



## Good-Faith Opportunity to Cure and Clarify Routing; Daily Status Trackers Attached

5 messages

Tue, Jun 16, 2026 at 7:15 PM

To: Amy Bullyan <abullyan@plsas.org>, Mary Frantz <mfrantz@plsas.org>, Lisa Atkinson <latkinson@plsas.org>, Jessica Mason <jmason@plsas.org>, Jessica Olstad <jolstad@plsas.org>, Charles Johnson <cjohnson@plsas.org>, Dustin Smith <dsmith@plsas.org>, Robert Cothorn <rcothorn@plsas.org>, Michael Thomas <mthomas@plsas.org>, Kristi Mussman <kmussman@plsas.org>

Cc: PLSAS School Board <schoolboard@plsas.org>, "Dr. James Wagner" <jwagner@isd2397.org>

Ms. Bullyan, Ms. Frantz, Ms. Atkinson, Ms. Mason, Ms. Olstad, Mr. Johnson, Mr. Smith, Mr. Cothorn, Dr. Thomas, and Ms. Mussman:

### Important status/cure notice

In the interest of de-escalation, I want to clearly state how I understand the current situation and give the District a good-faith opportunity to cure before this posture hardens further.

On May 26, 2026, at 11:07 a.m. CT, Robert Cothorn sent a response to my pending MGDPA / FERPA status request. That response provided or linked datasets and records including the District's posted FERPA notices for 2024-2025, policy/definition materials, January 13 organizational minutes, Title IX summary materials, and responses to my request for records supporting the District's claimed Chief Legal Attorney / Minn. Stat. section 13.39 determination. The response stated "No responsive data" for nonprivileged records identifying when the 13.39 determination was made, the categories of data classified as civil investigative data, and the basis relied on for each withheld-data category. It also stated that the District had responded to all outstanding data requests.

That production did not demonstrate that the District included FERPA role definitions during the 2024 school year, did not demonstrate that the District had a Chief Legal Attorney, and did not identify records supporting that such a person made a 13.39 determination regarding me.

Then, on June 11, 2026, at 5:18 p.m. CT, Rob sent the District's `PLSAS Data Requests` response. That response linked one production for the May 28 Kally request, but it also added new finality and nonresponse positions: the District stated it had identified more than 100 individual requests; was categorizing them as subject-data, public-data, correction, information/status-update, or duplicate requests; would not respond to update requests it views as requiring creation of new data; would not respond to update requests within the District's stated 10-business-day or 30-day windows; would process all other requests received between May 28 and June 10 on a rolling basis with an expected completion date of August 26, 2026; and would respond only to communications required under District policy and state law.

That June 11 response also stated that, because of my administrative complaints and threatened legal action, the District's categorization process requires legal-counsel review to determine whether responsive data is civil investigative data. In other words, despite the May 26 response failing to identify records supporting the FERPA role-definition basis, Chief Legal Attorney basis, or 13.39 determination basis, the District is now using a legal-review / civil-investigative framing to delay and route requests.

This creates two related problems. First, the routing basis is not supported by the District's own represented production universe. Second, even if the District believes some legal-review routing is justified, the District's own production has not demonstrated a FERPA-compliant role definition or other data-access basis authorizing disclosure of private education data to counsel for that review. So the issue is not only whether the routing is valid; it is also whether the District has identified a lawful basis to share the underlying private data with counsel at all.

I notified the District that there were problems with that response and gave an explicit opportunity to correct the record. No correction or clarification has been received.

Since that time, two business days have passed and the District has not produced a single responsive dataset, despite having 30 expired requests on the queue. These are not small inconsistencies. I understand mistakes can happen, but an agency acting in good faith would normally move quickly to resolve or clarify them.

It is difficult to understand the continued silence and full-production posture under these conditions. I am trying to give the District a clear, good-faith opportunity to cure, identify the correct routing/assignment, and avoid unnecessary escalation.

Daily status trackers are attached.



2 attachments

pending\_record\_request\_helpful\_compendium.pdf  
373K

active\_mgdpa\_violations\_helpful\_guide.pdf  
375K

School Board <schoolboard+noreply@plsas.org>

Tue, Jun 16, 2026 at 7:16 PM

To:

Thank you for contacting the PLSAS School Board. We want to let you know that all School Board Directors have received your email. We value and appreciate your input and are grateful for your engagement with our district.

If you've made a request or require additional follow up I, as the School Board chair, or a designee will respond. If needed, I may also forward your email to the appropriate administrator to ensure your questions or concerns are properly addressed.

We appreciate your engagement and thank you for your support.

Sincerely,

Amy Bullyan  
PLSAS Board Chair

Tue, Jun 16, 2026 at 7:44 PM



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Wed, Jun 17, 2026 at 4:34 PM

To: abullyan@plsas.org, mfrantz@plsas.org, latkinson@plsas.org, jmason@plsas.org, jolstad@plsas.org, rcothern@plsas.org, mthomas@plsas.org, kmussman@plsas.org  
Cc: schoolboard@plsas.org, jwagner@isd2397.org

Board Chair Bullyan, Board Directors, Mr. Cothern, Dr. Thomas, and Ms. Mussman:

The District's continued silence is extremely concerning: silence on the June 16 good-faith cure notice, silence on routing for the numerous requests the District has acknowledged receiving, and silence on the private-data access requests now past the District's response windows.

I have been trying to understand why August 26, 2026 is being treated as the operative outside date for requests that

include private-data access, request-routing, counsel-access, and FERPA/MGDPA basis issues. One obvious timing issue is that late August is when annual FERPA notice, handbook, e-news, or related school-year notice materials are commonly issued. I am not accusing the District of bad faith or asserting that this is the District's plan. But given the District's record of maintaining broad conclusions from narrow record universes, I need to state my position clearly before that window arrives.

I do not consent to, and I expressly object to, any disclosure or use of my or my child's private education data based on school-official, contractor, consultant, legal-counsel, or legitimate-educational-interest language that was not part of the District's published FERPA notice or criteria in effect at the time of the relevant access, disclosure, review, use, withholding, routing, or civil-investigative classification decision. I also object to any attempt to apply later FERPA notice definitions retroactively, or to use later definitions to support after-the-fact actor-by-actor mappings for prior access, disclosure, review, withholding, routing, or civil-investigative classification decisions.

If the District publishes or relies on new FERPA notice language after this email, please preserve the prior and revised text, publication date, effective date, distribution record, approval/change history, and every record mapping each person or entity who accessed, received, reviewed, used, or was asked to characterize my or my child's private data to the definition and legitimate educational interest in effect at the time of that access or disclosure.

Further, my child is not currently enrolled in ISD 719, and the District has repeatedly refused even minimal collaboration on safety, reentry, or educational-continuity planning after reports of [REDACTED] assaults and an in-class weapons assault, despite my repeated requests for more than a year. Under those facts, an outside contractor or counsel may have a legitimate interest in defending the District in current or anticipated review or legal proceedings, but that is by definition a liability-defense framework. It does not itself serve to protect my child's well-being, reentry, educational continuity, or educational progress outside the District. More basically, given that my child is outside the District after more than a year of explicit District refusal to participate in minimal safety planning, the District must be prepared to defend how any District-side interest in using her education records against that posture could possibly be educational in nature. I do not agree that such an interest can be treated as a legitimate educational interest in my child's education merely because the District wants to defend itself. If the District contends otherwise, please be prepared to identify, for each access or disclosure, the specific published FERPA school-official / legitimate-educational-interest basis in effect at the time, how the District matched that adverse liability-defense interest to the published educational-interest basis, and the direct-control basis, redisclosure limitation, and record-specific need-to-know relied upon.

For the record, we remain open to collaborating with the District on a good-faith basis when the District demonstrates the capacity and willingness to act in kind. In the interim, we are left with no choice but to take the District's statements and actions at face value.

To avoid any claim of waiver or acquiescence:

- We do not agree that August 26, 2026 is an appropriate, prompt, or reasonable delivery date for public-data requests, and we continue to demand production in accordance with the District's MGDPA obligations.
- We do not agree that the District has any justification for allowing binding private-data access requests to expire, or for failing to communicate about expired requests.
- We do not agree that the District has established the basis for a Minn. Stat. section 13.39 determination, any category-by-category civil-investigative mapping, or any counsel-access theory that depends on unsupported school-official or legitimate-educational-interest definitions.
- We do not agree that the District has produced the logs, access records, or source records necessary to support its maintained statements. Vague claims not backed by source records are not sufficient.
- We do not accept any suggestion that the current backlog is the result of bad faith, frivolous, or duplicative conduct by us unless the District identifies the specific request, the specific duplication or defect, and the request-specific basis for that claim. The District is responsible for maintaining accurate records; we are not required to leave inaccurate records unchallenged merely to make the District's intake queue easier to manage.


For clarity: this email contains private data about me and my child. I do not consent to sharing it with any person or entity that did not satisfy the District's published FERPA school-official / legitimate-educational-interest criteria in effect at the time of the disclosure. I also do not consent to disclosure based on later-created or later-revised definitions.

Status trackers attached.

[REDACTED]  
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