



February 27, 2026

## Via Online Portal

Flagstaff Unified School District #1  
3285 E Sparrow Avenue  
Flagstaff, AZ 86004

### Public Records Request: FUSD's Handling of the 1/28/2026 Anti-ICE Protest

Dear Flagstaff Unified School District #1 ("FUSD"):

America First Legal Foundation ("AFL") is a national, nonprofit organization. AFL works to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans. In furtherance of this mission, AFL regularly submits Freedom of Information Act ("FOIA") requests and other public records requests on matters of significant public concern.<sup>1</sup> AFL then analyzes and disseminates the obtained information to the public, scholars, and media through traditional media (*i.e.*, press releases) and social media platforms, transforming raw documents into accessible, editorialized content, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.<sup>2</sup>

#### I. Background

Americans have a fundamental liberty interest in, and the Constitutional right to control and direct, the education of their own children.<sup>3</sup> Accordingly, parents are pushing back against the anti-ICE protests that have been running rampant in

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<sup>1</sup> See, e.g., *Major Victory — America First Legal Uncovers Documents Conclusively Proving the Infamous Garland Memo was Politically Orchestrated and Coordinated with the Biden White House*, AM. FIRST LEGAL (July 18, 2025), <https://perma.cc/EY6K-3VH2>; *Exclusive — New Docs from Deep State Committee Reveal How January 6 and the Raid at Mar-a-Lago Emboldened DHS to Expand Monitoring of Americans*, AM. FIRST LEGAL (June 24, 2024), <https://perma.cc/9G8M-E3SC>; *America First Legal Uncovers Documents Exposing Senior Biden-Harris DOJ Official's Key Role in Coverup of Biden Classified Documents Scandal Before Joining Jack Smith's Office to Prosecute President Trump*, AM. FIRST LEGAL (Oct. 29, 2024), <https://perma.cc/XM52-YP4B>.

<sup>2</sup> See, e.g., *Biden-Era "Environmental Justice" Regulation Fast-Tracking FOIA Requests*, AM. FIRST LEGAL, <https://perma.cc/7D36-KMAF>; *DHS Processing of AFL FOIA Requests*, AM. FIRST LEGAL, <https://perma.cc/RW99-S7JY>.

<sup>3</sup> *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (O'Connor, J.); *Pierce v. Society of Sisters*, 268 U.S. 510, 534 – 35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

schools. These protests are being portrayed by left-wing activists as student-driven,<sup>4</sup> though there is little evidence of how these events are actually being organized behind the scenes.

On January 28, 2026, an estimated 700 to 800 FUSD students were permitted by FUSD employees to leave school property and attend an anti-ICE protest.<sup>5</sup> The students attend Coconino High School, Flagstaff High School, Mount Elden Middle School, and Sinagua Middle School.<sup>6</sup> School employees walked the students approximately 1.25 miles, crossing busy intersections, to Flagstaff City Hall, where they lined up along the sidewalk, holding signs with anti-ICE messaging.<sup>7</sup> The next day, FUSD stated that, “[a]ttendance was taken during each class period [during the anti-ICE protest], and standard attendance procedures were applied if a student was not present in class.”<sup>8</sup> The school district, however, provided no information regarding when it first learned of the impending protest, how it formulated its response plan, or what consequences students faced for leaving class and school grounds without permission.

The evidence suggests that the anti-ICE protest was organized beforehand, and FUSD had time to prepare an organized response. FUSD’s response, however, left many questions unanswered. FUSD neither requested parental consent nor notified parents that children were leaving school grounds to attend the protest.

Jason Lyons, a parent of a child currently enrolled in a FUSD school, is represented by AFL. Therefore, AFL hereby requests the following records.

## II. Special Definitions

“Anti-ICE protest” means the January 28, 2026, event in which students from various schools in the FUSD left school property and walked to Flagstaff City Hall to protest ICE.

“Communications” means records reflecting communications covered by the relevant statutes listed below in all possible formats or media, including on official and personal devices of the relevant custodians, and includes, but is not limited to, communications via text message, text messaging app (such as, but not limited to,

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<sup>4</sup> Peter D’Abrosca, *Viral video shows anti-ICE school walkout teens invading Kroger, hurling objects: ‘Ought to be prosecuted’*, FOX NEWS (Feb. 20, 2026), <https://perma.cc/R9YM-SJZB>.

<sup>5</sup> Ryan Heinsius, *Flagstaff students hold mass campus walkout to protest ICE*, KNAU NEWS AND TALK - ARIZONA PUBLIC RADIO (Jan. 29, 2026), <https://perma.cc/Z69M-NHE6>.

<sup>6</sup> *Id.*; see also Jesselle Ortegon, *Flagstaff High School students lead anti-ICE protest in solidarity of the community*, ARIZONA DAILY SUN (Feb. 1, 2026), <https://perma.cc/E57S-AC47>.

<sup>7</sup> Ryan Heinsius, *Flagstaff students hold mass campus walkout to protest ICE*, KNAU NEWS AND TALK - ARIZONA PUBLIC RADIO (Jan. 29, 2026), <https://perma.cc/Z69M-NHE6>.

<sup>8</sup> *Id.*

Telegram, Signal, and WhatsApp), emails, automated phone calls, and messages sent using school systems, including, but not limited to, ParentSquare.

“FUSD” means the Flagstaff Unified School District #1 and its components, including SMS.

“ICE” means the U.S. Immigration and Customs Enforcement.

“SMS” means the Sinagua Middle School.

### **III. Custodians**

Relevant custodians include:

1. FUSD Governing Board:
  - a. Erik Sather, President
  - b. Kortney Zesiger, Member
  - c. Carolyn Kidd, Member
  - d. Melissa Kirk, Member
  - e. Aaron Cirzan, Clerk
2. FUSD Administration:
  - a. Michael Pena, Superintendent
  - b. Jaime Festa-Daigle, Assistant Superintendent
  - c. Justin Nabors, Director of Operations
  - d. Ginger Stevens, Director of Finance
3. FUSD employees:
  - a. Cherise Hovis, Director of Student Support Services
  - b. Madison Pompeo, Director of Communications and Public Relations
  - c. Dawn Lacivita, Administrative Assistant
  - d. Eli Bergstein, Sports Referee
4. SMS staff, including, but not limited to:
  - a. Christopher Koenker, Principal
  - b. Audra Gibson, Assistant Principal
  - c. Brandon Helton, Assistant Principal
  - d. Tracy Barber, Athletic Director
  - e. Viviana Alanis Lafarga, Counselor
  - f. Robinson Arita, Counselor
  - g. Larry Marek, Teacher
  - h. Juanita Benally
  - i. Leanne Bennett
  - j. Elyse Moreno
5. Flagstaff High School staff, including, but not limited to:
  - a. Libby Miller, Principal
6. Coconino High School staff, including, but not limited to:

- a. Tadd Ragan, Principal
  - b. Ninon Wilson, Assistant Principal
  - c. Jonathan Corbus, Assistant Principal
  - d. Kyle Hofmann, Assistant Principal
  - e. Sarah Calahan, Administrative Assistant & Office Coordinator
  - f. Dianne Gutierrez, Receptionist
  - g. Donna Lightbody, Attendance Secretary
  - h. Tiffany Samano, Counseling Secretary
7. Mount Elden Middle School staff, including, but not limited to:
- a. Tammy Nelson, Principal
  - b. Lawrence Watson, Assistant Principal
8. All FUSD, SMS, Flagstaff High School, Coconino High School, and Mount Elden Middle School employees who attended the anti-ICE protest with students.

#### **IV. Requested Records**

Pursuant to the Arizona Parents' Bill of Rights, A.R.S. §§ 1-601, 1-602; Arizona's Public Records Law, A.R.S. §§ 39-121 to 39-128; the Federal Protection of Pupil Rights Amendment, 20 U.S.C. § 1232h, 34 CFR Part 98; the Federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, 34 CFR Part 99; and A.R.S. §§ 15-141, 15-143, AFL requests the following categories of records:

- A) All records and communications relating to or pertaining to the anti-ICE protest.
- B) All records reflecting employees of FUSD who organized or participated in the anti-ICE protest.
- C) All records of communications and other documents created by or in possession of FUSD and its employees of FUSD being placed on notice of the anti-ICE protest.
- D) All records reflecting or pertaining to FUSD's and any of its employees' preparations for the anti-ICE protest.
- E) All records reflecting or pertaining to FUSD's response to the anti-ICE protest.
- F) All records reflecting any of FUSD's and any of its employees' responses to criticisms and commentary regarding the anti-ICE protest.
- G) All records of communications between FUSD employees discussing the anti-ICE protest.

- H) All records of communications between FUSD employees with non-employees of FUSD discussing the anti-ICE protest.
- I) All records reflecting or pertaining to social media posts advocating for and advertising the anti-ICE protest.
- J) All records reflecting or pertaining to the flyer titled “Walk Out Against ICE.”
- K) All records reflecting SMS staff members’ communications with students regarding participation in the anti-ICE protest.
- L) All records reflecting communications pertaining to the decision to lead students onto the SMS football field and thereafter permit students to leave school grounds.
- M) All records reflecting which SMS staff members were instructed to, volunteered to, or otherwise did supervise the students on the football field.
- N) All records reflecting or pertaining to how students and staff members who left school property during the anti-ICE protest were later processed back onto school property the same day.
- O) All records reflecting policies relating to students leaving school grounds.
- P) All communications reflecting or pertaining to parental permissions and consent for students to leave school grounds.
- Q) All records reflecting communications made via ParentSquare concerning the anti-ICE protest.
- R) All records reflecting communications made to parents concerning the anti-ICE protest.
- S) All records reflecting how many students left school property during the anti-ICE protest and how many returned to school property later that day.
- T) All records reflecting communications provided to school counselors or circulated by school counselors regarding the anti-ICE protest.

The timeframe for these requests is from August 1, 2025, to the date this request is processed.

## V. Processing and Production

The requested documents will be made broadly available to the general public, and this request is being made for non-commercial purposes, as that phrase is defined in Arizona public records laws. Reasonable, statutorily entitled reproduction costs will be paid; however, if the costs are expected to exceed \$100, please provide advance notification.

Failure to furnish copies of public records “promptly”, “quick[ly]”, and “without delay” is considered a denial of access. *See, e.g., Phoenix New Times, L.L.C. v. Arpaio*, 177 P.3d 275, 280 (Ct. App. 2008); *see also W. Valley View, Inc. v. Maricopa Cnty. Sheriff's Off.*, 165 P.3d 203, 208 (Ct. App. 2007). Promptness is determined “within the context of the particular facts and circumstances surrounding each request.” *McKee v. Peoria Unified Sch. Dist.*, 338 P.3d 994, 998 (Ct. App. 2014).

Please provide the requested materials electronically via email to FOIA@aflegal.org on a rolling basis as they become available, and, where possible, in their original format. If there are documents that are not conducive to electronic production, please notify me so I can make arrangements for delivery. If any documents are withheld, please furnish an index of records or categories of records that have been withheld and the reasons for withholding.

If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ James Rogers

James Rogers

Senior Counsel

Arizona Bar No. 027287

America First Legal Foundation