



June 9, 2017

Via electronic (terry@calaware.org) and U.S. Mail

Terry Francke, General Counsel
Californians Aware
2218 Homewood Way
Carmichael, CA 95608

Dear Mr. Francke:

This will respond to your letter to Superintendent Cindy Marten dated June 9, 2017. Please be advised that the new email protocols will not take effect until new administrative procedures are in place instructing our employees on their obligation to retain public records as required by law. These new administrative procedures will be implemented effective July 1, 2017 pursuant to the Superintendent's authority to do so, and will be ratified by the Board of Education at a public meeting shortly thereafter, on a date to be determined.

The purpose of the new email protocol is not to reduce transparency, but to relieve the burden on District servers and to increase our response time for public records requests by eliminating the need to search through them. Our servers are currently overloaded with mundane communications between employees which do not rise to the level of a "record" as that term is defined by law. We are currently spending millions of dollars on server space to store such email exchanges, which have no value to anyone beyond the sender and recipient. Without action to reduce our storage needs, the district is facing over a million dollars in new storage expenses this fall. Additionally, we are struggling to keep up with the volume and complexity of the public records requests we are receiving. This is in large part due to the volume of casual email communications between employees we must sort through, which are, again, of no legitimate interest to anyone but the parties to the communication.

The new administrative procedures referenced above are modelled on those recommended by the California School Boards Association. Please let me know if you would like copies.

Very truly yours,

A handwritten signature in blue ink, appearing to read "ANDRA M. DONOVAN".

ANDRA M. DONOVAN
General Counsel

AMD/dmh

c: Board Members, SDUSD
Cindy Marten, Superintendent of Public Education
Andrew Sharp, Chief Public Information Officer

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