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March 5, 2020

Via U.S. Mail

Records Custodian
Marshall MN School District
401 S Saratoga
Marshall, MN 56258

Re: Minnesota Government Data Practices Act

Dear Record Custodian:

I am Special Counsel for the Thomas More Society (Chicago) and represent Marshall Concerned Citizens. This is a request for non-confidential data under Minnesota's Government Data Practices Act, Minnesota Statutes § 13.01, et seq. Definitions of certain words or terms are provided for clarification, under the subpart "definitions," should you be confused as to the request made. Meanwhile, the request seeks the following requested documents be presented to us for inspection and copying:

- The school district policies that grant the Marshall Middle School, or any other school in the district, the authority to adopt, amend, modify, or otherwise adopt independently of the school district without School Board approval, policies that indirectly or directly affect student activities within the school building or grounds.
- School district present policies regarding anti-bullying and all related documents regarding or relating to their adoption and application to students, staff, and faculty;
- Marshall Middle School present anti-bullying policies and all related documents regarding or relating to their adoption, application, and how conveyed to the students, staff, and faculty.
- Present policies regarding the public display of flags of any kind and all related documents of the school district and the Marshall Middle School regarding or relating to the their adoption, application, interpretation and how conveyed to the students, staff, and faculty;

- Present policies and all related documents of the school district and Marshall Middle School regarding or relating to political or petitioning activity of any kind, including but not limited to the display of stickers, posters, handbills, texting, emails, or any other form of media method, conducted on school district property (inclusive of school buildings) on matters of public concern or of student, parent, faculty, or school district concern.
- Present school district and Marshall Middle School policies and all related documents regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, within or outside of classroom, in hallways, on student lockers, in the cafeteria or any other area of a school building and school district property. The documents include but are not limited to those which reflect the adoption, application, and interpretation of the policy(ies) applicable to this request.
- Present school district and Marshall Middle School policies and related documents regarding the public display within or outside of classrooms, hallways, on student lockers, in the cafeteria, or any other area of the school;
- A copy of each School Board meeting video in which the following topic or topics were discussed:
 1. the Marshall Middle School flying of a rainbow flag;
 2. the petition circulated among students at Marshall Middle School regarding the flying of a rainbow flag;
 3. non-private or non-confidential discussions relating to any discipline against any student, or contemplated against any student, at Marshall Middle School regarding the discussion of or seeking of signatures on a petition on the topic of a rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers of flying a rainbow flag on school district property; and
- Present school district and Marshall Middle School policies regarding the inclusion of any minority community, including the LGBTQ community, and all related documents referring or relating to the adoption, application, and interpretation of the policies applicable to this request.
- Present school district and Marshall Middle School policies and all related documents regarding protection of student free speech activities and petition activities—including criticisms of school district or school building policies. The

documents include but are not limited to those which reflect the adoption, application, and interpretation of the policy(ies) applicable to this request.

- All emails from or to faculty, teachers, students, or any other person who communicated through the Marshall Middle School's Staff and Student Email login account regarding or relating to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, "Proud to be an ally" rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster, or student locker display,
- Communications of any kind including emails of faculty, staff, parents, students, of Marshall Middle School or of the school district or any state or local governmental official, including School Board members, to and from Superintendent Scott Monson since August 1, 2019 regarding or relating to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, "Proud to be an ally" rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster or student locker display,
- Communications of any kind including emails of faculty, staff, parents, students, of Marshall Middle School or of the school district or any state or local governmental official, including School Board members, to and from Principal Mary Kay Thomas since August 1, 2019 regarding or relating to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, "Proud to be an ally" rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster, or student locker display,
- Communications of any kind including emails of faculty, staff, parents, students, of Marshall Middle School or of the school district or any state or local governmental official, including School Board members, to and from Administrative Support Abbie Boelter, regarding or relating to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, "Proud to be an ally" rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster, or student locker display.
- Communications of any kind including emails of faculty, staff, parents, students, of Marshall Middle School or of the school district or any state or local governmental official, including School Board members, to and from Marshall High School Teacher Karrie Alberts regarding or relating to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, "Proud to be an

ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster or student locker display.

- Communications of any kind including emails of faculty, staff, parents, students, of Marshall Middle School or of the school district or any state or local governmental official, including School Board members on any school’s email accounts or personal email accounts in which the person is conducting school related business or communications and documents relating to the Gay Straight Alliance to and from their faculty advisor Karrie Alberts including but not limited to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster or student locker display.
- All emails regarding or relating to any “counter-petitioning” or political activities, including but not limited to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster or student locker display.
- All petitions, documents or correspondence received by any school board member or school board employee including but not limited to the topic(s) of the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or any other poster or student locker display.

All of the documents referred to above should be delivered to me in electronic form on a CD to avoid paper copying charges. The documents should be delivered in an electronic form that can be read by Microsoft Word or Adobe Acrobat Reader.

If you expect to charge for this request, you are to contact me with that estimate immediately to ensure the costs are not prohibitive to either your department or to me before the work is completed.

Governing Statutes and Instructions

Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential. Therefore, for each document you withhold, you are to identify the document as to date and type, and give a specific reason for withholding the document and provide the governing Minnesota Statutes supporting the withholding of that data.

If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subd. 7, you are to include the summary data with any specific or general request for documents regardless if the request is made.

Finally, you are to respond to this request “promptly” under Minnesota Statutes § 13.03, subd. 2(a) – including providing prompt, partial, even if incomplete disclosures, as documents become available if complete disclosure within a prompt period of time is not possible. Should you require more time, I would be open to discuss the issue if reasonably kept informed of the rationale for any delay. Nevertheless, any cooperation does not waive in any way the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 and 13.09.

General Understanding for the Document Requests

If for any reason you do not understand the document request you are to contact me for clarification, in writing and without delay. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, you are to identify the word and provide your own definition. If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s).

Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be complied in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But, if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled. Furthermore, if a document has attachments, the integrity of the document should not be compromised. Attachments are considered part of the whole regardless if referenced in the body of the primary document responsive to the request.

Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Time Period Governing the Requests

For all requests, unless otherwise stated, the time period of each request is during the period from the August 1, 2019 to the present.

Definitions

“Documents:” References in the requests for “documents” or “document” is meant to be all –inclusive such as emails, faxes, correspondence, memoranda, or notes. I can list in two

pages of double-spaced type what “document” refers to but this should not be necessary in a data practices act request. Therefore, objections made or non-disclosure of documents because the request did not specifically say “report,” “letter” or “e-mail communications or documents” for instance, is not acceptable and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Plural or singular use: when a word is used as plural, such as “policies,” it also means the singular, such as “policy.” Therefore, if there is only one “policy” but the request is made in the plural, you must not and cannot respond to the request in the negative because you have only one policy yet the request asks for “policies.”

“School building” refers to Marshall Middle School.

“School district” or “district refers to Independent School District No. 413.

“School district property” refers to all school buildings with Independent School District No. 413, inclusive of any school district administrative building.

“Student petition” or “petition” refers to a written document in which signatures are sought and the topic refers to or relates to the proposed public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag.

“Communications of any kind” refers to emails or any other method of media communication (for example, Facebook), inclusive of the origin of that communication such as a personal laptop, i-pad, cellphone, or similar devise, in which the person is conducting school business or using the device to communicate on an issue or event related to the anti-bullying policy application to a student or students or the student petition or the student petition itself regarding the public display of the flag known as the rainbow flag, PRIDE flag, or LGBTQ flag, “Proud to be an ally” rainbow posters or stickers, or rainbow colored peace symbol stickers, or any other sticker, or student locker display.

Conclusion-Response Date

Please call me if you have any questions regarding this Minnesota Government Data Practices Act request. We expect a response to this letter by March 18, 2020. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Erick G. Kaardal', written in a cursive style.

Erick G. Kaardal