: Mon, 7 Feb 2022 18:03:00 -0500
Message-ID: <CAKoG1fY8We5_vc-jS6B--NN7+fQGGN7ADvXuXLXNsMn6Y_gmVg@mail.gmail.com>
Content-Type: multipart/alternative;
boundary="-----030200090901050309060707"
X-Priority: Normal
From 1724147283109202965-591c5b0d-8fb2-44ab-9cb8-5adba2d0b4d1.mbox@xxx Mon Feb 07 11: 03:00 2022
References: <MN2PR13MB400573751E40A344FB3D53EEC1589@MN2PR13MB4005.namprd13.prod.outlook.com> <CANDqfW2FN3G6qzRWU-dccWGESZjBNT5j3sooECYNYXEYG282Ew@mail.gmail.com> <CANDqfW2m_MFbW-6TY-AYXCbQSF-JAgnqs82Mm-Kp4MS12P3aLw@mail.gmail.c
In-Reply-To: <CANDqfW1jQWLCKKd5qbWdhaM5YFPA-a+3_dOkvhd2Hx9vWrMJptw@mail.gmail.com>
CC: "FOIA, rt" <foia@doe.virginia.gov>,
"Pyle, Charles" <charles.pyle@doe.virginia.gov>
To: bpavliour@vpm.org
From: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
CKX-Bounce-Address: ken.blackstone@doe.virginia.gov
Subject: Re: FOIA request - CRT emails