



Santa Monica Malibu Schools

Extraordinary Public Education

February 4, 2014

Via e-mail: robinasuwol@earthlink.net and U.S. Mail

Robina Suwol
Founder & Executive Director
California Safe Schools
1000 N. Alameda, Suite 240
Los Angeles, CA 90012

Re: Public Records Request dated October 20, 2013

Dear Ms. Suwol:

This letter follows the Santa Monica-Malibu Unified School District's ("District") November 13, 2013, and January 27, 2014, responses to your October 20, 2013, requests for, among other things, information and records related to Malibu High/Middle and Cabrillo Elementary schools, under the California Public Records Act ("PRA") (Government Code section 6250 *et seq.*). As previously indicated, the unusual nature and scope of your requests necessitated additional time for the District to determine whether it had disclosable public records responsive to your requests. (Govt. Code § 6253(c).)

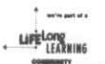
In its November 13, 2013, response, the District noted that several of your requests appear to be vague and overly broad in that they do not "reasonably [describe] an identifiable record or records," but rather, seek classes or categories of records (e.g., "all records . . . on the subject of Malibu High/Middle and Cabrillo Elementary School"). (See Government Code § 6253(b).) The District further noted that the time frames for several of your requests span more than ten (10) calendar years, if not decades (e.g., "all records pertaining to the acquisition of the land for the construction of the Malibu High/Middle School and the Cabrillo Elementary School"; "[a]ll records pertaining to the construction of the schools"). As such, the scope of your requests (e.g., for "all records regardless of form" etc.) encompassed an excessively broad range of documents, requiring the District to extensively review a voluminous amount of documents in detail to determine which were relevant and to ensure that exempt, privileged and/or non-responsive information was redacted prior to production.

Notwithstanding these concerns, the District notified you it had disclosable public records responsive to your requests. The District further notified you responsive records would be made available to you on or about February 4, 2014, due to the intervening Thanksgiving holiday and winter recess.

Santa Monica-Malibu Unified School District

1651 Sixteenth Street • Santa Monica • California 90404-3891 • (310) 450-8338 • www.smmusd.org

Board of Education: Ben Allen • Oscar de la Torre • José Escarce • Maria Leon-Vazquez • Laurie Lieberman • Ralph Mechur • Nimish Patel
Sandra Lyon, Superintendent of Schools



On December 30, 2013, District counsel, Carlos Villegas, of the law firm Fagen Friedman & Fulfroft, LLP, contacted you in an attempt to assist you in making more focused and effective requests that reasonably describe an identifiable record or records. You were informed that your initial request for documents could potentially encompass every document ever created that relates to those schools, and further clarification/narrowing of your requests would assist the District in providing you with disclosable public records more essential to your requests. You informed Mr. Villegas you could not provide further clarification due to your recent move, but that you did not want "every record" but original land titles and certain environmental testing related to the construction of Malibu High/Middle and Cabrillo Elementary Schools. You did not provide any further clarification to Mr. Villegas or any District staff.

On January 27, 2014, Mr. Villegas provided you the land titles for Malibu High/Middle and Cabrillo Elementary Schools. Additionally, he informed you that you could visit the District's website for disclosable records related to your request for "any and all environmental tests performed from January 2002 to October 2013 and the results."

In light of the District's notification that responsive records would be available to you on or about February 4, 2014, the District is now providing you with the remaining responsive records based on the information provided to Mr. Villegas on December 30, 2013. As you have not provided the District with any further clarification or narrowing of your requests, the District will consider your request satisfied upon your receipt of this correspondence. Should you feel the District has inappropriately responded to your October 20, 2013, PRA request, please contact me at your earliest convenience so that we may work with you to clarify your request and, if necessary, amend the District's response.

In response to your request regarding the construction of District schools, the District directs you to its website, where a comprehensive Environmental Impact Report ("EIR") covering 2008 through 2012, including an initial EIR from September 2008, draft EIR from January 2011, and final EIR from January 2012 are located. This EIR incorporates information from the District's previous EIRs. As these documents are voluminous, encompassing approximately 1,000 pages a piece, as noted, the District directs you to its website to review the documents in full. This will prevent any delay that would result from the time and cost of duplication.

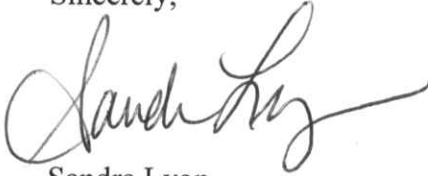
Additionally, the District directs you to its website for additional information regarding its environmental testing from January 2002 through October 2013. Specifically, on the District's website you will find the following documents that are responsive to your request: (1) radon and EMF testing from November 2013; (2) asbestos testing from June 2013; (3) mold testing from October 2013; (4) soil testing encompassing 2010 through 2012; (5) lead based paint survey from 2006; and (6) hazardous material survey from 2009.

As noted above, all responsive documents are available on the District's website (<http://www.smmusd.org/PublicNotices/Malibu.html>). Specifically, the responsive documents will be found under the headings "Environmental Documents" and "Environmental Surveys." Should you have any difficulty locating these documents, please let me know.

In addition, I have included two sets of data with this correspondence that have not yet, but will be posted on the District's website shortly. Specifically, these are test results for Frontier

Analytical Laboratory project numbers 8240 and 8241 (MHS Monitoring – PCBs). The data was provided to the District on January 13, 2014 and January 14, 2014, respectively. The District reserves the right to amend and/or supplement this response upon discovery of additional responsive documents. As such, the District will notify you should it need to amend its response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Lyon", with a long, sweeping flourish extending to the right.

Sandra Lyon
Superintendent

LCV:nem

Enclosures

cc: Jan Maez
Jay Fernow

00174-00106/557578.1