

February 25, 2025

Honorable Peggy Scott
2nd Floor Centennial Office Building
St. Paul, MN 55155

Subject: Concerns Regarding Proposed Changes (HF 428)

Dear Chair Scott and Members of the Judiciary Finance and Civil Law Committee,

The Minnesota School Boards Association is a statewide organization representing all 331 school boards. We are writing to express significant concerns in HF 428, specifically those related to the definition and retention of government records. These changes, as currently drafted, present several ambiguities and potential unintended consequences and additional costs to our districts that we hope will allow for further consideration.

The proposed modifications to Minnesota Statutes 15.17, particularly the strikethrough of "official" and the shift from "records necessary to a full and accurate knowledge of their official activities" to "government records necessary to a full and accurate knowledge of their activities," raise serious questions. The removal of "official" broadens the scope of records to potentially include non-official activities, creating a substantial expansion of the required documentation.

The absence of a clear definition for "government records" within Chapter 15, coupled with the change in language, creates ambiguity. This could lead to an interpretation that mandates the retention of virtually any material, including personal notes, drafts, and other informal documents, as being "necessary" for a full and accurate knowledge of an official's activities. The intended purpose of the strikethrough is unclear, and the potential effect is to drastically increase the number of documents that must be retained by each governmental entity.

The interplay between the definitions of "government records" in Chapters 15 and 138 is unclear. While Chapter 138 provides a definition for "government records," it is explicitly "for the purposes of" that chapter. The proposed amendments do not sufficiently clarify how these definitions interact.

The new definition of "correspondence" is overly expansive, potentially encompassing a vast range of electronic and written communications.

The mandated three-year retention period for "correspondence" exceeds current records retention schedules, creating a significant administrative burden. The change to the definition of "records" by striking through "data and information that does not become part of an official transaction" also drastically increases the number of records that must be retained. The lack of clarity in the proposed changes creates significant potential for misinterpretation and inconsistent application. We believe it would bring into the definition of correspondence all text messages, voicemails, google or office chats,



and potentially social media accounts. The expanded scope of required record retention will place a substantial administrative and financial burden on school districts. In short, we believe it will result in an unfunded mandate.

The ambiguity surrounding the definition of "government records" and "correspondence" could lead to the unintended retention of personal and non-essential materials.

We urge the legislature to reconsider our concerns and to provide greater clarity and precision in the language used. We hope there can be further discussion and a thorough review of the potential impact of these changes on school districts and a collaborative effort to develop clear and consistent definitions and retention guidelines.

Thank you for your consideration of our concerns.

Sincerely,

Minnesota School Boards Association
Minnesota Association of School Administrators
Association of Metropolitan School Districts
Minnesota Association of School Business Officials
Minnesota Elementary School Principals Association
Minnesota Association of Secondary School Principals