



UPPER MIDWEST LAW CENTER

Protecting Student and Parent Rights Toolkit

Under [Chapter 13](#) of Minnesota Statutes, the Minnesota Government Data Practices Act gives everyone the right to inspect and obtain copies of public data. Public data include all the data a school district keeps unless there is a state or federal law (including parts of Chapter 13) that classifies the data in some other way.

Requests for public data can include emails, letters, messages, literature and curriculum materials, school policies, and other media or communication from or through political/advocacy groups, to name a few.

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The Basics:

1. Data Requests must comply with certain parameters:

- a. Requests must be in writing.
 - i. If the school district has a form, you can complete it and attach your own letter, if that's convenient for you. You can also use their form itself, if that works for you. We have provided an example of one of our data request letters below.
- b. Requests must state that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13.
 - i. A request may be anonymous or may identify the requester. If you send a data request as an anonymous person, you should take steps to make sure your email address or mailing address, etc., does not give away your identity.
- c. Requests must state whether you would like to look at the data, get copies of the data, or both.
- d. Requests must include a clear description of the data you would like to inspect or have copied.
 - i. A request must specifically ask for data. It should not ask questions about why policies exist or whether CRT is being taught, etc.
- e. Requests must be addressed to the "responsible authority" or "designee" appointed to receive and process data requests.
 - i. Most school districts have a district policy (commonly Policy 722), that contains information about how to submit a data request. That policy will include the email address to whom your data request should be submitted, known as the "Responsible Authority" or "Designee." If you cannot find this information, a school district's responsible authority is commonly its superintendent, and data requests can always be sent to this person. However, if there is a "Data Practices Designee" listed in the policy, your request should be sent to that person. For more information, see [Minnesota Statute 13.03](#).

2. You have a right to "inspect" public data free of charge.

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- a. This means traveling to the school district to look at the data in person.
- b. You may take pictures of data, and you may decide to obtain copies from the district after inspection, but copies are subject to the cost provisions described below.
- c. Inspection of data that is stored in electronic form includes remote access to that data, such as when the school district shares data through an email attachment or by uploading it to a cloud drive.

3. You have a right to obtain copies of public data at a cost.

- a. If the documents responsive to a request are fewer than 100 pages, the cost will be \$0.25 per black-and-white page.
- b. If there are more than 100 pages of responsive documents, the school district may only charge for “the actual costs of searching for and retrieving...data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data or the data.”
- c. This does not allow a school district to charge for the cost of “separating public from not public data.” This category of cost is usually the large majority of time school districts claim is devoted to responding to requests.
- d. The school district may charge a reasonable fee for remote access.

4. A school district is allowed a “reasonable” time to respond to data requests.

- a. Opinions of the Commissioner of Administration indicate to us that most requests should be fulfilled within 13 to 35 days if the school districts have policies that prepare themselves for the responsibility of being accountable to their constituents.
- b. However, school districts have frequently abused this standard by claiming that they will take months to respond to a request, so if you run across such abuse, you should consult an attorney.

5. School districts must produce public data, but they must also redact or withhold certain data protected by law.

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- a. Data on students, such as “educational data,” and some “personnel data” are common examples of withheld data.
- b. However, school districts sometimes abuse these provisions and withhold data that should be public. If you believe data is being inappropriately withheld, you should consult an attorney.

Other things to consider when making your request:

1. The Minnesota Professional Educator Licensing and Standards Board (PELSB) requires, as part of teacher licensing, instruction to teachers on concepts including “[institutional and personal racism and sexism](#).” The PELSB is also working to adopt a rule that would require “[Racial Consciousness and Reflection](#)” as a “standard of effective practice.”

- a. The PELSB, as opposed to your school district, may therefore be the best source of information on teacher trainings if you are concerned about what teachers are being forced to learn to keep their licenses.
- b. Your school district may still have information related to how these standards are implemented on teachers through continuing education requirements.

2. Determine the specific terminology your District is using to advance critical race theory or non-binary gender ideology.

- a. Districts “consult” with different “equity consultants” related to implementing practices or instructional methods, and these consultants use different terms related to CRT.
- b. You should research your district online first to determine the language your district uses to impose CRT ideologies on students and teachers. You may be able to find examples of that in your district’s “equity policy” or via links to the equity consultant’s website and training materials.

3. Determine the categories of data you want to request.

- a. You can ask for data in whatever manner you want. For example, you can ask for categories of data, or you can ask for a district to perform a “keyword” search through its computer systems for data containing certain words.
- b. We do not express any opinion on which method is better, as each has its own merits.

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- c. One advantage to keyword searches is that they do not allow for subjective determinations by the school district along the lines of “we do not teach critical race theory.” These statements may, at times, be technically true, in that the district may not be teaching college-level courses in CRT itself. If so, they are also relatively meaningless. These statements appear to intentionally fail to address whether students are being instructed that the United States or Minnesota is a racist government with a racist system of laws, etc., and that certain students are victims or oppressors based purely on the color of their skin. These are components of CRT that many parents understand are a problem.
- d. While keyword searches may avoid that pitfall, they also tend to sweep in irrelevant data such as emails from the New York Times and Washington Post to individual teachers who have signed up for mailing lists with their school emails. Thus, looking through the data in keyword searches can be more time-consuming.

4. Be prepared to follow through.

- a. You should consider your position as a taxpayer of the school district and that requests inherently add costs to the district. Do not make requests unless you are prepared to go forward with the inspection of the data, which will take hours of your time and be frustrating at times.
- b. Seek out support from like-minded people in your community and like-minded, pro-transparency organizations which may be able to help you process data.
- c. UMLC is here to help with specific legal questions, but UMLC cannot help in processing data obtained from school districts. You should reach out to other organizations, like Center of the American Experiment or FAIR, to help you with processing data.

We hope this Toolkit is helpful to you. We are available to answer specific legal questions related to your requests and issues you run into with school districts. We have provided our sample data request letter below to give you information as to how these letters might look, but do not rely on the sample letter below for your unique request. Reach out to an attorney if you need help crafting your specific request. Here at UMLC, we do what we can to help as many parents as possible, but we cannot help every individual who asks for our services.

[Sample data request letter](#)

[Primer on Critical Race Theory](#)

[Manhattan Institute Woke Schooling Toolkit](#)

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