

FREEDOM *of* CONSCIENCE

DEFENSE FUND

CHARLES S. LIMANDRI*
PAUL M. JONNA

TERESA L. MENDOZA
JEFFREY M. TRISSELL

*BOARD CERTIFIED CIVIL TRIAL ADVOCATE
ADMITTED TO THE CALIFORNIA BAR
ADMITTED TO THE DISTRICT OF COLUMBIA BAR
ADMITTED TO THE NEW YORK BAR
ADMITTED TO THE U.S. SUPREME COURT

POST OFFICE BOX 9520
RANCHO SANTA FE, CA 92067
TELEPHONE: (858) 759-9948
FACSIMILE: (858) 759-9938

WEBSITE: www.fcdfllegal.org

PHYSICAL ADDRESS:

16236 SAN DIEGUITO ROAD
BUILDING 3, SUITE 3-15
RANCHO SANTA FE, CA 92091

KATHY DENWORTH
Office Administrator

July 31, 2017

Via Certified Mail - Return Receipt

Public Information Office
Attn: Mr. Andrew Sharp
San Diego Unified School District
4100 Normal St., Rm. 2232
San Diego, CA 92103

RE: Public Records Act Request FY20162017.142

Dear Mr. Sharp:

This is a request for expedited processing of this modification to Public Records Act Request FY20172017.142 (copy attached), which I submitted on May 5, 2017, on behalf of the Freedom of Conscience Defense Fund (FCDF) under the California Public Records Act ("Act") § 6250 *et seq.* FCDF requests expedited processing because the requested records contain subject matter relevant to pending litigation in the United States District Court for the Southern District of California in the case entitled *Citizens for Quality Education San Diego, et al. v. San Diego Unified School District, et al.*, Case 3:17-cv-01054. Due to the time sensitive nature of the pending litigation, please provide expedited copies of the below public records¹.

¹ For purposes of this request, "public records" is consistent with the meaning of the term under the Act. The Act defines "public records" as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics". A writing is defined as "any handwriting, typewriting, printing, photostating, 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."

1. Any and all records regarding incidents of harassment and/or bullying of K-12 students based on a student's religion since January 1, 2015;
2. Any and all records regarding SDUSD's K-12 Protected Class Reports since January 1, 2015;
3. Any and all communications, including e-mails, between the following current or past SDUSD officials and any official, employee, representative, and/or agent of CAIR National, CAIR-California, and/or CAIR-San Diego since January 1, 2010:
 - a. Richard Barrera, Board President
 - b. Kevin Beiser, Board Vice President
 - c. Sharon Whitehurst-Payne, Trustee
 - d. Michael McQuary, Trustee
 - e. John Lee Evans, Trustee
 - f. Cynthia Marten, Superintendent
 - g. Stanley Anjan, FACE Executive Director
 - h. Olga Venegas, FACE Administrator
 - i. Marne Foster, former Board President
 - j. Kamal Boulazreg, Psychologist
 - k. Agin Shaheed, Race/Human Relations Manager
 - l. Andrew Sharp, Public Information Officer
 - m. Cheryl Ward, Director Board Services
 - n. Staci Monreal, Chief of Staff
 - o. Melissa Hudson, Admin. Assistant
 - p. Josefina Viorato, Admin Assistant
4. Any and all records regarding assistance, recommendations, materials, resources, and strategies provided to SDUSD by CAIR National, CAIR-California, and/or CAIR-San Diego or any one of its officials, employees, representatives, and/or agents since January 1, 2010;
5. Any and all records from all SDUSD meetings since January 1, 2010, which include communications about one or all of the following: CAIR National, CAIR-California, and CAIR-San Diego, Islamophobia, and the bullying of, or discrimination against, Muslim students;
6. Any and all records regarding any current or proposed instructional and/or education materials, training resources, and strategies related to Muslim and/or Islamic history and culture since January 1, 2012;

7. Any current or proposed materials, resources, and strategies relating to Islamophobia and the bullying of, and discrimination against, Muslim students in the Annual Employee Notifications (AP 6381);
8. Any current or proposed communications, materials, resources, and strategies relating to forming, exploring, and engaging of formal or informal partnerships with CAIR National, CAIR-California, and CAIR-San Diego or any of its officials, employees, representatives, and/or agents since January 1, 2010;
9. Any current or proposed communications, materials, resources, and strategies regarding events held or to be held on SDUSD property in conjunction and/or related to one or all of the following: Muslims, Islam, Muslim holidays, Islamophobia, and the bullying and discrimination of Muslim students;
10. Any current or proposed communications, materials, resources, and strategies regarding events held or to be held off SDUSD property since January 1, 2012, in conjunction and/or related to one or all of the following: CAIR National, CAIR-California, CAIR-San Diego, Muslims, Islam, Islamophobia, bullying and discrimination of Muslim students, and Muslim holidays;
11. Any and all records, including communications, regarding the presence of any official, employee, representative, and/or agent of CAIR National, CAIR-California, and/or CAIR-San Diego at any SDUSD school during instructional hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, since January 1, 2012; and
12. Any current or proposed communications, materials, resources, and strategies regarding collaboration between non-governmental nonprofit organizations other than CAIR National, CAIR-California, CAIR-San Diego, and district departments relating to Muslims, Islamophobia, and bullying and/or discrimination of Muslim students since January 1, 2012.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$500.00. CPRA requires a response within ten business days. If you decide to invoke a FOIA exemption, please include sufficient information for us to assess the basis for the exemption, including any interest(s) that would be harmed by release. Please provide a detailed ledger that includes the following:

1. Basic factual material about each withheld record, including the originator, date, length, general subject matter, and location of each item; and

2. Complete explanations and justifications for the withholding, including the specific exemption(s) under which the record (or portion thereof) was withheld and a full explanation of how each exemption applies to the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid litigation.

To minimize any burden on SDUSD, this CPRA request has been narrowly tailored and modified from the previous request, and therefore SDUSD can expedite its processing. If you have questions that would clarify or otherwise assist you in expediting this request, please contact me by email or telephone. To expedite compliance, I am sending a copy of this request to SDUSD's legal counsel.

Thank you for your prompt attention to this request.

Sincerely,

FREEDOM OF CONSCIENCE DEFENSE FUND

Charles S. LiMandri
President & Chief Counsel

cc: Andra M. Donovan, Esq.
General Counsel
4100 Normal St., Rm. 2148
San Diego, CA 92103