



May 27, 2025

Dear Mr. [REDACTED]

I am writing in response to your emails dated May 6, 2025, May 9, 2025, and May 11, 2025.

### 1. Request for Education Record Correction – HOMS Process Summary Report

I write in response to your May 6, 2025 “Request for Education Record Correction – HOMS Process Summary Report.” In it, you request that the District revise the following statements because they are “misleading, inaccurate, and in violation of [your] daughter’s rights under FERPA.”:

Despite multiple attempts by the district to arrange an interview with the student, the alleged victim’s father declined through an email exchange.

[REDACTED] did not report any concerns regarding her physical safety at school before the incident... The only mention of issues by [REDACTED] occurred after she had already withdrawn from the district.

The District denies your request. The District has determined the data to be correct, complete, not inaccurate, and not misleading. Although you do not specifically allege the data is “in violation of the student’s rights of privacy” (see 34 C.F.R. § 99.20(a)), the District concludes that the data similarly does not violate your daughter’s rights of privacy.

If you still believe that the information in the record is inaccurate, misleading, or otherwise in violation of your student’s privacy, you have the right to a hearing to further contest this decision under either the Family Educational Rights and Privacy Act (“FERPA”) or the Minnesota Government Data Practices Act (“MGDPA”).

If you request a hearing under FERPA, the applicable procedures are contained in 34 CFR § 99.22. The hearing will be conducted by an individual, including a District official, who does not have a direct interest in the outcome of this hearing. Within a reasonable time after the hearing, you will receive written notice of the final decision, which will include a summary of the evidence and the reasons for the decision. If you want to have a hearing pursuant to FERPA to demonstrate that the information in the record is inaccurate, misleading, or otherwise in violation of your student’s privacy, please contact me.

If you request a hearing under the MGDPA, the applicable procedures are contained in Minnesota Statutes Section 13.04, subdivision 4. You have the right to appeal the District’s determination to the Commissioner of the Minnesota Department of Administration in



accordance with the Administrative Procedure Act. Minn. Stat. § 13.04, subd. 4(d). Such appeal must be submitted to the Department of Administration within sixty days of the date of this letter.

## 2. May 9 and May 11 emails

Most of the communication is not a data request. To the extent any portion of it could be interpreted as a data request, the District has already provided all existing responsive data. No additional responsive data exists. Copies of the data previously provided can be found in the [Data Request Folder](#), which you have access to.

The District will continue to only respond to communications that are required under District policy and state law. We will consider new data requests only if they are properly submitted in accordance with our established procedures. To ensure clarity and efficiency, we encourage you to use the Data Request Form, available here: [Data Request Form](#).

If you wish to continue disputing the District's processes, conclusions, policies, or interpretations of applicable statutes, we advise you to direct those concerns to the appropriate external authorities. The District will not engage in continued correspondence or debate on these matters.

Respectfully,

A handwritten signature in black ink that reads "Emily N. Herman".

Emily Herman

Executive Director of Administrative Services



March 12, 2025

Dear Mr. [REDACTED]

I am writing in response to your two emails dated February 28, 2025, and your email from March 3, 2025. The District has made every effort to provide you with the requested information promptly while managing the numerous other responsibilities of our staff. As outlined in my expected response timeline, I am providing this response on the anticipated date of March 13, 2025.

### **1. Demands for unredacted files**

The District denies this request. All responsive data has been provided. Redactions of private educational data on students other than your child have been made pursuant to Minn. Stat. § 13.32. Private personnel data has been redacted pursuant to Minn. Stat. § 13.43.

### **2. Multiple requests to create data**

In the three emails referenced, you have made several repetitive demands for the District to generate data. Under the Minnesota Government Data Practices Act, the District is not obligated to respond to inquiries, engage in debates, or create new data in response to such demands. To date, existing responsive data has been provided in accordance with the evolving requests and numerous emails received. The District has consistently responded to requests in good faith, despite the complaints and requests continuing to evolve without a clear or defined resolution being articulated from your end.

### **3. Repeated data request**

All emails exchanged between [REDACTED] and the four listed district email addresses have been provided in PDF format, along with PST file format. The PST file enables the recipient to access the requested header information. Please note that when the District conducts email searches between specific addresses, the system does not filter or block any emails, nor does it retain rejected or undelivered messages. As such, the District has no further responsive data beyond what has been provided.

Additionally, the District is unclear on what further information you are requesting regarding a "full email log." You have already received the full set of emails from our system in PDF format, as well as the PST file, which allows you to review the requested header details.

### **4. Data request clarification**

In one of your emails, you requested a full, unredacted version of page 4 of the [REDACTED] Data Request File 3," which states "Document is unavailable." This page pertains to the audio file retrieved by the system as part of the data request. When the system processes the data request into a PDF, it generates a corresponding page for the audio file. Please note that the audio file was included in the email sent on February 13, 2025. There is no additional responsive data for this request.



### 5. New public data request

Upon reviewing the three emails, we have identified one new public records request for "any records, policies, or training materials addressing staff responsibilities when witnessing acts of violence or harassment." We will begin gathering the requested data and respond as soon as possible. Since neither you nor your student is the subject of this request, it will be processed in accordance with the procedures for existing public records requests. As noted above, all responsive data for the other requests outlined in the three emails has already been provided.

### 6. Investigation into claims of [REDACTED] harassment and assault

The District made several attempts to gather information from your student, offering various options, including written responses in lieu of a live interview, but all attempts were declined. As a result, the investigation was limited by the absence of crucial details such as witness names, timelines, and evidence. Nevertheless, the District conducted a thorough investigation by interviewing staff and students associated with your student. Despite these efforts, the investigation could not substantiate the allegations due to the lack of concrete evidence and inability to identify the respondent/s. Attached you will find a written determination.

### Closing

Going forward, the District will only respond to data requests that are properly submitted. To facilitate effective communication, we strongly encourage you to use the Data Request Form, which can be accessed here: [Data Request Form](#)

As outlined in Dr. Thomas's response on January 24th, the District is unable to continue addressing repeated and evolving complaints submitted under various headings through multiple, demanding emails with increasingly short and arbitrary timelines. District staff have consistently addressed each of your concerns in a timely and good-faith manner. Despite these efforts, you continue to seek debates regarding District policies and applicable law. The District is not engaged in such debates. Should you disagree with the District's processes, you are welcome to seek relief through the appropriate entities.

Sincerely,

Emily Herman  
Executive Director of Administrative Services

CC: Dr. Michael Thomas, Superintendent



PRIOR LAKE-SAVAGE  
AREA SCHOOLS

June 12, 2025

Dear Mr. [REDACTED]

I write in response to your two emails on May 27, 2025, three emails within three minutes on June 1, 2025, and email on June 2, 2025. As previously explained, the District is not interested in engaging in a back-and-forth discussion and provides responses only to the extent required by law.

**1. May 27 at 11:41 p.m.**

You have requested that the District include “this request and any statement of disagreement permanently in the education record if full correction is not made, as required by 34 C.F.R. § 99.21(b)(2).” You claim your request is a “formal request to be informed of the content and meaning of the record generated by the District’s email.” The District’s email is written in plain English and does not rely on any proprietary or inaccessible technical terms. The District is not required to explain the meaning of records when the meaning is clear. See Minn. Dep’t of Admin., Adv. Op. 03-037 (Sept. 15, 2003) (stating a government entity does not have to explain the meaning of words unless the meaning is not readily apparent in the context).

The District further notes that the 34 C.F.R. § 99.21(b)(2) does not apply in this circumstance. That provision begins “If, as a result of the hearing...” There has been no request for a hearing and therefore no result of a hearing. Accordingly, the District had no obligation to follow 34 C.F.R. § 99.21(b)(2) or (c). In addition to not requesting a hearing pursuant to FERPA, the District is not aware of any pending appeal before the Commissioner of the Department of Administration pursuant to Minnesota Statutes Section 13.04, subd. 4.

The District does not maintain data responsive to your request for “any policy, memo, or guidance that speak towards the District’s claimed immunity” with respect to Minnesota Statutes Section 13.04.

On June 10, 2025, the District provided you “all records that were generated as a result of the investigation the District performed in which it validated the accuracy and completeness of the record in question.” Pursuant to Minnesota Statutes Section 13.393, the District did not provide records that are protected by the attorney-client privilege. Additionally, based on your continuous threats to seek enforcement action against the District through administrative agencies, the District’s chief attorney has determined there to be a pending civil legal action pursuant to Minnesota Statutes Section 13.39, subdivision 1, and the data is also not produced as civil investigative data.

The District does not maintain data responsive to your request for a disclosure log.

**2. May 27 Email at 11:56 p.m.**

You ask:

When the District states all responsive data has been provided, are you asserting that my child’s private education data was shared with a 3rd party (the legal counsel) without the generation of a disclosure log, or are you claiming that the disclosure log is protected under a yet as-of unidentified statute?

The District did not identify any statutory basis for withholding a disclosure log. There is no disclosure

log.

The following is provided to the extent it informs the meaning of the data stating the District does not have a disclosure log. The District is not required to create a record of requests for access to data and access to data when the “request was from, or the disclosure was to... [a] school official under § 99.31(a)(1).” 34 C.F.R. § 99.32(d)(2). The District’s attorneys are school officials pursuant to 34 C.F.R. § 99.31(a)(1)(B).

**3. June 1 Email at 9:04 a.m.**

This email does not contain requests for existing data.

**4. June 1 Email at 9:06 a.m.**

The District does not maintain data responsive to this request.

**5. June 1 Email at 9:07 a.m.**

The records you have requested under numbers 1 and 2 are protected by the attorney-client privilege, work-product doctrine, and civil investigative data. Pursuant to Minnesota Statutes Sections 13.39 and 13.393, the District is not providing you with those records.

The District does not maintain data responsive to number 3.

**6. June 2 Email**

The District did not receive data requests from you on May 10 and May 12. The District responded to your May 9 and 11 requests on May 27, 2025.

Your May 15 email contained a demand for “immediate acknowledgement” of your May 9 request and a “description of all actions the District has taken to date toward fulfilling” the May 9 request. Both of these are requests for the District to create data, not requests for data the District is required to produce. The only data the District maintains that would be responsive to your third request is data protected from disclosure by the attorney-client privilege and Minnesota Statutes Section 13.393.

Again, the District did not receive a May 28 request. The District responded to your May 27 request by providing documents on June 10, and in the first section of this communication above.

Sincerely,

Emily Herman  
Executive Director of Administrative Services



Dear Mr. [REDACTED]

I am writing in response to your emails dated March 27, 2025, and April 22, 2025, May 6, 2025

### 1. Intent to Appeal

In your March 27 email, you stated: *"Please consider this notification of my intent to appeal - I will follow up with full details later this evening..."* Please note, the District does not act on notices of intent. Appeals must meet the procedural requirements outlined in District policy, including submission within the required timeframe. Your message was received after the appeal deadline had passed. As previously communicated, the District has dismissed the complaint based on the reasons provided to you, and the appeal window is closed.

### 2. Continued Requests for Email Log

The District has fulfilled your data request related to the requested data. You have been provided with:

- PDFs of the relevant data
- PST files containing ability to access metadata and header information
- An Excel log sent on March 14, 2025

The District has consistently communicated that it does not understand what additional information you are seeking when referring to a "full email log," and you have not identified any specific data that is missing. As explained previously, the Minnesota Government Data Practices Act does not require the District to respond to inquiries, engage in debate, or create new data.

Accordingly, the District considers this request fully addressed and has no additional data responsive to it.

### 3. May 5th and May 6th

#### 5/5 Formal Request for Clarification Regarding District Position on Policy 506.1 Applicability and Staff Responsibilities

Despite the submission on the District's data request form, this is not a request for existing data. The request claims educational institutions "are required to respond" to inquiries and "clarify inaccuracies or omissions in educational records." That is not a correct statement of the applicable federal regulations. 34 C.F.R. § 99.10 requires an educational institution to "respond to reasonable requests for explanations and interpretations of the records." § 99.11, which is also cited, allows educational institutions to charge fees for copies of education records, which the District has not done here.

The requests here are not reasonable requests related to education records governed by FERPA. The requests here demand the District identify specific language in policy and training materials that supports specific statements the District has made in prior correspondence. No such response is required by law.

## **5/6 Formal Data Request**

Most of this communication is not a data request. It appears to be an AI-generated interpretation of applicable laws. To the extent portions of the seven-page legal analysis can be understood to be data requests, the District responds as follows:

- You have already been provided with educational data on your child related to your Title IX complaint. No new data has been added since your prior request. Another copy is provided with this response.
- Your written statements are included in the investigative file you previously received. No new data has been added since your prior request. Another copy is provided with this response.
- The 2020 Title IX regulations require the investigator to provide equal access to evidence to the parties during an investigation and prior to completion of the investigation report. 34 C.F.R. § 106.45(b)(5)(vi). The complaint was dismissed. Nonetheless, you have received a complete copy of the District's investigative file with redactions as described elsewhere in this communication. No new data has been added since your prior request. Another copy is provided with this response.

## **5/6 Request for Clarification of Weapons Policy Interpretation and Access to Underlying Decision Criteria under FERPA and Minn. Stat. § 13.04**

The demands in this communication fall into three categories: requests for the District to create data, requests for public data, and requests for private data on your child. With respect to your requests for a “clear written explanation,” “Confirmation,” and a “statement,” such data does not exist and the District declines to create new data.

With respect to the public data and private data on your child, no new responsive data has been created since your prior request for this data. Nonetheless, we have attached another copy. Private educational data on other students has been redacted pursuant to Minnesota Statutes § 13.32, subd. 3 and 34 C.F.R. § 99.31. Private personnel data on employees has been redacted pursuant to Minnesota Statutes § 13.43, subd. 4. Data protected by the attorney-client privilege has been withheld and redacted pursuant to Minnesota Statutes § 13.393.

## **5/6 Request for Education Record Correction – HOMS Investigation Process Summary**

The District will respond to this request within the timeline established by Minnesota Statutes § 13.04, subd. 4(c).

## **5/6 Title IX Complaint**

Despite the submission on the District's data request form, this is not a request for existing data. It is also not a formal Title IX Complaint pursuant to the applicable regulations because it does not allege [REDACTED] harassment. The District has no obligation to respond to this request.

## **Closing**

As previously stated by Dr. Thomas and Ms. Herman, the District cannot continue to expend



resources responding to ongoing attempts to debate policy, question fulfilled data requests, or reinterpret legal obligations. District staff have responded to your inquiries in a timely and thorough manner. Despite this, your communications continue to reflect a pattern of dispute rather than resolution.

Moving forward, the District will respond only to communications that are required under District policy and state law. We will only consider new data requests that are submitted properly and in accordance with our established procedures. To ensure clarity and efficiency, we encourage you to use the Data Request Form, available here: [Data Request Form](#).

If you wish to continue disputing the District's processes, conclusions, policies, or interpretations of applicable statutes, we encourage you to direct those concerns to the appropriate external entities, as the District will not engage in ongoing debate on these matters.

Sincerely,

A handwritten signature in black ink that reads "Emily N. Herman".

Emily Herman  
Executive Director of Administrative Services