

Comment to Senate Education Policy Committee on SF 2390, March 19, 2025 by Rich Neumeister

This testimony is on Senate File 2390. I was told by Senator Mann that the bill was going to be amended to take out the 'identity credential' section. My comment reflects that change. The amended version I still oppose.

While I understand what the districts face with challenging requests, this bill introduces serious drawbacks—reducing access, chilling inquiry, blurs the line, slippery slope, and more—while ignoring the Minnesota Government Data Practices Act (MGDPA) flexibility that already addresses these issues effectively.

Below are some of the specific reasons why I oppose SF2390 as proposed with suggested solutions.

Charging for no show is effectively a fee for the preparation of an inspection that did not happen, which indirectly is charging for the inspection process. This could lead to confusion among the public, making them hesitant for fears of hidden fees to ask for public data and to inspect, even if the inspection remains free if they show up. Over time, this could shift public perception, viewing data access as a paid service rather than a statutory right.

Introducing any fee related to the inspection process, can be seen as a step towards charging for inspection itself. If districts can charge for no shows, they might later justify charging for other instances, such as late arrivals, requests deemed too broad, or time spent preparing data that that requester decides not to inspect after seeing part of it. This gradual expansion could erode the free inspection principle, making it a paid service.

Allowing fees for no shows could set a legal precedent in court cases, where judges might interpret the law to allow more types of fees based on this initial exception. For instance, if a district successfully charges for no shows, future cases might expand this to charge for other costs related to this new section of law.

Once a fee structure is in place, it is easier for districts to expand it. This is similar to how some government services start with small fees, like permit filing fees, and then increase them over time. Districts might look for ways to maximize revenue from these fees.

The current law's flexibility which has been in place for decades already offers solutions. Within that resilience districts can pace requests, do rolling productions. (phased access) being smart with this technique to provide data incrementally. To be astute such as appoint confirmations which can cut no shows with a simple email or phone call, incentivizing the requester, by communicating with them and access by online eliminates the issue, as many entities are now doing this at no charge, letting data requesters view the data online.

Life is unpredictable, work emergencies, child care issues, or miscommunication can prevent attendance. Charging for no shows assumes intent to waste district resources, unfairly penalizing people for circumstances beyond their control.

Fair number of options thrive within the MGDPA's framework, but are the school districts trained in knowledge of the law and its flexibility and willing to implement them?

In conclusion, allowing fees for no shows on free inspection of public data is a bad precedent that can lead to the disappearance of free inspection. It risks creating a slippery slope to more fees, blurring the line between free inspection and chargeable services, eroding public trust and discouraging public access.

The MGDPA offers a number of alternatives to manage costs without charge for no show inspections, including rolling production, confirmation protocols, better data management as described by law. These methods are compliant, effective, and align with the law's intent to ensure free public access, addressing district concerns while preserving transparency and equal access to public government data.

To address the concerns that Senator Mann has brought with this bill, this is not the approach. To do effective an effective solution takes time to think, discuss, and do research with all parties involved. (Like all being in the same room talking with each other)

I'm willing to be part of this discussion to seek out competent dynamics within the law and if need be, change the law with effective and narrow legislation that preserves free inspection of government data.