

**From:** [Bill Johnson](#)  
**To:** [Melissa Caswell](#); [Terry Godfrey](#); [Kenneth Dauber](#); [Camille Townsend](#); [Heidi Emberling](#)  
**Cc:** [Max McGee](#); [Elena Kadvany](#); [Jocelyn Dong](#)  
**Subject:** Fwd: Public Records Act request: Gunn teachers grievance  
**Date:** Saturday, February 28, 2015 5:32:02 PM  
**Attachments:** [Teacher grievance PRA request 1-15-2015.pdf](#)

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Dear board members:

I would not normally bother communicating with you about public records requests that we have made of the district, on the assumption that you are made aware of them and are copied on any responses.

However, after hearing that the subject came up at the end of your meeting last week and, in reviewing the tape of the discussion, it's clear that there are some gaps in the communication.

I want to make sure you all are aware that the last month for which emails between the cabinet and board members were released was June, 2014 (posted in early August.) Since then, we have repeatedly asked for these documents and the response has consistently been that there are not the staff resources available to respond but that steps are being taken to remedy the situation. In failing to timely respond, the district is not only violating the law, but more importantly is depriving the public knowledge of and access to information about current issues that come before the board.

Since the district found the means to respond on a regular basis prior to last August, we initially attributed the delays to the transition in administrations and were patient and refrained from reporting on them. As I have explained to Max, however, it is obviously long past the point of being a transition problem. The continued failure to produce them exposes the district to significant legal risk, as well as potential negative publicity, and I think it's only fair for the board to be aware of this.

Since we are currently in the midst of another problem with obtaining documents, relating to the union grievance filed last year, I thought I would forward you the email thread below so you are aware of it if you are not already. We are hopeful of receiving an appropriate response early next week.

Respectfully,

Bill

William S. Johnson  
Publisher, Palo Alto Weekly  
President & CEO, Embarcadero Media  
450 Cambridge Ave.  
Palo Alto, CA 94306  
[650.326.8210](tel:650.326.8210) [650.223.6505](tel:650.223.6505) (direct)  
[PaloAltoOnline.com](http://PaloAltoOnline.com)

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----- Forwarded message -----

**From:** **Bill Johnson** <[REDACTED]>  
**Date:** Fri, Feb 27, 2015 at 12:19 PM  
**Subject:** Re: Public Records Act request: Gunn teachers grievance  
**To:** Kathleen Ruegsegger <[kruegsegger@pausd.org](mailto:kruegsegger@pausd.org)>  
**Cc:** Elena Kadvany <[REDACTED]>, Scott Bowers <[showers@pausd.org](mailto:showers@pausd.org)>, Max McGee <[mmcgee@pausd.org](mailto:mmcgee@pausd.org)>

Kathleen,

Thank you for your email. We have not received a response from Scott to our request for an update on our request.

As you know, the Palo Alto Weekly's initial request for documents pertaining to the union grievance was made on January 15, 43 days ago.

On January 23, Scott Bowers informed us that he was gathering the information, would review it, and would have disclosable documents available in "a few weeks."

Then on February 10, in response to a February 9 follow-up email from us asking for the status of the response, Scott replied that he was still gathering the materials, had notified the union, and that the district intended to release the documents unless the union chose to challenge the release.

Separately on February 10, you emailed us stating: "As an update, we are seeking information about what we can and cannot release regarding a grievance as it is governed by our agreement with PAEA." You also asked for the names of administrators for whom we wanted grievance-related emails. We replied that same day with the names of Max McGee, Denise Hermann, Scott Bowers, Teri Baldwin and school board members.

Now today, February 27, you are informing us that the district "will" collect the information and then provide the union with ten days to challenge its release. We imply from this that at a minimum we will not be provided with the requested documents for another 10 days, likely much longer since you state the information hasn't yet been collected.

The district's response to our request is not even remotely in compliance with the law. The Public Records Act mandates the following procedure for responding to a request:

Gov. Code Section 6253 (c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Even if one accepts the "unusual circumstance" exception, which could only conceivably apply to the portion of our request pertaining to emails, not the grievance itself, the law required the district to "state the estimated date and time when the records will be made available" within 24 days (10 days plus 14 days for "unusual circumstances") and a statement as to what would be disclosed and the reasons for withholding any documents.

The grievance filed by the union and the district's response to it are obviously readily available records requiring no search whatsoever. In his February 10 response, Scott Bowers stated the district intended to provide the documents, but was delaying to provide the union ten days to go to court to block their release. But on the same date, you informed us that the district was "seeking information about what we can and cannot release."

Neither of these responses, which appear to contradict each other, conform to the law. The

grievance was immediately available and, according to Bowers, the union was notified of our request sometime prior to February 10, in all likelihood much sooner. There is no legal basis for any further delays in providing these documents.

As for the requested emails, we have made a very specific request for emails containing the word "grievance" to and from nine people (including five board members.) We all know from past experience that gathering such as specific set of emails is not difficult.

We respectfully request that the district provide us with a copy of the grievance and the district's response no later than Wednesday, March 4, or deny our request and provide the proper legal citations. We also request that by March 4 the district provide the estimated date and time for releasing the emails requested.

Thank you,

Bill

William S. Johnson  
Publisher, Palo Alto Weekly  
President & CEO, Embarcadero Media  
450 Cambridge Ave.  
Palo Alto, CA 94306  
[650.326.8210](tel:650.326.8210) [650.223.6505](tel:650.223.6505) (direct)  
[PaloAltoOnline.com](http://PaloAltoOnline.com)

On Fri, Feb 27, 2015 at 9:23 AM, Kathleen Ruegsegger <[kruegsegger@pausd.org](mailto:kruegsegger@pausd.org)> wrote:

Hi Elena, I'm not sure if Scott Bowers responded to directly to you, but we will collect the information requested. When completed, the documents will be submitted to PAEA, and they will have ten days to determine if they will seek to block their release. I will keep you informed as each stage is worked on. All the best, Kathleen

**From:** Elena Kadvany [mailto:[elena.kadvany@pausd.org](mailto:elena.kadvany@pausd.org)]  
**Sent:** Wednesday, February 25, 2015 10:40 AM  
**To:** Scott Bowers; Kathleen Ruegsegger  
**Cc:** Max McGee; Bill Johnson

**Subject:** Re: Public Records Act request: Gunn teachers grievance

Hello Scott and Kathleen,

I wanted to check on the status of this PRA request, which was made more than a month ago on Jan. 15. Last I heard, Scott was waiting to hear if PAEA intended to challenge the request.

Thanks very much.

Best,

On Tue, Feb 10, 2015 at 7:27 PM, Elena Kadvany  
<[REDACTED]> wrote:

Scott -- Thanks for the update, appreciate it.

Best,

On Tue, Feb 10, 2015 at 2:54 PM, Scott Bowers <[sbowers@pausd.org](mailto:sbowers@pausd.org)> wrote:

Hi Elena,

We are working on gathering the materials. I sent a letter to PAEA letting them know that the District received this request and that we are intending to provide you with the materials. Once I have the materials together I will share them with them so they can decide if they wish to challenge the release. If they don't take any action, I will send them over to you.

Cheers,

Scott

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**From:** Elena Kadvany <[REDACTED]>  
**Date:** Monday, February 9, 2015 8:55 AM  
**To:** Scott Bowers <[sbowers@pausd.org](mailto:sbowers@pausd.org)>  
**Subject:** Re: Public Records Act request: Gunn teachers grievance

Hi Scott,

Hope all is well. I just wanted to follow up to check the status of this request.

Best,

On Fri, Jan 23, 2015 at 8:44 AM, Scott Bowers <[sbowers@pausd.org](mailto:sbowers@pausd.org)> wrote:

Hi Elena,

Dr McGee forwarded your PRA request to me. I am in the process of gathering the information you requested. Once the material has been accumulated and reviewed for confidential information, I will send it along to you. I hope to have the information available in a few weeks.

Regards,

Scott

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Scott J. Bowers

Assistant Superintendent – HR

Palo Alto Unified School District

25 Churchill Ave, Palo Alto, CA 94306

[650-329-3958](tel:650-329-3958)

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**From:** Elena Kadvany <[REDACTED]>

**Sent:** Thursday, January 15, 2015 8:21 AM

**To:** Max McGee

**Subject:** Public Records Act request: Gunn teachers grievance

Hi Max,

Hope your week is going well. Attached is a Public Records Act request regarding the teachers grievance recently filed at Gunn High School.

Let me know if you have any questions.

Best,

--

Elena Kadvany | Education reporter | Palo Alto Weekly

450 Cambridge Ave., Palo Alto, CA 94306

[\(650\) 223-6519](tel:(650)223-6519) - office

 - cell

[www.PaloAltoOnline.com](http://www.PaloAltoOnline.com)

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**From:** [Kathleen Ruegsegger](#)  
**To:** [Elena Kadvany](#)  
**Cc:** [Max McGee](#); [Bill Johnson](#); [board](#)  
**Subject:** RE: Request for emails  
**Date:** Tuesday, March 24, 2015 4:15:23 PM

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Good afternoon Elena, I will have a copy of emails/letters from a variety of doctors and their accompanying attachments today. This represents only that correspondence of which I am aware and in no way constitutes everything that may have been received by individual board members regarding zero period. As I explained, that can only be found through IT's query process, which is ongoing. What I am providing already has been sent to the entire board. A review copy will be made available for public review at the Board meeting as well. Kathleen

**From:** Elena Kadvany [REDACTED]  
**Sent:** Monday, March 23, 2015 8:09 AM  
**To:** Kathleen Ruegsegger  
**Cc:** Max McGee; Bill Johnson  
**Subject:** Request for emails

Hi Kathleen,

Hope you had a nice weekend. I'm writing to request copies of all correspondence received by the district since March 13 and through the end of the day today, Monday, March 23, pertaining to zero period or sleep deprivation.

Can this be made available no later than the beginning of the board meeting tomorrow?

Let me know if you have any questions. Thanks very much.

Best,

--

Elena Kadvany | Education/youth staff writer | Palo Alto Weekly  
450 Cambridge Ave., Palo Alto, CA 94306  
(650) 223-6519 - office  
[REDACTED] - cell  
[www.PaloAltoOnline.com](http://www.PaloAltoOnline.com)

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