



July 13, 2021

VIA E-MAIL

ATTN: Arthur J. McDonnell, Open Records Officer
Tredyffrin-Easttown School District
West Valley Business Center
940 West Valley Road, Suite 1700
Wayne, PA 19087

Written Request for Access to School District Records

Dear Mr. McDonnell:

In 2018, Tredyffrin-Easttown School District's ("School District") began a partnership with Pacific Education Group. Upon information and belief, under this partnership, Pacific Education Group is and has been designing critical race theory-based curriculum and instructional materials, and/or reviewing and modifying existing curriculum and/or instructional materials to reflect critical race theory concepts and theories, for the School District.

Critical race theory as applied to education holds that in the United States the education system is inherently racist and exists to create and maintain social, economic, and political inequalities between whites and nonwhites, especially African Americans. The theory's proponents often seek to "problematize whiteness" or "deconstruct whiteness." Proponents of CRT in education have argued that a focus on

finding the right answer to a math problem is racist¹, and that students must be taught to focus on race and power structures that allegedly benefit white people at the expense of all others.²

Pacific Education Group promotes one of the most extreme versions of critical race theory, an already radical ideology. For example, Pacific Education Group believes:

- The root of the current wealth gap between black and white families was “the transfer of wealth from Southern slaveholding families to their children.”³
- “White privilege [is] an invisible force that white people need to recognize.”⁴
- White teachers “are worse for black students” and racists white teachers are the cause of differences in academy performances between black and white students.⁵

The School District has refused to disclose to the public any details about its relationship with Pacific Education Group and the curriculum Pacific Education Group is creating for the School District. At a board meeting on June 15, 2021, the

¹ John Hinderaker, *Why Math is Racist*, CLARION NEWS, <https://clarion.causeaction.com/2021/02/13/why-math-is-racist/> (Feb. 13, 2021).

² Brian Duignan, *Critical Race Theory*, ENCYCLOPEDIA BRITANNICA (Apr. 2, 2021) <https://www.britannica.com/topic/critical-race-theory> (last visited July 12, 2021).

³Brentin Mock, *White Americans’ Hold on Wealth is Old, Deep, and Nearly Unshakeable*, COURAGEOUS CONVERSATION, <https://courageousconversation.com/white-americans-hold-on-wealth-is-old-deep-and-nearly-unshakeable/> (Sept. 3, 2019)

⁴ Cory Collins, *What is White Privilege, Really?*, <https://courageousconversation.com/what-is-white-privilege-really/> (Sept. 1, 2018).

⁵ Andre Perry, *What’s Wrong With White Teachers?*, <https://courageousconversation.com/whats-wrong-with-white-teachers/> ((May 1, 2017).

School Board stated that materials created by Pacific Education Group could not be disclosed because of “copyright concerns.” The School Board also suggested that it executed a non-disclosure agreement with Pacific Education Group prohibiting disclosure. This violates state and federal law.

As you know, under Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, and its implementing regulations at 34 CFR Part 98, parents have a right to inspect any instruction material used as part of their child’s education curriculum.⁶ Likewise, under state law, parents have a right to review the curriculum of the School District. 25 P.S. § 5-510.2; 22 Pa Code § 4.4(d)(1). The School District cannot circumvent these requirements by claiming copyright concerns and by using nondisclosure agreements.

America First Legal requests, under the Right to Know Law, 65 P.S. § 67.101, et. seq., all “records,” as defined 65 P.S. § 67.102, of, concerning, regarding, and/or relating to the School District’s “partnership” with Pacific Education Group⁷. These records are known to be in the care, custody, and control of the School District based on the School District voluntary public disclosures, <https://www.tesd.net/cms/lib/PA01001259/Centricity/Domain/1882/PEG%20Update.pdf>, and which are otherwise required under the Pennsylvania School Code of 1949,

⁶ “All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.” 20 U.S.C. § 1232h(a).

⁷ The Right to Know Law is “designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions.” *Borough of Pottstown v. Suber-Aponte*, 202 A.3d 173, 179–80 (Pa. Commw. Ct. 2019)(quoting *Bowling v. Office of Open Records*, 990 A.2d 813, 824 (Pa. Cmwlth. 2010)(en banc), *aff'd*, 621 Pa. 133, 75 A.3d 453 (2013).

24 P.S. § 1-101, et. seq. These records should include, but are not limited to, the following.

1. All records of contracts, agreements, or understandings by and between the School District and Pacific Education Group.
2. All nondisclosure agreements by and between the School District and Pacific Education Group.
3. All invoices submitted by Pacific Education Group to the School District for payment from 2018 to the present.
4. All records prepared by Pacific Education Group for the School District between 2018 and the present, including, without limitation, any communications, slides, documents, or training materials, distributed or shared with any employee of the School District, whether under the Pacific Education Group's "Courageous Conversations Protocol" or otherwise.
5. Any "Continuing Courageous Conversations Toolkits" prepared by Pacific Education Group for or used by or pursuant to any agreement with the School District between 2018 and the present.
6. Any curriculum or "instructional material(s)" as defined at 20 U.S.C. § 1232h(c)(6), prepared, modified, or reviewed by Pacific Education Group under or pursuant to any contract, agreement, request, or understanding by or with the School District from 2018 to the present.

7. All records demonstrating the School District's compliance with 24 P.S. § 16-1605(a) for the 2020-21 school year.
8. All records of and/or relating to the locally developed assessment for grades 7 through 12 administered under 24 P.S. § 16-1605.1(a)(1) for the 2020-21 school year.
9. All records of, relating to, and/or regarding the School District's compliance with the Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h for school years 2017 – 2021.
10. All records, including but not limited to emails, correspondence, instructional material, teacher training material, lecture material, memoranda, and/or hand written notes (a) referencing or regarding the Pacific Education Group, or products or services provided by the Pacific Education Group, and the PPRA; (b) the District's general PPRA notice used to notify parents of their rights during the 2017 - 2018, 2018-2019, 2019-2020, and 2020-2021 school years; (c) the specific notification, if any, provided by the District or any school within the District about parents' rights under the PPRA with respect to the Pacific Education Group and/or instructional material from, added, affected, influenced, or changed as a result, in whole or in part, of any training, product, or service provided by the Pacific Education Group during the 2017 - 2018, 2018-2019, 2019-2020, and 2020-2021 school years; (d) the District's consultations during the 2017-2018, 2018-2019, 2019-2020, and 2020-

2021 school years regarding the right of a parent of a student to inspect, upon the request of the parent, any instructional material from, added, affected, influenced, or changed as a result, in whole or in part, of any training, product, or service provided by the Pacific Education Group during the 2017 - 2018, 2018-2019, 2019-2020, and 2020-2021 school years used as part of the educational curriculum for the student; (e) the applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received with respect to any product or service provided by the Pacific Education Group relating to or affecting instructional material during the 2017 - 2018, 2018-2019, 2019-2020, and 2020-2021 school years; and (e) the District's consultation with parents required under 20 U.S.C. § 1232h(c)(1) and (f) during the 2017 - 2018, 2018-2019, 2019-2020, and 2020-2021 school years.

11. All records of, concerning, or regarding the (a) identities of all School District teachers, guidance counselors, and administrators who attended or reviewed any training, seminar, or other programing or presentation, whether in-person or virtually, by or with any Pacific Education Group employee or representative; and (b) the identities of all Pacific Education Group employees or representatives who have had any contact with any School District teacher or other employee, whether as a trainer, facilitator, lecturer, or otherwise.