



District Office
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www.isd381.org
Superintendent Jay Belcastro

August 18, 2022

Via Email Only - unhappyfranchisee@gmail.com

Sean Kelly
Relentless, Inc.
P.O. Box 10232
Lancaster, PA 17605

Re: Data Request

Dear Mr. Kelly:

I received your letter dated August 8, 2022, inquiring as to information pertaining to Christopher (Chris) Swanson. In your communication, you asked for several items of information. In accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, the School District responds as follows:

1. **Request:** Copies of School Board meeting minutes that mention Mr. Swanson and minutes and documents related to the proposed suspension of the School District's Boys Soccer program for the 2014-2015 school year.

Response: Attached is a copy of School Board meeting minutes from June 12, 2014, mentioning that Mr. Swanson spoke during the community open forum portion of the meeting regarding the agenda item on the proposed suspension of the Boys Soccer program. The School District made a diligent search of its School Board minutes of regular and special meetings as well as work sessions and was unable to locate any other mention of Mr. Swanson or the proposed suspension of the Boys Soccer program. Therefore, the School District has no further data responsive to your request.

2. **Request:** Copies of any meeting minutes and/or other documentation related to the School District's employment of Mr. Swanson.

Response: The School District made a diligent search of its records and was not able to locate any evidence that Mr. Swanson was ever employed by the School District in any capacity. Therefore, the School District has no data responsive to your request.

3. **Request:** Any data mentioning Mr. Swanson's involvement in the "extension program for soccer and computer instruction (as Pure Driven)".

Response: The School District does not have and is unaware of any “extension program” it ever offered in soccer and computer instruction and, therefore, cannot locate any data responsive to your request absent clarification of the data you are seeking.

4. **Request:** Was Mr. Swanson enrolled as a School District student or “under the supervision” of the School District when he was 15?

Response: The School District made a diligent search of its records and was not able to locate any evidence that Mr. Swanson was ever enrolled at the School District as a student. It is unclear as to what data you are seeking related to the School District’s “supervision” of Mr. Swanson and, therefore, the School District is unable to respond to this portion of your request absent clarification of the data you are seeking.

5. **Request:** Does the School District maintain records of criminal arrests, convictions, or sentencing of students, including homeschooled students?

Response: The School District generally does not collect, receive, or maintain records of criminal arrests, convictions, or sentencing of homeschooled students. The School District may have such information about current or former students.

6. **Request:** Has the School District performed a deep background check that would access sealed records on Mr. Swanson?

Response: As noted above, the School District made a diligent search of its records and was not able to locate any data that identifies Mr. Swanson as a former student or current or former employee of the School District. To the extent any data responsive to this request does exist related to Mr. Swanson that would be categorized as educational or personnel data pursuant to 20 U.S.C. § 1232g, Minnesota Statutes, section 13.32 or Minnesota Statutes, section 13.43, this information would be classified as private data and not subject to public disclosure absent a court order or written authorization of the subject of the data. To provide any further response to this request as it pertains to educational or personnel data pertaining to Mr. Swanson would require the disclosure of personally identifiable information that is classified as private data. Therefore, the School District does not have any further public data responsive to your request as it pertains to Mr. Swanson in that capacity. The School District did make a diligent search of its records related to this request as it may pertain to Mr. Swanson in any other capacity related to data that would not be classified as educational or personnel data maintained by the School District and could not locate any data responsive to your request.

7. **Request:** Was the School District aware of Mr. Swanson’s history of sexual assault of a minor prior to giving him a role of authority over School District students?

Response: Mental impressions, such as whether one is aware of a fact or situation, is not government data subject to the Minnesota Government Data Practices Act nor does the School District, as an entity rather than an individual, have “mental impressions” as appears to be the subject of this request. Thus, the School District does not have data

responsive to your request absent clarification of the data you are seeking. If you do seek to clarify your request, be advised that it further is unclear as to your intent in the use of the term "role of authority," and therefore, also would ask that this phrase be more specifically defined.

8. **Request:** Does the School District have a policy regarding the participation of sexual offenders as employees, faculty, coaches and volunteers?

Response: The School District adopted School District Policy 404 – Employment Background Checks, that can be found on the School District's website at: <https://www.isd381.k12.mn.us/wp-content/uploads/2013/10/404.pdf>.

9. **Request:** Where and when was the picture shown the letter dated August 8, 2022, taken and when was it published?


Response: The School District does not maintain data that identifies when the picture that is subject to your request was taken. The picture was taken at Minnehaha Elementary and published on March 15, 2018.

As for any other questions posed in your letter, here, too, these inquire are seeking mental impressions, not government data subject to the Minnesota Government Data Practices Act. If there is other data you are seeking, please clarify your requests.

Finally, as noted above, the School District is enclosing a copy of the data you requested. The School District charges for copies of requested records at the rate of 25¢ per page in accordance with Minnesota Statutes, section 13.03, subdivision 3. (c). Please remit a check or money order in the amount of \$1.25 payable to the Independent School District 381, for the five (5) pages of data provided with this response. The check may be sent to my attention at Independent School District No. 381, 1640 Hwy. 2, Two Harbors, MN 55616.

If you have any questions regarding this response, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Belcastro", with a large, stylized flourish extending to the right.

Jay Belcastro
Superintendent

Encl.: June 12, 2014, School Board minutes

The regular meeting of the School Board of Lake Superior Independent School District No. 381 was held Thursday, June 12, 2014, 6:00 p.m.; District Office Community Room, Two Harbors High School, 1640 Highway 2, Two Harbors, Minnesota.

1.0 Vice-Chair Burns called the meeting to order at 6:00 p.m. and led the audience in the Pledge of Allegiance.

2.0 **MEMBERS PRESENT:** Leo Babeu, Paul Borg, Tom Burns, Shannon Fabini,

MEMBERS ABSENT: Moe, Ryder, Youngberg

ALSO PRESENT: Superintendent, William Crandall; Business Manager, Lance Takkunen; Community Education Director, Chris Langenbrunner; Principal, Joe Nicklay; Principal, Jay Belcastro; Dean of Students, Julie Benson; Recording Secretary, Debbie Peterson

3.0 **APPROVAL OF THE AGENDA**

3.1 **Additions or Corrections to the Agenda:**

Motion by Borg, second by Babeu to approve the agenda with the following corrections: Add items 7.1, Boys Soccer; 7.18 Approve Certified Occupational Therapist Assistant, LeeAnn Johnson, contract 13-15; 7.19 Teacher Evaluation; 7.20 Approve recommendation for Community Ed, Two Harbors Age to Age interns. **(Carried Unanimously)**

4.0 **APPROVAL OF THE CONSENT AGENDA**

4.1 **Corrections to the Consent Agenda:**

Motion by Babeu, second by Borg to approve the consent agenda as follows: **Minutes:** May 6, 2014; **Personnel:** Accept with regret, the resignation from Kelly Fenstad, C-team volleyball coach WKS; Approve recommendation to hire Jill Bopp, Summer School Teacher, 2014; Approve recommendation to hire Tracey Sandretsky, Summer School Teacher, 2014; Accept with regret the resignation from Kassie McDonald, Assistant Cook, WKS; Approve recommendation for summer custodial help; Sandy Beck, Maryanne Johnson, Willie Larson and Dan Lodin, Nick Torgerson, lawn care THHS; Approve recommendation for summer custodial help; Carter LeBlanc, Nate Mealey, Hailey Yoki, Lee Anselment; **(Carried Unanimously)**

5.0 **DELEGATIONS/OPEN FORUM:**

5.1 Perkins

5.2 Jerry Carlson

5.3 Chris Swanson – Boys Soccer

6.0 **OLD BUSINESS**

6.1 **Approve Financial Reports:**

6.1.1 **Approve Bills ~ May, 2014:**

Motion by Babeu, second by Fabini to approve payment of the May bills, checks 126920 through 127037, in the amount of \$333,968.67. **(Carried Unanimously)**

6.1.2 **Approve Electronic Fund Transfers ~ May, 2014:**

Motion by Borg second by Babeu to approve the May Electronic Fund Transfers: (05/15/14) \$462,000.00 to the payroll account; (05/30/14)

\$460,000.00 to the payroll account; (05/30/14) \$200,000.00 to the general account. **(Carried Unanimously)**

7.0 NEW BUSINESS

7.1 Boys Soccer:

Recommendation to support the Athletic Director's recommendation to suspend Boys Soccer for the 14/15 school year, with intent to re-instate for the following year. **(No Action Taken)**

7.2 Approve 2013-2015 Food Service Contract:

Motion by Borg, Second by Babeu to approve the 2013-2015 Food Service contract. **(Carried Unanimously)**

7.3 Approve 2014-2016 Contract with Sherri Hobbs, LPN, Minnehaha:

Motion by Babeu, second by Fabini to approve the 2014-2016 contract with Sherri Hobbs, LPN, Minnehaha. **(Carried Unanimously)**

7.4 Accept with regret, the following retirements:

Ann Hastings, 4th Grade Teacher, Minne (20 years)

Robin Hanson, Head Cook, WKS (24 years)

Karen Wick, Head Cook, THHS (24 years)

Alan Lampela, Bus Driver, TH (22 years)

Jolene Koster, Admin. Asst, WKS (34 years)

With Regret, the following resignation:

Eve Hessler, Spanish Teacher, THHS

Motion by Borg, second by Babeu to accept, with regret, the listed retirements and resignation. **(Carried Unanimously)**

7.5 Approve Resolution relating to the Non-Renewal of a Probationary Teacher:

Member Babeu introduced the following resolution and moved its adoption:

RESOLUTION RELATING TO THE PROPOSED NON-RENEWAL OF THE TEACHING CONTRACT FOR A PROBATIONARY TEACHER, NICOLE JOHNSON

Member Fabini duly seconded the motion of the foregoing resolution.

Upon roll call vote being taken:

The following voted in favor thereof: Babeu, Borg, Burns, Fabini

The following voted against: None

The following were absent: Moe, Ryder, Youngberg

Whereupon, said resolution was declared duly passed and adopted June 12, 2014.

Resolution in its entirety is available in the District Office

(Carried Unanimously)

7.6 Approve Resolution relating to the Non-Renewal of a Probationary Teacher:

Member Babeu introduced the following resolution and moved its adoption:

RESOLUTION RELATING TO THE PROPOSED NON-RENEWAL OF THE TEACHING CONTRACT FOR A PROBATIONARY TEACHER, ANGELA ZAHN

Member Borg duly seconded the motion of the foregoing resolution.

Upon roll call vote being taken:

The following voted in favor thereof: Babeu, Borg, Burns, Fabini

The following voted against: None

The following were absent: Moe, Ryder, Youngberg

Whereupon, said resolution was declared duly passed and adopted June 12, 2014.

Resolution in its entirety is available in the District Office

(Carried Unanimously)

7.7 Approve the dissolution of a Cooperative Sponsorship for Girls Hockey:

Motion by Fabini, second by Babeu to approve the dissolution of the current Cooperative Sponsorship for Girls Hockey. **(Carried Unanimously)**

7.8 Approve the application for Cooperative Sponsorship for Girls Hockey:

Motion by Babeu, second by Fabini to approve the application for a new cooperative Sponsorship for Girls Hockey. **(Carried Unanimously)**

7.9 MSBA Policy #514, Bullying, 1st Reading:

(No Action Taken)

7.10 Approve ARCC 2014-2015 Specific Services Contract:

Motion by Babeu, second by Borg to approve the 2014-2015 Specific Services Contract. **(Carried Unanimously)**

7.11 Set dates for Policy and Personnel Committee meetings:

Tabled ~ **(No Action Taken)**

7.12 Approve moving WKHS Cheer Squad to a High School activity:

Motion by Fabini, second by Babeu to approve moving WKHS Cheer Squad to a High School activity. **(Carried Unanimously)**

7.13 Approve 2014-2015 Budget:

Motion by Babeu, second by Fabini to approve the 2014/2015 Adopted Budget Summary as follows:

2014/2015 ADOPTED BUDGET SUMMARY 06/12/14			
Lake Superior ISD 381			
		REVENUES	EXPENSES
Fund 01	General	\$15,245,678	\$15,393,553
Fund 02	Food Service	\$547,530	\$544,275
Fund 04	Community Education	\$629,893	\$626,196
Fund 07	Debt Service	\$3,065,250	\$3,130,649
Fund 08	Scholarships	\$16,165	\$16,890
Fund 45	OPEB Irrevocable Trust	\$244,000	\$372,600
Fund 47	OPEB Debt Service	\$789,224	\$795,310
TOTAL		\$20,537,740	\$20,879,473

(Carried Unanimously)

7.14 Superintendent Contract:

Motion by Babeu, second by Burns to set the previously unspecified salary for the second year of Superintendent's contract at 2% above the 2013-14 salary. **(Carried Unanimously)**

7.15 August meeting date change (Currently 8/14/14 @ 9:00 a.m.):

Motion by Babeu, second by Fabini to set the tentative date: Thursday, August 7, 2014, 9:00 a.m., to be held at the Two Harbors High School, Community Room. **(Carried Unanimously)**

7.16 WKS French Club Trip:

Motion by Babeu, second by Fabini to approve the WKS French Club Trip. **(Carried Unanimously)**

7.17 Approve Title 1 Parent Involvement Plan 2014-2015

Motion by Borg, second by Babeu to approve the Title 1 Parent Involvement Plan for 2014-2015. **(Carried Unanimously)**

7.18 Approve 2013-2015 contract for Certified Occupational Therapist Assistant, LeeAnn Johnson, Contract:

Motion by Babeu, second by Borg to approve the 2013-2015 COTA contract with LeeAnn Johnson. **(Carried Unanimously)**

7.19 Teacher Evaluation:

Motion by Borg, second by Fabini to approve the Teacher Development and Evaluation Joint Agreement. **(Carried Unanimously)**

7.20 Approve hiring of Summer Interns for Two Harbors Age to Age program.

Motion by Borg, second by Fabini to approve the summer interns for the Age to Age Program which are funded through the Northland Foundation. **(Carried Unanimously)**

8.0 CORRESPONDENCE:

9.0 ACKNOWLEDGEMENTS & COMMENDATIONS

10.0 REPORTS:

10.1 Community Education ~ Director Chris Langenbrunner:

Ms. Langenbrunner updated the Board with Community Education Activities.

10.2 Minnehaha Elementary ~ Principal Patricia Driscoll:

Ms. Driscoll was absent, sent report

10.3 Wm Kelley Schools ~ Principal Joe Nicklay:

Mr. Nicklay updated the Board with WKHS activities.

10.4 Two Harbors High School ~ Principal Jay Belcastro:

Mr. Belcastro updated the Board with WKHS activities.

10.5 Superintendent William Crandall:

Security – prioritize to move ahead for fall. Labor Management team, on going communication. Construction updates throughout the District. Negotiations update, EIP (education innovative partnership) update and SLIMS Grant update.

11.0 ADJOURNMENT

Motion by Babeu, second by Burns to adjourn the meeting at 8:03 p.m. **(Carried Unanimously)**

Minutes taken by Debbie Peterson


Chair of the Board


Clerk of the Board

Adopted: July 10, 2014