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Attorneys for Petitioner and Plaintiff,
Center for American Liberty

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES — STANLEY MOSK COURTHOUSE

Center for American Liberty,
a Virginia Not for Profit corporation;

Petitioner and Plaintiff

vs.

Pasadena Unified School District;
and DOES 1 through 100, inclusive

Respondents and Defendants.

Case No.: **24STCP01249**
Judge:
Dept:

UNLIMITED JURISDICTION

**Verified Petition for Writ of Mandate;
Complaint for Declaratory &
Injunctive Relief**
[Gov. Code §§ 7921.000, et seq.]

Petitioner and Plaintiff Center for American Liberty, (“CAL”), alleges as follows:

1. In this action, CAL seeks to enforce its right to obtain public records pursuant to the California Public Records Act, Government Code¹ section 7920.000² (“CPRA”) for several CPRA requests to Respondent.

FACTS

2. This matter is regarding Public Records Act requests contained in a letter from Petitioner to Respondent Pasadena Unified School District.

¹ All undesignated code references are to the Government Code.
² The legislature re-codified the Public Records Act from Government Code section 6250, et seq. to section 7921.000, et seq effective on January 1, 2023.

PUBLIC RECORDS REQUEST OF DECEMBER 16, 2023

1
2 3. On or about December 16, 2023 Petitioner issued a Public Records Act (“CPRA”) request to the Respondent Pasadena Unified School District (“PUSD”). A copy of CAL’s
3
4 December 16, 2023 Public Records Act request is attached hereto as Exhibit A. That request was
5
6 for:

PUBLIC RECORDS ACT REQUEST I:

7
8 Pursuant to the California Public Records Act, Govt. Code §§ 7920.000 – 7930.215, Center for American Liberty (“Requestor”) respectfully requests to inspect all public records in the possession or control of the District (“District”) for the following:

- 9
10
11
12 1. I request to have sent to my office the policy(s) and procedures adopted by the District for compliance with the District’s obligations to maintain Pupil Records as defined under Education Code section 49061. In addition, I request that the District disclose to me any policy(s) and procedures regarding or describing or handling “informal notes related to an identifiable pupil compiled by a school officer or employee.” Education code section 49061 (b). This specifically includes any document or documents that define what the District considers to be or defines “informal notes” as described in Education code section 49061 (b) and set forth the basis for releasing to or withholding from a parent or guardian any such “informal notes” about a student (also known as granting or denying “access” as defined by Education Code section 49061 (e)).

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18 The timeframe for this request number 1 is from January 1, 2020 to the present date.

- 19
20
21 2. Also, my client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 1266, the School Success and Opportunity Act of 2013.

22
23 The timeframe for this request number 2 is from January 1, 2019 to the present date.

- 24
25 3. My client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 329, the California Healthy Youth Act of 2016.

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27 The timeframe for this request number 3 is from January 1, 2019 to the present date.
28

1 4. My client requests to review / receive any policy(s) and procedures adopted by
2 the District for compliance with Senate Bill 48, the Fair Education Act of 2011.

3 The timeframe for this request number 4 is from January 1, 2019 to the present
4 date.

5 5. My client requests to review / receive any policy(s) and procedures adopted by
6 the District for compliance with the Student Safety & Violence Protection Act -
7 Assembly Bill 537 of 2020.

8 The timeframe for this request number 5 is from January 1, 2020 to the present
9 date.

10 6. Any policy and procedures whether or not adopted by the District for creation of
11 and implementation of Gender Support Plan(s) or any similar plans (such as
12 Gender Transition Plan or Individual Transition Plan) for students transitioning
13 genders or having gender questioning including but not limited to the use of
14 pronouns for the affected student(s). Attached is a sample from another school
15 district for the type of form some District's utilize for this purpose. Even if your
16 District does not utilize such a form, we still request the District's
17 communications and instructions, etc. on implementing the purposes of gender
18 transition by the District as stated in point 7 below.

19 The timeframe for this request number 1 is from January 1, 2019 to the present
20 date.

21 7. For communications (electronic and in paper format) by and between employees
22 and / or trustees of the District internally and with any third parties regarding the
23 implementation of matters stated in requests numbers 1 through 6 above. For
24 these items above, I recommend to the District that it begin its search for these
25 communications by starting with the person(s) or Department(s) that were tasked
26 with answering questions from District staff and third parties about the
27 implementation of these policies and procedures. For example, the person(s)
28 answering questions of District staff about filling out, safe keeping, responses for
request to see records by parents / guardians regarding any Gender Support Plan
(such as making changes or not to the student's permanent pupil records, etc.). Or
questions regarding what is included in "Pupil records" a parent or guardian may
see under Education Code section 49061 and if that includes a filled-out Gender
Support Plan (if any) or not. Another example would be about the implementation
of new curriculum or instructional materials pursuant to any of the statutes listed
above. It is hoped that this suggestion will assist the District in focusing its search
efforts a distinct set of records rather than just a District wide search.

The timeframes for request numbers 1 through 7 are from January 1, 2019 to the
present date.

8. I request to have sent to my office the policy(s) and procedures adopted by the
District for compliance with Education Code section 49063 ("Notification of

1 parents of their rights”) and section 48980 (“Notice at beginning of term of rights
2 and responsibilities; required content”). In addition, my client requests the District
3 provide a writing exhibiting (i.e., a sample of) the District’s compliance with
4 section 49063 (b) that annually the District is to notify the parent (or guardian) of
5 a pupil of the “categories of information that the school district plans to release
6 and of the recipients.” In addition, my client requests the District provide a
7 writing exhibiting (a sample of) the District’s compliance with section 48980 for
8 the time frames listed therein (quarterly, at the beginning of the semester,
9 annually, etc.).

10 The timeframe for this request number 8 is from January 1, 2020 to the present
11 date.

- 12 9. I request the District send my office all documents, handouts, PowerPoint / media
13 presentations, videos, etc. used by any guest speakers for any topics related to the
14 curriculum / teaching about the matters covered in items 1 through 8 above. This
15 would include any materials about any such guest speaker including, for example,
16 his/her Curriculum Vite, Resume, Biography, etc. and any invoice for services for
17 that guest speaker’s presentation. Also, any communications between any
18 employee and any guest speaker, between employees about any such guest
19 speaker and between any District employees and any third parties about any such
20 guest speaker. If any writing / responsive records includes the name of any
21 student, I ask that the District redact that student’s name and forward to me the
22 document in redacted form. This request also includes any responsive records
23 kept in electronic form.

24 The timeframe for this request number 9 is from January 1, 2019 to the present
25 date.

- 26 10. For any contracts, memorandums of understanding, purchase orders, invoices and
27 evidences of payment, such as warrants, checks, ACH transactions, wire transfers,
28 etc., if any, between the District and the following organizations / entities: Hazel
Health, YMCA, the ACLU, Planned Parenthood (including any of its local
affiliates), the Trevor Project, Health Connect, Gender Spectrum, and GLSEN.

11. For any communications by and between the District and any of the organizations
listed in request number 10 above.

12. Each correspondence, presentations, PowerPoint presentations and/or videos,
including electronic communication and in paper format, regarding any
curriculum and/or supplemental curriculum and/or teaching materials in any way
regarding the DISTRICT’s programs / curriculum and the supplemental
curriculum itself regarding Social Emotional Learning, Ethnic Studies, Critical
Race Theory, Equity, Intersectionality, Transgenderism, Sanford Harmony,
diversity, inclusion, racism, structural racism, microaggressions, social justice,
white supremacy, and refugee.

- 1
2 13. Any instructional materials, training materials, supplemental materials and
3 resource videos, slideshows, and PowerPoint presentations, that include, Critical
4 Race Theory, Equity, Ethnic Studies, Hegemony, the organization “Black Lives
5 Matter,” and / or the 1619 Project.
6
7 14. Any invoices, purchase orders, checks, warrants or any other form of payment by
8 DISTRICT to any persons or organizations for curriculum, teacher training,
9 public relations, parent interactions, etc. regarding the topics described above. For
10 this item number 14, I wish to make clear that we request a copy of any contracts,
11 P.O.s, MOUs, etc. for any vendor the District has purchased curriculum materials,
12 teacher training materials, ancillary materials (such as a video or PowerPoint to
13 use with the curriculum materials in the classroom and/or teacher training). This
14 is most important for any instance where the District makes any claims of
15 exemption / privilege to deny CAL access to any responsive documents.
16
17 15. For communications (electronic and in paper format) by and between employees
18 and / or trustees of the District internally and with any third parties regarding the
19 implementation of item numbers 1 through 15 above. I recommend to the District
20 that it begin its search for these communications by starting with the person(s) or
21 Department(s) that were tasked with answering questions from District staff and
22 third parties about the implementation of these policies and procedures.

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24 The timeframe for requests 10 through 15 above is from January 1, 2019 to the
25 present date.

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PUBLIC RECORDS ACT REQUEST II:

**FOR DOCUMENTS RELATED TO THE DISTRICT’S FINDINGS OF ITS
ALLOWED “DIRECT” COSTS PER GOVERNMENT
CODE SECTION 7922.530 (A)**

Since the Public Records Request Act allows the District to only charge its
“direct” costs for photocopying, please disclose documents that evidence how
(including backup costs information or studies **not** just the Department’s formal
policy on photocopy charges) the District arrives at its “direct” cost per page for
photocopying charges. Please consider this request to be a separate Public
Records Act Request.

4. This request (Exhibit A) also included a request for responsive documents to be delivered
in electronic format if they were already stored in an electronic format. Govt. Code § 7922.570.

1 5. On or about December 21, 2023 Respondent PUSD acknowledged CAL's CPRA
2 request. Respondent's letter stated:

3 **RE: Public Records Request Dated December 16, 2023 and**
4 **received by us December 18, 2023**

5
6 Dear Mr. Alexander:

7 The District is in receipt of your Public Records request dated November 28, 2023.

8 The District will require a 14-day extension to a search for, collect, and appropriately
9 examine district records [GC§7922.535(b)].

10 Hilda Ramirez Horvath
11 Public Information Officer

12 A copy of that December 21, 2023 e-mail and letter is attached hereto as Exhibit B.

13 6. Respondent did not further contact Petitioner. Therefore on January 23, 2024 Petitioner's
14 counsel sent the following electronic mail inquiry to Respondent:

15
16 Dear Ms. Horvath,

17 Thank you for your letter of December 21, 2023 (attached). We have not yet
18 received the District's further response to my client's PRAs or the responsive
19 documents. If the District did send them I request the District re-send them to
me and I thank you for that assistance.

20 Craig P. Alexander
21 Law Offices of Craig P. Alexander
22 24681 La Plaza, Suite 250
23 Dana Point, CA 92629
949-481-6400 Office

24 A copy of this electronic mail dated January 23, 2024 is attached as Exhibit C.

25 7. Respondent did not respond to Exhibit C or disclose any responsive documents by April
26 8, 2024. Therefore Petitioner issued a letter Certified Return Receipt Requested to Respondent
27 which stated:

28 April 8, 2024

1 Ms. Hilda Ramirez Horvath
2 Public Information Officer
3 Pasadena Unified School District
4 351 S. Hudson Ave.
5 Pasadena, CA 91109

6 RE: California Public Records Act Requests of December 16, 2023

7 Dear Ms. Horvath,

8 This letter is being sent on behalf of the Center for American Liberty. Please find
9 enclosed the following:

- 10 • An original copy of my letter to you of December 16, 2023 which contained my
11 client's PRA requests.
- 12 • An original copy of the Individual Transition Plan from another District that was
13 enclosed with my December 16, 2023 letter.
- 14 • A copy of your letter to me (delivered via electronic mail) of December 21, 2023
15 which included an acknowledgment of my client's PRA requests.
- 16 • My January 23, 2023 e-mail to you noting I had not yet received responsive
17 documents.

18 I have not received any response or contact from the District since your letter of
19 December 21, 2023.

20 Please be advised that if I do not receive the District's response and the responsive
21 documents by Thursday, April 18, 2024 my client will have no choice but to file a
22 Petition for Writ of Mandate to enforce its rights under the Public Records Act.

23 Very truly yours,

24 *Craig P. Alexander*

25 Craig P. Alexander

26 Enclosures as stated

27 A true and correct copy of the letter of April 8, 2024 is attached as Exhibit D.
28 .

1 8. A true and correct copy of the Return Receipt for the letter of April 8, 2024 is
2 attached as Exhibit E.

3 9. As of the date of the filing of this Petition, Petitioner has not received any
4 response to Exhibit D or any responsive documents from Respondent PUSD. This
5 constitutes a breach of Respondent's duty to disclose responsive documents promptly or
6 at all.
7

8 10. Also as of the date of the filing of this Petition, Respondent has not claimed or notified
9 Petitioner that any responsive documents have been withheld on the basis of a claimed
10 exemption and/or privilege.
11

12 11. Respondent PUSD has violated Petitioner CAL's right to obtain public records by not
13 adequately responding to Petitioner's PRA requests including its duty to assist Petitioner.
14

15 **PARTIES**

16 12. Petitioner and Plaintiff Center for American Liberty, (Petitioner or CAL) is a nonprofit
17 public benefit corporation organized under the laws of Virginia.

18 13. Respondent and Defendant Pasadena Unified School District ("Respondent" or
19 "Agency") is the public entity and it is a local agency as defined by the CPRA.

20 14. The true names of Respondent and Defendant DOES 1 through 100, inclusive are
21 unknown to Petitioner who therefore brings this Petition and Complaint against DOES 1 through
22 100, inclusive by such fictitious names, and will seek leave of this Petition, Writ and Complaint
23 to show their true names, identities, and capacities when they have been determined.
24

25 15. DOES 1 through 100 includes Pasadena Unified School District officials, employees,
26 contractors, and other agents who have public records relating to Agency business in their
27 possession.
28

1 16. Each Respondent and Defendant, including the DOE Respondents and Defendants, are
2 each other's agents and at all relevant times were acting as each other's agents. Together, all
3 Respondents and Defendants are the "Respondents."

4
5 **JURISDICTION**

6 17. Pursuant to Government Code section 7923.000, "any person may institute proceedings
7 for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to
8 enforce his or her right to inspect or to receive a copy of any public record or class of public
9 records under [the CPRA]."

10
11 18. Petitioner is a person, as defined by the code, and is suing to enforce its right to receive
12 public records. Petitioner has standing to bring this action. *Connell v. Super. Ct. (Intersource,*
13 *Inc.)* (1997) 56 CA4th 601, 611.

14
15 19. The Los Angeles County Superior Court is the proper venue because the acts complained
16 of which are the subject of this Petition, Writ and Complaint, have all occurred or will all occur
17 in the County of Los Angeles, State of California. The relief sought in this Petition, Writ and
18 Complaint is within the jurisdiction of this Court.

19
20 **SUMMARY OF PERTINENT CALIFORNIA PUBLIC RECORDS ACT PROVISIONS**

21
22 20. In enacting the CPRA, the Legislature declared that "access to information concerning
23 the conduct of the people's business is a fundamental and necessary right of every person in this
24 state." (§ 7921.000)

25
26 21. The CPRA requires that a local agency respond to a request for public records within 10
27 days to inform the requestor whether it possess disclosable public records that are responsive to
28 the request (§ 7922.535 (a)). A local agency is permitted one fourteen-day extension only if one

1 of four specified “unusual circumstances” exists. (§ 7922.535 (b) & (c).) Responsive records
2 must be disclosed “promptly.” (§ 7922.530)

3 22. A local agency has a duty to assist the requestor in formulating a focused and effective
4 request. (§ 7922.600)

5 23. Local agencies may not charge more than the agency’s “direct costs of duplication” for
6 copies of records. (§ 7922.530 (a)) Direct costs of duplication are limited to the costs of making
7 copies and do not include time spent searching for and reviewing records. (*North County Parents*
8 *Organization v. Dept. of Education* (1994) 23 Cal.App.4th 144, 147.)

9 24. An agency may not charge a requestor of responsive documents for the act of searching
10 for those documents or for review and redaction of any portion of a responsive document where
11 the agency is claiming it is subject to an exemption or privilege. *National Lawyers Guild v. City*
12 *of Hayward, et al* (2020) 9 Cal. 5th 488.

13 25. A local agency must, upon request, provide information in the electronic format it is
14 stored in (§ 7922.570).

15 26. A local agency must, upon request, provide a copy of any contract it has entered into for
16 goods or services. (§ 7928.801).

17 27. “Purpose of request for disclosure; effect. This division does not allow limitations on the
18 access to a public records based upon the purpose for which the request is being requested, if the
19 record is otherwise subject to disclosure.” (§ 7921.300)

20 28. Where the documents requested do not contain the substance of or excerpts from “actual
21 discussions or debate, or information showing how government policy was formed” and nothing
22 in the requested documents will impede future discussions and debate on policy, the deliberative
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1 process exemption does not apply to justify denial of records disclosure. *Caldecott v. Superior*
2 *Court* (2015) 243 Cal. app. 4th 212, 234-235.

3 29. Documents that are not predicational or deliberative but reflect the implementation of
4 policy are not subject to the deliberative process exemption. *American Civil Liberties Union of*
5 *Northern California v. Superior Court* (2011) 202 Cal. App. 4th 55, 76.

6 30. When being applied to grant access to information, the CPRA must be interpreted
7 broadly, and when being applied to deny access to information, CPRA exemptions must be
8 interpreted narrowly (Cal. Const., art. I, § 3).

9 31. When public officials conduct the people's business on private devices and accounts such
10 as texting on privately owned cell phones or sending email using privately held electronic mail
11 accounts, these records are subject to disclosure under the CPRA as if they were created on
12 agency-owned devices. (*City of San Jose v. Superior Court (Smith)* (2017) 2 Cal. 5th 608.). At
13 no time did Respondent include a statement that it had searched or caused to be searched any
14 employee and/or trustee private devices for responsive public records.
15

16 32. It does not appear that Respondent is claiming any privileges / exemptions to withhold
17 partially or wholly as no advise of same was made by Respondent to Petitioner. An agency
18 opposing disclosure has the burden of proof that an exemption / privilege applies. *Am. C.L.*
19 *Union of N. California v. Superior Ct.*, (2011) 202 Cal. App. 4th 55, 67.
20
21

22 **FIRST CAUSE OF ACTION**
23 (Writ of Mandate — Gov. Code §§ 7923.000 – 7923.005)
24 Against all Respondents

25 33. Petitioner incorporates by reference all prior allegations and all prior paragraphs.
26
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1 34. Respondent, a local public agency, is required to comply with Petitioner's CPRA
2 requests. Respondents have a ministerial duty to comply with the CPRA by promptly providing
3 documents responsive to CPRA requests.

4 35. Petitioner requests that a Writ of Mandate issue to compel Respondents to search for and
5 disclose the public records and documents that are responsive to Petitioner's CPRA requests
6 described herein, including those improperly withheld on the basis of general alleged exemptions
7 and/or privileges, if any.

8 36. Petitioner's effort to obtain the records without litigation have been unsuccessful, and
9 Petitioner has no further administrative remedies. Petitioner's attempt to, in effect, meet and
10 confer with Respondent, has been unsuccessful. Therefore, there is no other adequate remedy in
11 the ordinary course of law. Indeed, the CPRA specifically authorizes writ of mandate as a
12 remedy for CPRA violations.
13

14
15 **SECOND CAUSE OF ACTION**
16 (Declaratory Relief — Gov. Code §§ 7923.000 – 7923.005)
17 Against all Respondents

18 37. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

19 38. There is an actual and justiciable controversy between the parties as to whether
20 Respondents' actions have complied with the California Public Records Act.

21 39. Petitioner alleges that Respondents have committed the following CPRA violations:

- 22 a. On information and belief, failure to conduct a proper and complete search for the
23 various responsive records in response to CAL's CPRA requests.
24
25 b. Failure to make a sufficient written determination as to whether Respondent possesses
26 disclosable public documents/records including e-mails, studies, research, data, text
27 messages, or other documents responsive to Petitioner's requests after more than the
28

1 maximum 10 days (plus any 14-day extension) allowed under Government Code §
2 6253(a);

3 c. Failure to disclose records and documents responsive to CAL’s CPRA requests at all;

4 d. Failure to disclose records and documents responsive to CAL’s CPRA requests that are
5 not properly subject to an exemption under the California Public Records Act;

6 e. Failure to disclose records that are in its possession and/or constructive possession; and /
7 or
8

9 f. Failure to “promptly” disclose responsive public records as required by the CPRA.

10 40. There is an actual controversy with respect to these violations because on information
11 and belief, Respondents dispute the factual basis for the violation and/or whether the actions
12 described violate the CPRA.
13

14 41. Declaratory relief is necessary to resolve these controversies and determine whether
15 Respondents have violated the CPRA as described above.

16 42. The CPRA specifically authorizes declaratory relief.
17

18 **THIRD CAUSE OF ACTION**
19 (Injunctive Relief — Gov. Code §§ 7923.000 – 7923.005)
20 Against all Respondents

21 43. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

22 44. The CPRA specifically authorizes injunctive relief as a remedy for CPRA violations.

23 45. Respondents have failed to respond with any documents responsive to the request for
24 records related to how Respondent determined the costs it can or will charge for providing
25 photocopies of responsive documents/information.

26 46. Respondents have failed to properly search for documents and/or have not disclosed
27 responsive records to Petitioner.
28

1 47. The CPRA requires disclosure of public records regardless of whether the records are in
2 the responding agency's actual possession. Records in the possession of an agency's employees
3 or elected officials are public records even if the records are not under the agency's immediate
4 control.

5 48. On information and belief, charging improper and/or excessive fees frustrates the purpose
6 of the CPRA and serves to discourage members of the public from requesting public records and
7 participating in activities related to their constitutional right of public oversight.
8

9 49. Petitioner seeks injunctive relief to:

10 g. Compel Respondents to disclose all public records responsive to CAL's three CPRA
11 requests that are in Respondents possession; and
12

13 h. Compel Respondents to disclose all responsive records not properly subject to an
14 exemption or privilege.

15 i. Prohibit Respondent from charging improper and/or excessive fees before disclosing
16 public records;
17

18 50. There is no monetary compensation that could adequately compensate Petitioner or any
19 other affected party for the infringement of this right.

20 51. Injunctive relief is necessary to prevent ongoing and future infringement of the public's
21 right to receive public records from Respondents in a timely fashion. and, on information and
22 belief, as a consequence of Respondents' demand for excessive duplication fees. Petitioner
23 requests injunctive relief to ensure Respondents' compliance with the CPRA.
24

25 **PRAYER FOR RELIEF**

26 Wherefore, Petitioner prays that this court:

27 As to the First Cause of Action:
28

1 52. Issue Peremptory and/or Alternative Writ of Mandate ordering Respondents to promptly
2 conduct a proper search for responsive records and to disclose to Petitioner all improperly
3 withheld records.

4 53. That for any documents Respondent PUSD determines to withhold from Petitioner
5 (either partially via redactions or in its entirety) to prepare and submit to Petitioner a privilege
6 log containing the following information: the author of the document(s), the recipient(s) of the
7 document(s), the “cc” recipient(s) of the document, if any author and/or recipient of a document
8 is an attorney, the California State Bar number for that attorney, the date of the document(s), the
9 type of document (memorandum, letter, electronic mail, etc.), a brief description of the
10 document’s title and subject matter and the exemption / privilege claimed; and
11

12 54. Issue a Peremptory and/or Alternative Writ of Mandate to order Respondents to ensure
13 that its Trustees and employees search their personal email accounts and electronic devices for
14 records responsive to Petitioner’s request;
15

16 As to the Second Cause of Action:
17

18 55. Enter a declaratory judgment that Respondents violated the CPRA by:

- 19 a) Failing to search for and disclose responsive public records-that that Respondent
20 and its employees and officials possess in Respondent’s physical and electronic
21 files;
22 b) Failing to search for and disclose responsive public records that that Respondent’s
23 employees and officials possess in their personal files, email accounts, and
24 electronic devices;
25 c) Failure to make a written determination as to whether Respondent possesses
26 disclosable public records;
27
28

- 1 d) Failing to promptly disclose the records that are responsive to Petitioner’s CPRA
2 requests; and
3 e) Failure to disclose records that are not properly subject to an exemption /
4 privilege under the California Public Records Act.

5 and order Respondent to comply with its duties to Petitioner under the CPRA.

6
7 As to the Third Cause of Action:

8 56. Issue an order compelling Respondents to search their private email accounts, computers,
9 and other electronic devices for public records that are responsive to Petitioner’s request and
10 disclose same to Petitioner;

11 57. Issue an order compelling Respondent to search for and disclose to Petitioner all
12 responsive records not subject to any proper claim of exemption or privilege; and

13 58. Issue a permanent injunction prohibiting Respondent from charging improper fees for
14 photocopying, compilation, extraction, or programming prior to disclosing records that are
15 responsive to a CPRA request;
16

17
18 As to all Causes of Action:

19 59. Award Petitioner’s attorneys’ fees and costs reasonably incurred in this action; and

20 60. For such other and further relief as the Court deems proper.
21

22 Dated: April 19, 2024

Respectfully submitted,
LAW OFFICE OF CRAIG P. ALEXANDER

23
24 By: *Craig P. Alexander*

25 _____
26 Craig P. Alexander,
27 Attorneys for Petitioner and Plaintiff
28 Center for American Liberty, Inc.

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TABLE OF EXHIBITS

Exhibit	Description	Reference
A	CAL's December 16, 2023 CPRA Request	¶ 3
B	Respondent's December 21, 2023 Initial Response to CAL's CPRA Request	¶ 5
C	CAL's January 23, 2024 inquiry (via e-mail) to Respondent regarding CAL's CPRA Request	¶ 6
D	CAL's April 8, 2024 letter to Respondent	¶ 7
E	The Return Receipt card for the April 8, 2024 letter to Respondent	¶ 8

EXHIBIT “A”

Law Offices of Craig P. Alexander

24681 La Plaza, Suite 250

Dana Point, CA 92629

Office: 949-481-6400 Facsimile: 949-242-2545

E-mail: craig@craigalexanderlaw.com

VIA ELECTRONIC (RAMIREZHORVATH.HILDA@PUSD.US) AND U.S. MAIL

December 16, 2023

Ms. Hilda Ramirez Horvath
Public Information Officer
Pasadena Unified School District
351 S. Hudson Ave.
Pasadena, CA 91109

RE: California Public Records Act Requests

Dear Ms. Horvath,

This letter is being sent on behalf of the Center for American Liberty. I ask that you direct this letter to the responsible personnel to respond to my client's CPRA requests.

PUBLIC RECORDS ACT REQUEST I:

Pursuant to the California Public Records Act, Govt. Code §§ 7920.000 – 7930.215, Center for American Liberty ("Requestor") respectfully requests to inspect all public records in the possession or control of the District ("District") for the following:

1. I request to have sent to my office the policy(s) and procedures adopted by the District for compliance with the District's obligations to maintain Pupil Records as defined under Education Code section 49061. In addition, I request that the District disclose to me any policy(s) and procedures regarding or describing or handling "informal notes related to an identifiable pupil compiled by a school officer or employee." Education code section 49061 (b). This specifically includes any document or documents that define what the District considers to be or defines "informal notes" as described in Education code section 49061 (b) and set forth the basis for releasing to or withholding from a parent or guardian any such "informal notes" about a student (also known as granting or denying "access" as defined by Education Code section 49061 (e)).

The timeframe for this request number 1 is from January 1, 2020 to the present date.

2. Also, my client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 1266, the School Success and Opportunity Act of 2013.

The timeframe for this request number 2 is from January 1, 2019 to the present date.

3. My client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Assembly Bill 329, the California Healthy Youth Act of 2016.

The timeframe for this request number 3 is from January 1, 2019 to the present date.

4. My client requests to review / receive any policy(s) and procedures adopted by the District for compliance with Senate Bill 48, the Fair Education Act of 2011.

The timeframe for this request number 4 is from January 1, 2019 to the present date.

5. My client requests to review / receive any policy(s) and procedures adopted by the District for compliance with the Student Safety & Violence Protection Act - Assembly Bill 537 of 2020.

The timeframe for this request number 5 is from January 1, 2020 to the present date.

6. Any policy and procedures whether or not adopted by the District for creation of and implementation of Gender Support Plan(s) or any similar plans (such as Gender Transition Plan or Individual Transition Plan) for students transitioning genders or having gender questioning including but not limited to the use of pronouns for the affected student(s). Attached is a sample from another school district for the type of form some District's utilize for this purpose. Even if your District does not utilize such a form, we still request the District's communications and instructions, etc. on implementing the purposes of gender transition by the District as stated in point 7 below.

The timeframe for this request number 1 is from January 1, 2019 to the present date.

7. For communications (electronic and in paper format) by and between employees and / or trustees of the District internally and with any third parties regarding the implementation of matters stated in requests numbers 1 through 6 above. For these items above, I recommend to the District that it begin its search for these communications by starting with the person(s) or Department(s) that were tasked with answering questions from District staff and third parties about the implementation of these policies and procedures. For example, the person(s) answering questions of District staff about filling out, safe keeping, responses

for request to see records by parents / guardians regarding any Gender Support Plan (such as making changes or not to the student's permanent pupil records, etc.). Or questions regarding what is included in "Pupil records" a parent or guardian may see under Education Code section 49061 and if that includes a filled-out Gender Support Plan (if any) or not. Another example would be about the implementation of new curriculum or instructional materials pursuant to any of the statutes listed above. It is hoped that this suggestion will assist the District in focusing its search efforts a distinct set of records rather than just a District wide search.

The timeframes for request numbers 1 through 7 are from January 1, 2019 to the present date.

8. I request to have sent to my office the policy(s) and procedures adopted by the District for compliance with Education Code section 49063 ("Notification of parents of their rights") and section 48980 ("Notice at beginning of term of rights and responsibilities; required content"). In addition, my client requests the District provide a writing exhibiting (i.e., a sample of) the District's compliance with section 49063 (b) that annually the District is to notify the parent (or guardian) of a pupil of the "categories of information that the school district plans to release and of the recipients." In addition, my client requests the District provide a writing exhibiting (a sample of) the District's compliance with section 48980 for the time frames listed therein (quarterly, at the beginning of the semester, annually, etc.).

The timeframe for this request number 8 is from January 1, 2020 to the present date.

9. I request the District send my office all documents, handouts, PowerPoint / media presentations, videos, etc. used by any guest speakers for any topics related to the curriculum / teaching about the matters covered in items 1 through 8 above. This would include any materials about any such guest speaker including, for example, his/her Curriculum Vite, Resume, Biography, etc. and any invoice for services for that guest speaker's presentation. Also, any communications between any employee and any guest speaker, between employees about any such guest speaker and between any District employees and any third parties about any such guest speaker. If any writing / responsive records includes the name of any student, I ask that the District redact that student's name and forward to me the document in redacted form. This request also includes any responsive records kept in electronic form.

The timeframe for this request number 9 is from January 1, 2019 to the present date.

10. For any contracts, memorandums of understanding, purchase orders, invoices and evidences of payment, such as warrants, checks, ACH transactions, wire transfers, etc., if any, between the District and the following organizations /

entities: Hazel Health, YMCA, the ACLU, Planned Parenthood (including any of its local affiliates), the Trevor Project, Health Connect, Gender Spectrum, and GLSEN.

11. For any communications by and between the District and any of the organizations listed in request number 10 above.
12. Each correspondence, presentations, PowerPoint presentations and/or videos, including electronic communication and in paper format, regarding any curriculum and/or supplemental curriculum and/or teaching materials in any way regarding the DISTRICT's programs / curriculum and the supplemental curriculum itself regarding Social Emotional Learning, Ethnic Studies, Critical Race Theory, Equity, Intersectionality, Transgenderism, Sanford Harmony, diversity, inclusion, racism, structural racism, microaggressions, social justice, white supremacy, and refugee.
13. Any instructional materials, training materials, supplemental materials and resource videos, slideshows, and PowerPoint presentations, that include, Critical Race Theory, Equity, Ethnic Studies, Hegemony, the organization "Black Lives Matter," and / or the 1619 Project.
14. Any invoices, purchase orders, checks, warrants or any other form of payment by DISTRICT to any persons or organizations for curriculum, teacher training, public relations, parent interactions, etc. regarding the topics described above. For this item number 14, I wish to make clear that we request a copy of any contracts, P.O.s, MOUs, etc. for any vendor the District has purchased curriculum materials, teacher training materials, ancillary materials (such as a video or PowerPoint to use with the curriculum materials in the classroom and/or teacher training). This is most important for any instance where the District makes any claims of exemption / privilege to deny CAL access to any responsive documents.
15. For communications (electronic and in paper format) by and between employees and / or trustees of the District internally and with any third parties regarding the implementation of item numbers 1 through 15 above. I recommend to the District that it begin its search for these communications by starting with the person(s) or Department(s) that were tasked with answering questions from District staff and third parties about the implementation of these policies and procedures.

The timeframe for requests 10 through 15 above is from January 1, 2019 to the present date.

For all categories 1 through 15 above, if any documents contain the names, home addresses, personal telephone numbers of specific students, we ask that you redact those names from the document(s) and forward the redacted document(s) to us. However, we expect the District will NOT redact the names of District staff or third parties (non-students) who may appear in responsive documents as that is not allowed under the PRA

statute and case law. *Iloh v. Regents of Univ. of California*, (2023) 87 Cal. App. 5th 513, 527–28, reh'g denied (Feb. 6, 2023), review denied (Apr. 12, 2023) and *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal. 4th 278, 288. I note that my client's requests do NOT include any employee personnel files.

These requests are for all writings and communications (including but not limited to, letters, electronic communications, e-mails, text messages, notes, memorandums, messages) whether or not those communications are stored in the District's files and/or servers or on personal devices / accounts such as private electronic mail accounts or cellular telephones or cellular telephones issued by the District to any District personnel. *City of San Jose v. Superior Court (Smith)* (2017) 2 Cal. 5th 608.

PUBLIC RECORDS ACT REQUEST II:

FOR DOCUMENTS RELATED TO THE DISTRICT'S FINDINGS OF ITS ALLOWED "DIRECT" COSTS PER GOVERNMENT CODE SECTION 7922.530 (A)

Since the Public Records Request Act allows the District to only charge its "direct" costs for photocopying, please disclose documents that evidence how (including backup costs information or studies **not** just the District's formal policy on photocopy charges) the District arrives at its "direct" cost per page for photocopying charges. Please consider this request to be a separate Public Records Act Request.

REQUEST FOR INFORMATION IN ELECTRONIC FORMAT PURSUANT TO GOVERNMENT CODE SECTION 7922.570 (A) & (B)

My client is seeking these records in all electronic formats your office keeps them in. Under the Public Records Act, the District's office is required to deliver the information in whatever electronic format it is in **no matter whether it is Excel, Word, WordPerfect or some other program or programs.** Government Code section 7922.570 (a) & (b). **My client's request extends to receipt of this information in the electronic format your office maintains these records in.** Delivery of this information to me by electronic mail (craig@craigalexanderlaw.com) or via a thumb drive or via a disk is fine. I can supply the District with a thumb drive if needed. *Please advise what electronic format these records are kept in.*

In addition, if there are documents that satisfy this request that are in **both** electronic and paper formats, *my client offers to receive the electronic version of those records and forgo inspection and potential photocopying of those paper copies.* It is hoped that this will save the District and my client's time, trouble and expense.

If you anticipate that data compilation, extraction, or programming will be required to satisfy a request (per Section 7922.575 (b) (2)), please provide a written estimate and justification for same.

In addition, on May 28, 2020 the California Supreme Court ruled that an agency may not charge a requestor of responsive documents for the act of searching for those documents or for review and redaction of any portion of a responsive document where the agency is claiming it is subject to an exemption or privilege. *National Lawyers Guild v. City of Hayward, et al* (2020) 9 Cal. 5th 488.

REQUEST FOR INSPECTION OF DOCUMENTS

For any records not delivered electronically, my client elects to inspect these non-electronic records. Once my client's agent and/or I have had an opportunity to inspect these records, we will designate which documents we will wish to obtain copies from your office and its agents, employees, consultants, etc. I also note that under Government Code section 7922.530 (b) my client's agent has the right to use their own equipment (usually a cell phone) to take photos of the responsive documents being inspected.

The California Public Records Act requires the District's office to "reveal the general nature of the documents withheld," and to "set forth the names and titles or positions of each person responsible for the denial." Cal. Govt. Code Section 7922.540. I emphasize my client's request for a specific response and all applicable exemptions to the request. A blanket list of exemptions that may or may not apply to the request coupled with a failure to indicate the existence of documents responsive to the request denies us the ability to evaluate whether the District has justifiably withheld responsive documents. Denying my client her opportunity frustrates the Legislature's primary purpose in enacting the California Public Records Act, which is to "maximize public access to agency records."

There is no question that your office is a public entity subject to the Public Records Act pursuant to Government Code section 7920.525 and it must comply with the Request as set forth under the Act.

Terms utilized that are defined by the California Public Records Act should be given their full meaning. Thus, for example, a request for any "writing" includes a request for "any handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Cal. Govt Code section 7920.545. In keeping with the provisions of the California Public Records Act, "writing" includes any preliminary drafts, notes or interagency or intra-agency memoranda" unless such draft items are "not retained...in the ordinary course of business" and "the public interest in withholding clearly outweighs the public interest in disclosure."

Additionally, certain common terms should be given broad interpretation. For example, "relating to" means, in addition to the usual and customary meaning, depict or depicting, discuss or discussing, refer to or referring, reflect or reflecting, support or supporting, refute or refuting, address or addressing, evidence or evidencing, or record or recording.

For the purposes of this letter, a reference to an entity or body, such as the District's office includes all representatives of the entity or body.

**REQUEST FOR ASSISTANCE, IF NEEDED, PURSUANT
TO GOVERNMENT CODE SECTION 7922.600**

While my client believes its request is fully understandable, concise and specific for the District to search for, review and disclose responsive documents, if the District has any confusion over my client's requests, under Government Code section 7922.600 the District has a duty to communicate with us about the requests. Towards that end, I am available to discuss this matter with you by phone or e-mail (phone preferred). Thank you.

**THE DISTRICT'S RESPONSE TO
OUR REQUESTS ARE DUE WITHIN TEN DAYS**

In accordance with Section 7922.535, please contact me within ten (10) days of your receipt of this request and notify me whether this request seeks copies of dis-closable public records in the District's possession, and, if not, the reasons for such determination. We will wish to make an appointment with you to review the dis-closable records at your office.

Thank you in advance for your courtesy and cooperation in this matter.

Very truly yours,

Craig P. Alexander

Craig P. Alexander

Enclosure as stated

EXHIBIT ‘B’

From: ramirezhorvath.hilda@pusd.us on behalf of [Communications Communications](#)
To: [Craig Alexander](#)
Subject: Your Public Records Request
Date: Thursday, December 21, 2023 7:22:45 PM
Attachments: [20231221195545481.pdf](#)

Please see attached

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Office of Communications
(626) 396-3606
www.pusd.us



PASADENA UNIFIED SCHOOL DISTRICT
OFFICE OF COMMUNICATIONS

VIA EMAIL

December 21, 2023

Craig Alexander
Law Offices of Craig P. Alexander
24681 La Plaza, Suite 250
Dana Point, CA 92629
craig@craigalexanderlaw.com

**RE: Public Records Request Dated December 16, 2023 and
received by us December 18, 2023**

Dear Mr. Alexander:

The District is in receipt of your Public Records request dated November 28, 2023.

The District will require a 14-day extension to a search for, collect, and appropriately examine district records [GC§7922.535(b)].

Sincerely,

Hilda Ramirez Horvath
Public Information Officer

EXHIBIT “C”

From: [Craig Alexander](#)
To: RAMIREZHORVATH.HILDA@PUSD.US
Subject: FW: Your Public Records Request
Date: Tuesday, January 23, 2024 11:35:00 AM
Attachments: [20231221195545481.pdf](#)

Dear Ms. Horvath,

Thank you for your letter of December 21, 2023 (attached). We have not yet received the District's further response to my client's PRAs or the responsive documents. If the District did send them I request the District re-send them to me and I thank you for that assistance.

Craig P. Alexander
Law Offices of Craig P. Alexander
24681 La Plaza, Suite 250
Dana Point, CA 92629
949-481-6400 Office

From: ramirezhorvath.hilda@pusd.us <ramirezhorvath.hilda@pusd.us> **On Behalf Of**
Communications Communications
Sent: Thursday, December 21, 2023 7:22 PM
To: Craig Alexander <craig@craigalexanderlaw.com>
Subject: Your Public Records Request

Please see attached

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Office of Communications
(626) 396-3606
www.pusd.us

EXHIBIT “D”

Law Offices of Craig P. Alexander

24681 La Plaza, Suite 250

Dana Point, CA 92629

Office: 949-481-6400 Facsimile: 949-242-2545

E-mail: craig@craigalexanderlaw.com

VIA U.S. MAIL CERTIFIED RETURN RECEIPT REQUESTED

April 8, 2024

Ms. Hilda Ramirez Horvath
Public Information Officer
Pasadena Unified School District
351 S. Hudson Ave.
Pasadena, CA 91109

RE: California Public Records Act Requests of December 16, 2023

Dear Ms. Horvath,

This letter is being sent on behalf of the Center for American Liberty. Please find enclosed the following:

- An original copy of my letter to you of December 16, 2023 which contained my client's PRA requests.
- An original copy of the Individual Transition Plan from another District that was enclosed with my December 16, 2023 letter.
- A copy of your letter to me (delivered via electronic mail) of December 21, 2023 which included an acknowledgment of my client's PRA requests.
- My January 23, 2023 e-mail to you noting I had not yet received responsive documents.

I have not received any response or contact from the District since your letter of December 21, 2023.

Please be advised that if I do not receive the District's response and the responsive documents by **Thursday, April 18, 2024** my client will have no choice but to file a Petition for Writ of Mandate to enforce its rights under the Public Records Act.

Very truly yours,

Craig P. Alexander

Craig P. Alexander

Enclosures as stated

EXHIBIT ‘E’

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. HILDA RAMIREZ HORVATH
 PASADENA UNIFIED
 SCHOOL DISTRICT
 351 S. HUDSON AVE.
 PASADENA, CA 91104



9590 9402 6932 1104 9590 58

2. Article Number (Transfer from service label)

9589071052701281320259

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

E. Bailey

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#



9590 9402 6932 1104 9590 58



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

CRAIG ALEXANDER
 24681 LA PLAZA, SUITE
 250
 DANA POINT, CA
 92629