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David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Ruiz, Deputy Clerk**

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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.

**Lynwood Unified School District;**  
and DOES 1 through 100, inclusive

Respondents and Defendants.

Case No.: **24STCP03119**

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 Code<sup>1</sup> section 7920.000<sup>2</sup> (“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 Lynwood Unified School District.

<sup>1</sup> All undesignated code references are to the Government Code.

<sup>2</sup> 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 July 23, 2024 Petitioner issued a Public Records Act (“CPRA”) request to  
3 the Respondent Lynwood Unified School District (“LUSD” or “Respondent” or “agency”). A  
4 copy of CAL’s July 23, 2024 Public Records Act request is attached hereto as Exhibit A. That  
5 request was for:  
6

**PUBLIC RECORDS ACT REQUEST I:**

7  
8 Pursuant to the California Public Records Act, Govt. Code §§ 7920.000 –  
9 7930.215, Center for American Liberty (“Requestor”) respectfully requests to  
10 inspect all public records in the possession or control of the District (“District”)  
11 for the following:

- 12 1. I request to have sent to my office the policy(s) and procedures adopted by the District  
13 for compliance with the District’s obligations to maintain Pupil Records and disclose  
14 same to parents / guardians as defined under Education Code sections 49061 & 49069.7  
15 and under the Family Educational Right and Privacy Act (FERPA), 20 U.S.C. section  
16 1232g and 34 CFR Part 99. In addition, I request that the District disclose to my client  
17 any policy(s) and procedures regarding or describing or handling “informal notes related  
18 to an identifiable pupil compiled by a school officer or employee.” Education code  
19 section 49061 (b). This specifically includes any document or documents that define  
20 what the District considers to be or defines “informal notes” as described in Education  
21 code section 49061 (b) and set forth the basis for releasing to or withholding from a  
22 parent or guardian any such “informal notes” about a student (also known as granting or  
23 denying “access” as defined by Education Code section 49061 (e)).
- 24 2. Also, my client requests to review / receive any policy(s) and procedures adopted  
25 by the District for compliance with Assembly Bill 1266, the School Success and  
26 Opportunity Act of 2013 and Education Code section 221.5.
- 27 3. My client requests to review / receive any policy(s) and procedures adopted by  
28 the District for compliance with Assembly Bill 329, the California Healthy Youth  
Act of 2016 and Education code sections 51930 through 51939.
4. 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

1 transition by the District. Please also forward a copy of the minutes of the Board  
2 of Trustees adopting the use of (or non-approval) of such a transition form. If no  
3 such minutes on this topic exists I request the District to advise that no records  
4 exist on this specific topic / vote.

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5. Also my client wishes for the District to disclose any records stating how many students (the number of students not their names or identities) have entered into or are subject to one of these Plans / Agreements for each academic year from August 1, 2019 to the present date.
  6. For communications (electronic and in paper format) by and between employees and / or trustees of the District internally and/or with any third parties regarding the implementation of matters stated in requests numbers 1 through 5 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/or 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 sections 49061 & 49069.7 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.
  7. 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.).
  8. 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 7 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

1 employee and any guest speaker, between employees about any such guest  
2 speaker and between any District employees and/or any third parties about any  
3 such guest speaker. If any writing / responsive records includes the name of any  
4 student, I ask that the District redact that student's name and forward to me the  
5 document in redacted form. This request also includes any responsive records  
6 kept in electronic form.

- 7
- 8 9. For any contracts, memorandums of understanding, purchase orders, invoices and  
9 evidences of payment, such as warrants, checks, ACH transactions, wire transfers,  
10 etc., if any, between the District and the following organizations / entities /  
11 persons: the ACLU, Planned Parenthood (including any of its local affiliates), the  
12 Trevor Project, Health Connect, Gender Spectrum, the Human Rights Campaign,  
13 Hazel Health, the Los Angeles LGBT Center, GSA Network, Trans Hotline,  
14 PFLAG, the Anti-Defamation League and GLSEN. For any contracts,  
15 memorandums of understanding, purchase orders, invoices and evidences of  
16 payment, such as warrants, checks, ACH transactions, wire transfers, etc., if any,  
17 between the District and the following organizations / entities: Hazel Health,  
18 YMCA, the ACLU, Planned Parenthood (including any of its local affiliates), the  
19 Trevor Project, Health Connect, Gender Spectrum, and GLSEN.
- 20
- 21 10. For any communications by and between the District and any of the organizations  
22 listed in request number 9 above.
- 23
- 24 11. Any correspondence, presentations, PowerPoint presentations and/or videos,  
25 including electronic communication and in paper format, regarding any  
26 curriculum and/or supplemental curriculum and/or instructional materials and/or  
27 teacher training materials (and the actual curriculum / instructional materials /  
28 teacher training) in any way regarding the District's programs / curriculum and  
the supplemental curriculum itself regarding Ruler and the Yale University Center  
for Emotional Intelligence, Second Step, Character Strong, Social Emotional  
Learning, Ethnic Studies, Critical Race Theory, Equity, Intersectionality,  
Transgenderism, Sanford Harmony, diversity, inclusion, racism, structural racism,  
microaggressions, social justice and/or white supremacy.
12. 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, 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.
13. Any communications regarding my client Center for American Liberty, Inc.

1 The timeframe for these above requests is from January 1, 2019 to the present  
2 date.

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

5 5. In violation of Government Code section 7922.535, Respondent has not respond to  
6 Petitioner's Public Records Act request letter (Exhibit A) within 10 days or at any time up to the  
7 filing of this instant Petition.

8 6. On August 20, 2024 Petitioner issued, via certified return receipt, a letter as follows:  
9

10 Dear Dr. Crosthwaite,

11 This letter is being sent on behalf of the Center for American Liberty. I enclose  
12 my client's Public Records Act request letter addressed to the District on July 23,  
13 2024 and the enclosure to that letter. To date we have not received any response  
14 to that PRA request letter. We note it appears the facsimile number listed on your  
District's web site does not work. The letter we sent by US mail did not return as  
undeliverable.

15 Pursuant to Government Code section 7922.535 the District had ten days to  
16 acknowledge receipt of the PRA requests and notify my office if the District has  
17 responsive documents. It has been twenty-eight (28) days since my client issued  
the PRA letter to the District.

18 If my office does not hear from the District by Noon, Friday, August 30, 2024,  
19 my client will have no choice but to file a Petition for Writ of Mandate with the  
20 Superior Court to enforce its rights.

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

22 Very truly yours,

23 *Craig P. Alexander*

24 Craig P. Alexander

25 Enclosures

26 A copy of Petitioner's counsel's letter of August 20, 2024 is attached hereto as Exhibit B.  
27

28 7. A copy of the return receipt card for Exhibit B is attached as Exhibit C.

1 8. Respondent has not responded to Exhibit B by August 30, 2024 or at all up to the time of  
2 the filing of this Petition for Writ of Mandate. Also, as of the date of the filing of this Petition,  
3 Petitioner has not received any responsive documents. This constitutes a breach of Respondent's  
4 duty to disclose responsive documents promptly or at all.

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

9 10. Respondent LUSD has violated Petitioner CAL's right to obtain public records by not  
10 adequately responding to Petitioner's PRA requests including its duty to assist Petitioner.  
11

12 **PARTIES**

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

15 12. Respondent and Defendant Lynwood Unified School District is a public entity and it is a  
16 local agency as defined by the CPRA.  
17

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

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

1 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. A local agency has a duty to assist the requestor in formulating a focused and effective  
4 request. (§ 7922.600)

5 22. 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 23. 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 24. A local agency must, upon request, provide information in the electronic format it is  
14 stored in (§ 7922.570).

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

17 26. “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 27. 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 28. 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 29. 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 30. 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 31. 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 32. Petitioner incorporates by reference all prior allegations and all prior paragraphs.  
26  
27  
28

1 33. 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 34. 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 35. 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 36. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

19 37. 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 38. 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 39. 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 40. Declaratory relief is necessary to resolve these controversies and determine whether  
15 Respondents have violated the CPRA as described above.

16 41. 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 42. Petitioner incorporates by reference all prior allegations and all prior paragraphs.

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

23 44. 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 45. Respondents have failed to properly search for documents and/or have not disclosed  
27 responsive records to Petitioner.  
28

1 46. 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 47. Petitioner seeks injunctive relief to:

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

8 h. Compel Respondents to disclose all responsive records not properly subject to an  
9 exemption or privilege.  
10

11 48. There is no monetary compensation that could adequately compensate Petitioner or any  
12 other affected party for the infringement of this right.  
13

14 49. Injunctive relief is necessary to prevent ongoing and future infringement of the public's  
15 right to receive public records from Respondents in a timely fashion. Petitioner requests  
16 injunctive relief to ensure Respondents' compliance with the CPRA.  
17

### 18 **PRAYER FOR RELIEF**

19 Wherefore, Petitioner prays that this court:

20 As to the First Cause of Action:

21 50. Issue Peremptory and/or Alternative Writ of Mandate ordering Respondents to promptly  
22 conduct a proper search for responsive records and to disclose to Petitioner all improperly  
23 withheld records.  
24

25 51. That for any documents Respondent LUSD determines to withhold from Petitioner  
26 (either partially via redactions or in its entirety) to prepare and submit to Petitioner a privilege  
27 log containing the following information: the author of the document(s), the recipient(s) of the  
28

1 document(s), the “cc” recipient(s) of the document, if any author and/or recipient of a document  
2 is an attorney, the California State Bar number for that attorney, the date of the document(s), the  
3 type of document (memorandum, letter, electronic mail, etc.), a brief description of the  
4 document’s title and subject matter and the exemption / privilege claimed; and

5 52. Issue a Peremptory and/or Alternative Writ of Mandate to order Respondents to ensure  
6 that its Trustees and employees search their personal email accounts and electronic devices for  
7 records responsive to Petitioner’s request;

8  
9 As to the Second Cause of Action:

10 53. Enter a declaratory judgment that Respondents violated the CPRA by:

- 11 a) Failing to search for and disclose responsive public records-that that Respondent  
12 and its employees and officials possess in Respondent’s physical and electronic  
13 files;  
14  
15 b) Failing to search for and disclose responsive public records that that Respondent’s  
16 employees and officials possess in their personal files, email accounts, and  
17 electronic devices;  
18  
19 c) Failure to make a written determination as to whether Respondent possesses  
20 disclosable public records;  
21  
22 d) Failing to promptly disclose the records that are responsive to Petitioner’s CPRA  
23 requests; and  
24  
25 e) Failure to disclose records that are not properly subject to an exemption /  
26 privilege under the California Public Records Act.

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

27 As to the Third Cause of Action:  
28

1 54. Issue an order compelling Respondents to search their private email accounts, computers,  
2 and other electronic devices for public records that are responsive to Petitioner's request and  
3 disclose same to Petitioner;

4 55. Issue an order compelling Respondent to search for and disclose to Petitioner all  
5 responsive records not subject to any proper claim of exemption or privilege; and  
6

7 As to all Causes of Action:

8 56. Award Petitioner's attorneys' fees and costs reasonably incurred in this action; and

9 57. For such other and further relief as the Court deems proper.  
10

11 Dated: September 30, 2024

Respectfully submitted,  
LAW OFFICE OF CRAIG P. ALEXANDER

12  
13 By: *Craig P. Alexander*

14 \_\_\_\_\_  
15 Craig P. Alexander,  
16 Attorneys for Petitioner and Plaintiff  
17 Center for American Liberty, Inc.  
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1 **VERIFICATION**

2 I, Mark Trammell, declare that I am Executive Director of Center for American Liberty, the  
3 Petitioner in the above-entitled action. I have read the foregoing VERIFIED PETITION FOR WRIT OF  
4 MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and know the contents  
5 thereof to be true of my own knowledge, except as to those statements made upon information  
6 and belief, and as to those I believe them to be true.  
7

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
9 true and correct.

10 Executed on September 26, 2024 in Vero Beach, FL.  
11

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13 \_\_\_\_\_  
14 Mark Trammell

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**TABLE OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>	<b>Reference</b>
<b>A</b>	<b>CAL's July 23, 2023 CPRA Request</b>	<b>¶ 3</b>
<b>B</b>	<b>CAL's August 20, 2024, 2024 letter to Respondent</b>	<b>¶ 6</b>
<b>C</b>	<b>The Return Receipt card for the August 20, 2024 letter to Respondent</b>	<b>¶ 7</b>



# **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](mailto:craig@craigalexanderlaw.com)*

**VIA FACSIMILE (310-604-3092) AND U.S. MAIL**

July 23, 2024

Dr. Gudiel R. Crosthwaite,  
Superintendent  
Lynwood Unified School District  
11321 Bullis Road  
Lynwood, CA 90262

RE: California Public Records Act Requests

Dear Dr. Stepenosky,

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 and disclose same to parents / guardians as defined under Education Code sections 49061 & 49069.7 and under the Family Educational Right and Privacy Act (FERPA), 20 U.S.C. section 1232g and 34 CFR Part 99. In addition, I request that the District disclose to my client 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)).

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 and Education Code section 221.5.
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 and Education code sections 51930 through 51939.
4. 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. Please also forward a copy of the minutes of the Board of Trustees adopting the use of (or non-approval) of such a transition form. **If no such minutes on this topic exists I request the District to advise that no records exist on this specific topic / vote.**
5. Also my client wishes for the District to disclose any records stating how many students (the number of students not their names or identities) have entered into or are subject to one of these Plans / Agreements for each academic year from August 1, 2019 to the present date.
6. For communications (electronic and in paper format) by and between employees and / or trustees of the District internally and/or with any third parties regarding the implementation of matters stated in requests numbers 1 through 5 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/or 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 sections 49061 & 49069.7 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.
7. 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.).
8. 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 7 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/or 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.
  9. 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 / persons: the ACLU, Planned Parenthood (including any of its local affiliates), the Trevor Project, Health Connect, Gender Spectrum, the Human Rights Campaign, Hazel Health, the Los Angeles LGBT Center, GSA Network, Trans Hotline, PFLAG, the Anti-Defamation League and GLSEN.
  10. For any communications by and between the District and any of the organizations listed in request number 9 above.
  11. Any correspondence, presentations, PowerPoint presentations and/or videos, including electronic communication and in paper format, regarding any curriculum and/or supplemental curriculum and/or instructional materials and/or teacher training materials (and the actual curriculum / instructional materials / teacher training) in any way regarding the District’s programs / curriculum and the supplemental curriculum itself regarding Ruler and the Yale University Center for Emotional Intelligence, Second Step, Character Strong, Social Emotional Learning, Ethnic Studies, Critical Race Theory, Equity, Intersectionality, Transgenderism, Sanford Harmony, diversity, inclusion, racism, structural racism, microaggressions, social justice and/or white supremacy.
  12. 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, 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.

13. Any communications regarding my client Center for American Liberty, Inc.

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

For all categories 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.

We note that "A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division." Government Code section 7921.005. *Register Division of Freedom Newspapers v. County of Orange* (1984) 158 Cal. App. 3d 893, 903 (settlement related documents, including settlement agreements, are subject to disclosure under the PRA. Assurances of confidentiality are not sufficient to transform a public record into a private one).

Also, contracts for goods or services entered into by an agency (here a school district) and a third party must be disclosed under the Public Records Act. Government Code section 7928.801.

**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. 5<sup>th</sup> 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

**EXHIBIT ‘B’**



***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](mailto:craig@craigalexanderlaw.com)*

**VIA CERTIFIED RETURN RECEIPT REQUESTED U.S. MAIL**

August 20, 2024

Dr. Gudiel R. Crosthwaite,  
Superintendent  
Lynwood Unified School District  
11321 Bullis Road  
Lynwood, CA 90262

RE: California Public Records Act Requests

Dear Dr. Crosthwaite,

This letter is being sent on behalf of the Center for American Liberty. I enclose my client's Public Records Act request letter addressed to the District on July 23, 2024 and the enclosure to that letter. To date we have not received any response to that PRA request letter. We note it appears the facsimile number listed on your District's web site does not work. The letter we sent by US mail did not return as undeliverable.

Pursuant to Government Code section 7922.535 the District had ten days to acknowledge receipt of the PRA requests and notify my office if the District has responsive documents. It has been twenty-eight (28) days since my client issued the PRA letter to the District.

If my office does not hear from the District by **Noon, Friday, August 30, 2024**, my client will have no choice but to file a Petition for Writ of Mandate with the Superior Court to enforce its rights.

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

Very truly yours,

*Craig P. Alexander*

Craig P. Alexander

Enclosures

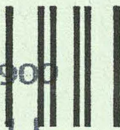
## **EXHIBIT “C”**

USPS TRACKING#



LOS ANGELES CA 900

22 AUG 2024PM 11 L



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

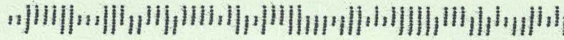
9590 9402 8739 3310 6715 25

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

92629-256350



**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:

DR. G. CROSTHWAITE  
 SUPERINTENDENT  
 LYNWOOD UNIFIED S. DIST.  
 11321 BULLIS RD.  
 LYNWOOD, CA 90262



9590 9402 8739 3310 6715 25

2. Article Number (Transfer from service label)

7022 1670 0002 2954 1385

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

*THOMAS WALKER*

C. Date of Delivery

*8/22/24*

- 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