

Matt Ehling, President
Public Record Media
2375 University Ave West
Suite 200
Saint Paul, MN 55114



September 2, 2014

Commissioner Brenda Cassellius
Data Practices Responsible Authority
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113

Dear Commissioner,

On June 19, 2014 I submitted a request for access to government data under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) on behalf of Public Record Media, a Minnesota nonprofit organization. Through that request, I sought to inspect and/or copy various public data, the details of which are referenced in the copy of the original request enclosed along with this correspondence.

As of the date of this writing, I have not received a reply from your agency regarding the status of this request.

Statutory requirement to respond

As you are aware, section 13.03, subd. 3(a) of the Minnesota Statutes states that,

“Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places.”

Furthermore, section 13.03, subd. 2(a) requires that when an individual requests public data of which he or she is not the subject, government entities are required to respond in a prompt and reasonable manner.

Minnesota Statutes, section 13.072, subd. 1(b) states that in the event of a dispute over the implementation of provisions of Chapter 13, the Commission of Administration is empowered to provide advisory opinions in order to help mediate such disputes. These opinions are not binding, but they are frequently given deference by government entities.

During the history of this advisory process, the Commissioner has heard many disputes over the duration of response times as they relate to requests made under the Minnesota Government Data Practices Act (MGDPA). When viewed in total, the Commissioner’s

opinions strongly indicate that a period of over nine weeks without a formal response may not be considered "reasonable" for the purposes of MGDPA compliance.

For instance, in IPAD Advisory Opinion 06-014, the Commissioner determined that the failure of the Minnesota Department of Corrections to respond to a request after a seven week period constituted a violation of Chapter 13. Thus, a nine week period without a response would constitute a similar violation.

Offer to assist

Given the amount of elapsed time since I first made my request, I am interested in inspecting and/or copying data as soon as practical. Furthermore, I am willing to assist in clarifying the scope or scale of the requested data in order to facilitate the production of such data for the purposes of inspection and/or copying.

As my request is comprised of several distinct parts, I am willing to inspect documents responsive to each part discreetly, so as to speed up the process of document production.

Please feel free to contact me with any questions or clarifications regarding the scope of this request. I can be reached at 651-556-1381, or at info@publicrecordmedia.com.

Sincerely,



Matt Ehling
President, Public Record Media

cc: Charlene Briner
Chief of Staff and Communications Director
1500 Highway 36 West
Roseville, MN 55113

Kathryn Olson
1500 Highway 36 West
Roseville, MN 55113

Matt Ehling, President
Public Record Media
2375 University Ave West
Suite 200
Saint Paul, MN 55114



June 19, 2014

Data Practices Responsible Authority
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113

Dear Responsible Authority,

I am requesting access to government data under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13). Through this request, I am seeking to inspect and/or copy public data created, produced, received, transmitted, and/or maintained by the Commissioner of the Minnesota Department of Education (MDE) that involves correspondence between the Commissioner of MDE and any assistant commissioners of MDE, as well as personnel of any agency of the federal government, from January 1, 2013 to June 19, 2014 regarding the following:

- 1a. The types of Minnesota student data shared with agencies of the federal government and/or private contractors as part of Minnesota's participation in elements of the "Common Core" curriculum program;
- 1b. The types of Minnesota student data shared with agencies of the federal government as part of Minnesota's receipt of federal grant monies;
- 1c. The uses to which agencies of the federal government and/or private contractors put - or intend to put - Minnesota student data collected through Minnesota's participation in the above listed programs or activities.

I am also seeking to inspect and/or copy public data produced and/or maintained by the Commissioner of the Minnesota Department of Education (MDE) and any assistant commissioners of MDE from January 1, 2013 to June 19, 2014 that is inclusive of the following:

- 2a. Any and all data that document the types of Minnesota student data shared with

agencies of the federal government and/or private contractors as part of Minnesota's participation in elements of the "Common Core" curriculum program;

2b. Any and all data that document the types of Minnesota student data shared with agencies of the federal government as part of Minnesota's receipt of federal grant monies;

2c. Any and all data that document the uses to which agencies of the federal government and/or private contractors put - or intend to put - Minnesota student data collected through Minnesota's participation in the above listed programs or activities.

I am also seeking to inspect and/or copy public data created, produced, received, transmitted, and/or maintained by the Commissioner of the Minnesota Department of Education (MDE) and any assistant commissioners of MDE from January 1, 2013 to June 19, 2014 that is inclusive of the following:

3a. Plans, proposals, and/or memoranda that would describe the current participation of the state of Minnesota and/or Minnesota educational institutions in the "Common Core" curriculum program.

3b. Plans, proposals, and/or memoranda that would describe any future participation of the state of Minnesota and/or Minnesota educational institutions in the "Common Core" curriculum program.

If responsive data are found, I would first like the opportunity to inspect such data, prior to identifying specific sub-sets of data to copy.

Please consider this letter a formal request for the indefinite retention of the requested data, pending the resolution of its status.

As required by section 13.03, Subd. 3(f) of the Minnesota Statutes, I am requesting that in the event that any portion of my request is not granted, you certify in writing that the request has been denied, and cite the specific statutory section, temporary classification, or other provision of law upon which the denial was based.

This request is made as part of news gathering, and is not for commercial use.

Please feel free to contact me with any questions or clarifications regarding the scope of this request. I can be reached at 651-335-2037, or info@publicrecordmedia.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'ME', with a long horizontal flourish extending to the right.

Matt Ehling
President, Public Record Media