

Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request – 10/13/23

Parker, Amy <amyipdev@csu.fullerton.edu>

Mon 11/27/2023 4:27 PM

To: Michael Marble <mmarble@tvusd.us>

Hello,

For the fifth exception, you must provide a statement of why, for each record falling under it, the interest in nondisclosure outweighs the interest in disclosure.

Amy Iris Parker

she/her/hers

C: (562) 299-8551 W: oic.amyip.net

M: amyipdev@tech.lgbt D: Amy (she/her/hers)#8536

Sent from my mobile device. GPG is only supported for desktop communications; I may take more time to respond to GPG enabled messages.

From: Michael Marble <mmarble@tvusd.us>

Sent: Monday, November 27, 2023 4:17:00 PM

To: Parker, Amy <amyipdev@csu.fullerton.edu>

Subject: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request – 10/13/23

External Email Use Caution and Confirm Sender

Ms. Parker:

This responds to your request for records, pursuant to the California Public Records Act ("PRA") (Government Code section 6250 et seq.), provided to the Temecula Valley Unified School District ("District") on _____, 2023. **Please allow this letter to serve as the District's final response to your request.**

On October 23, 2023, you requested the following additional amended information based on conversation below:

"Any communication to or from members of the TVUSD Governing Board or the Superintendent between 10/1/2022 and 10/23/2023 that include the key term "5020."

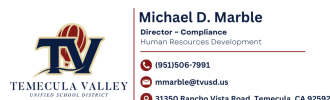
Please find disclosable documents responsive to your request attached.

Please be advised that the District will withhold and/or redact documents and information that is exempt from disclosure under the PRA. (See e.g., Cal. Gov. Code §§ 6254 and 6255.) Specifically, the District will withhold and/or redact the following:

- Confidential student and personnel records, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- Materials reflecting deliberative or decision-making processes.
- Records pertaining to pending litigation.
- Attorney-client and attorney work product privileged information;
- Records where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code §§ 6254(a), (b), (c), and (k); 6255; Times Mirror Co. v. Superior Court (1991) 53 Cal.3d 1325, 1337-1339.)

The District understands its obligation under Government Code section 6253.1 to assist members of the public in making focused and effective requests that reasonably describe identifiable records. If the District has misinterpreted your request or if you desire assistance beyond that which is described in this letter in crafting a more focused and effective request, please contact me.

Respectfully,



On Fri, Nov 3, 2023 at 10:39 AM Michael Marble <mmarble@tvusd.us> wrote:

Good day, Ms. Parker,

Thank you for your correspondence regarding the District's response to your October 13, 2023 Public Records Act ("PRA") request. We reviewed your contentions and cited content. We do not agree with your analysis and conclusion that the District must provide documents responsive to your PRA request within a specific time frame. Nonetheless, please be advised that the District is working diligently to process your request and all other pending PRA requests as soon as practicable. As I mentioned before, the District hopes to produce responsive records within six to eight weeks, or before January 1, 2024.

Thank you for your attention to this matter.

Respectfully,

Mike Marble



On Wed, Nov 1, 2023 at 10:37 AM Parker, Amy <amyipdev@csu.fullerton.edu> wrote:

Hello,

While I understand the position you're in, and I feel for the District, the number of requests it receives and its inadequate staffing to handle them in a timely manner is not my responsibility.

What is my responsibility, however, is to protect my rights to receive records in a timely manner under the law.

In your initial response, you said:

- As you may know, the PRA does not require public agencies to make disclosable documents available within a certain time frame. Rather, the PRA requires public agencies to determine, within ten days of receipt of the request, whether the requestor seeks copies of disclosable public records in the agency's possession.

This verbiage comes from *Motorola Communication & Electronics, Inc. v. Department of General Services* (55 Cal.App.4th 1342, 1997). However, *Motorola* has since been superceded on this particular point by *Farhad Fredericks v. The Superior Court of San Diego County; City of San Diego, et al., Real Parties in Interest* (233 Cal.App.4th 209, 2015), which held as a component ruling that the time limits pertained to the production of records, not the determination of whether a request sought disclosable records.

For further analysis of the decision in *Fredericks*, please see the [OIC's recent letter](#) to the California State University. The points in that letter are an extension using the precedent in *Fredericks* of [previous OIC arguments](#) (pp. 6-9).

Given the request concerns a large number of emails, the 14-day extension would be reasonable. The OIC will consider the 14-day extension as applied as soon as we receive correspondence from you citing one or more of the exceptions in GOV 7922.535(c). That would create a latest legal date of November 6, 2023. We will expect the records to be provided on or before that date.

If you do not have the capability to handle the request by that time, it is incumbent on the District to hire more staff to be able to properly meet their requirements under the law. The District would not refuse to hire more teachers in response to growing enrollment, as it has a legal obligation to provide quality education to the students it serves; likewise, the number of requests that an agency receives does not justify it failing to meet its legal obligations.

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyipdev
W: ois.amyjp.net M: @amyipdev@blahaj.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: keys.openprp.org

From: Michael Marble <mmarble@tvusd.us>
Sent: Wednesday, November 1, 2023 9:06 AM
To: Parker, Amy <amyipdev@csu.fullerton.edu>
Subject: [External] Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Good morning Amy,

As I mentioned in my initial response, we are processing a very high level of PRA requests currently. Typical production of documents is running about 6-8 weeks at this time. I'm hoping to have this to you by the end of the month. I appreciate your patience with this process. If I can help in any way in the meantime, please reach out.

Thank you,
Mike Marble



On Tue, Oct 31, 2023 at 4:06 PM Parker, Amy <amyipdev@csu.fullerton.edu> wrote:
Hello,

Following up on the status of the request.

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyipdev
W: ois.amyjp.net M: @amyipdev@blahaj.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: keys.openprp.org

From: Parker, Amy <amyipdev@csu.fullerton.edu>
Sent: Monday, October 23, 2023 12:26 PM
To: Michael Marble <mmarble@tvusd.us>
Subject: Re: [External] Re: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request - 10/13/23

And thank you!

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyipdev
W: ois.amyjp.net M: @amyipdev@blahaj.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: keys.openprp.org

From: Michael Marble <mmarble@tvusd.us>
Sent: Monday, October 23, 2023 12:25 PM
To: Parker, Amy <amyipdev@csu.fullerton.edu>
Subject: [External] Re: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Done! We'll process it as such. Thank you!



On Mon, Oct 23, 2023 at 12:22 PM Parker, Amy <amyipdev@csu.fullerton.edu> wrote:
Confirmed with the amendment that the end date of the time range is set to October 22 inclusive (even if it's just by a few hours, I don't like requesting records "into the future").

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyipdev
W: ois.amyjp.net M: @amyipdev@blahaj.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: keys.openprp.org

From: Michael Marble <mmarble@tvusd.us>
Sent: Monday, October 23, 2023 12:21 PM
To: Parker, Amy <amyipdev@csu.fullerton.edu>
Subject: [External] Re: [External] Re: [External] Re: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Hi Amy -

Thank you for taking the time to speak with me. Let me know if the updated request below encapsulates our conversation.

Updated CPRA Request:

"Any communication to or from members of the TVUSD Governing Board or the Superintendent between 10/1/2022 and 10/23/2023 that include the key term "5020."

Thanks again!
Mike Marble



Michael D. Marble

Director - Compliance
Human Resources Development

(951)506-7991
mmarble@tvusd.us
31350 Rancho Vista Road, Temecula, CA 92592

On Fri, Oct 20, 2023 at 3:28 PM Parker, Amy <amyjpdev@csu.fullerton.edu> wrote:
Yes, that number works fine.

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyjpdev
W: aic.amyip.net M: @amyjpdev@blajah.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: [keys.openrpp.org](https://openrpp.org)

From: Michael Marble <mmarble@tvusd.us>

Sent: Friday, October 20, 2023 3:26 PM

To: Parker, Amy <amyjpdev@csu.fullerton.edu>

Subject: [External] Re: [External] Re: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Great! I'll call you at noon on Monday. Use the number listed in your signature below?



Michael D. Marble

Director - Compliance
Human Resources Development

(951)506-7991
mmarble@tvusd.us
31350 Rancho Vista Road, Temecula, CA 92592

On Fri, Oct 20, 2023 at 3:18 PM Parker, Amy <amyjpdev@csu.fullerton.edu> wrote:
How about 12 to 12:30 on Monday?

Amy Iris Parker
she/her/hers
C: (562) 299-8551 W: aic.amyip.net
M: amyjpdev@tech.lgbt D: Amy (she/her/hers)#8536

Sent from my mobile device. GPG is only supported for desktop communications; I may take more time to respond to GPG enabled messages.

From: Michael Marble <mmarble@tvusd.us>

Sent: Friday, October 20, 2023 3:10:18 PM

To: Parker, Amy <amyjpdev@csu.fullerton.edu>

Subject: [External] Re: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Hi Amy -

Yes, I'd be happy to set up a time to talk. I have time between 10:30-12:30 on Monday or anytime after 10:15 on Tuesday. Let me know if there's a time in that range that works for you.

Thank you,
Mike Marble



Michael D. Marble

Director - Compliance
Human Resources Development

(951)506-7991
mmarble@tvusd.us
31350 Rancho Vista Road, Temecula, CA 92592

On Fri, Oct 20, 2023 at 12:48 PM Parker, Amy <amyjpdev@csu.fullerton.edu> wrote:
With regards to #1, has the District received any public comments by email or other means?

With regards to #2, perhaps we could discuss further to refine the search terms? While I agree narrowing the terms could potentially be helpful, I do not currently have any ideas on how to narrow, and direct dialogue between us could be of assistance. I may also confer with other individuals interested in this request as to potential options for narrowing.

--

Amy Iris Parker
she/her/hers
CSUF CS '25
C: (562) 299-8551 D: @amyjpdev
W: aic.amyip.net M: @amyjpdev@blajah.zone
G: 7786034BD52149F51B0A2A14B1122F04E962DDC5
K: [keys.openrpp.org](https://openrpp.org)

From: Michael Marble <mmarble@tvusd.us>

Sent: Friday, October 20, 2023 12:36 PM

To: Parker, Amy <amyjpdev@csu.fullerton.edu>

Subject: [External] TVUSD Public Records Request - 10/13/23

External Email Use Caution and Confirm Sender

Re: California Public Records Act Request, received October 13, 2023

Ms. Parker:

This responds to your request for records, pursuant to the California Public Records Act ("PRA") (Government Code section 6250 et seq.), provided to the Temecula Valley Unified School District ("District") on October 13, 2023. As you may know, the PRA does not require public agencies to make disclosable documents available within a certain time frame. Rather, the PRA requires public agencies to determine, within ten days of receipt of the request, whether the requestor seeks copies of disclosable public records in the agency's possession.

Please be aware that we are currently experiencing an unusually high number of public record requests. We will continue to process all requests in the order they are received. As such, processing may take longer than usual. **Please allow this letter to serve as the District's initial response to your request.**

On October 13, 2023, you requested the following information:

1. All resolutions, policy documents, public comments, reports, and studies held by the District from January 1, 2022 to October 9, 2023 pertaining to LGBTQ+ students, book bans pertaining in any way to LGBTQ+ content (including bans of "explicit" content that encompass LGBTQ+ content), and
2. All emails sent from official Temecula Valley email addresses between January 1, 2022 and October 9, 2023 from members of the Board or from the Superintendent regarding District policies on LGBTQ+ students and parental notification for transgender students,

The District has determined that it possesses documents responsive to your requests. However, some clarification is required in order to appropriately process your full request.

For #1, the information you request is encompassed in the full video and audio recordings of our Governing Board meetings. Those meeting recordings can be accessed here: <https://www.youtube.com/c/lauraBoss>

For your convenience, I've also attached Board Policies which may not be specifically related to LGBTQ+ students, but you may find relevant, including BPI/ARs 0410, 1312.2, 5145.3 and 6144.

For #2, the District is requesting clarification and specificity. First of all, we understand your request to be regarding the recent Board Policy amendment 5020.01, which I have also attached for your convenience. This may resolve your request.

If you also seek email communications regarding this BP, you will need to provide us specific search terms in order to process the query. The more specific the search terms, the better your results will be. For example, simply searching the key term "LGBTQ+" will likely produce thousands, if not tens of thousands, of communications and production of those documents could take several months.

Please be advised that the District will withhold and/or redact documents and information that is exempt from disclosure under the PRA. (See e.g., Cal. Gov. Code §§ 6254 and 6255.) Specifically, the District will withhold and/or redact the following:

- Confidential student and personnel records, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- Materials reflecting deliberative or decision-making processes.
- Records pertaining to pending litigation.
- Attorney-client and attorney work product privileged information;
- Records where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code §§ 6254(a), (b), (c), and (k); 6255; Times Mirror Co. v. Superior Court (1991) 53 Cal.3d 1325, 1337-1339.)

The District understands its obligation under Government Code section 6253.1 to assist members of the public in making focused and effective requests that reasonably describe identifiable records. If the District has misinterpreted your request or if you desire assistance beyond that which is described in this letter in crafting a more focused and effective request, please contact me.



Michael D. Marble

Director - Compliance
Human Resources Development

1951506-7991

mmarble@tvusd.us

31350 Rancho Vista Road, Temecula, CA 92592

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.

Statement of Confidentiality: The contents of this e-mail message and any attachments are intended solely for the addressee. The information may also be confidential and/or legally privileged. This transmission is sent for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction, or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

E-mail is covered by the Electronic Communications Privacy Act, 18 USC SS 2510-2521 and is legally privileged.