

**EXHIBITS TO JOINT
STIPULATION TO REOPEN
DISCOVERY, EXTEND TIME TO
FILE DISPOSITIVE MOTIONS,
AND CONTINUE TRIAL DATE**

EXHIBIT - 1

DRAFT #6

Dear SRVUSD Staff and Parents,

You may be aware of a video that was briefly posted online by a candidate for a San Ramon Valley High School (SRVHS) Associate Student Body (ASB) election that has generated significant public debate. It saddens us as a Board of Education, a Superintendent and a District leadership team that this is how we close a year full of academic, personal and professional growth that has included a heightened emphasis in the area of tolerance, inclusion and student safety.

As in the other case that we communicated with you about today, some have thought it a good idea to purposely and publicly share information through the press and social media that is not complete or fully accurate. We are committed to being transparent with our community with information about events that take place in our schools, but unfortunately at times we are prevented by federal laws that protect student privacy and therefore restrict the information that we are able to release. These privacy laws are there to protect all students, including victims and their families. We understand the frustrations our inability to fully communicate can create in our communities, but we must take student confidentiality matters seriously. The Superintendent and the Board, as elected officials, have an obligation to make informed decisions based on all available information, some of which cannot be public information, and we must take all the time necessary to determine the facts.

In hopes of shedding more light on recent events, we are grateful that the family of one of the primary students involved has given us permission to share the following details that student privacy has prevented us from acknowledging in the past weeks.

The video that has been at the center of public debate was used by a SRVHS ASB candidate during a February election. According to the student, the video was intended as a parody of a James Bond or similar spy thriller. While the video contained depictions of violence and guns, it did not contain any content constituting threats or intimidation against anyone. As acknowledged by the student, the video contained elements which were culturally insensitive and viewed as offensive to some.

The video in question was posted on YouTube for only a few hours. While not minimizing the impact of the video itself, the District understands that it was viewed by a limited number of individuals before it was removed by the student. The District has no evidence that any student who viewed the video was deprived of educational benefits or opportunities as a result of this video. No students were bullied, harassed or discriminated against by the video. After this

student was told that the video may be offensive to some, he immediately removed the video and apologized to the school.

The school's initial decision to impose disciplinary action on this student was based on concerns about the video's potential message and impact on others. That decision was made in good faith without any intent to violate student free speech rights.

The District initially upheld the school's decision and engaged in legal proceedings to support the decisions made by the ASB teacher and students. There has been much discussion in the community involving the legal proceedings of this case; however, the Court did not provide a legal opinion on the merits of the case and only indicated that the case was filed under the wrong legal procedures. As a District leadership team we do not agree with the content of the video. Furthermore, we would never want to restrict a student's First Amendment rights. The decision to rescind discipline is an acknowledgement of free speech laws under the US Constitution and California law.

The District recognizes the community's concerns regarding the potentially offensive and inappropriate nature of some of the contents of the video. The District also recognizes how such content may be interpreted to be inconsistent with the lessons that leadership is designed to teach, and inconsistent with the District's commitment to providing a safe and tolerant environment for all students.

As Americans, our rights to free speech are provided under the **First** Amendment. We make this point as we don't believe any of us as Americans would question the significance of the First Amendment's placement or purpose. Moreover, in California, there are two Education Code Statutes (Education Code section 48907 and 48950) that provide the most stringent protections for student free speech in the nation. Only a few legal cases in California have analyzed these statutes. All have concluded that these statutes provide even greater protection for speech than the Constitution's Bill of Rights.

Various reports on social media and in the press have described this video as "hate speech," which is defined as speech that includes harassment, threats, or intimidation. The Superintendent and all five Board members have viewed the video. While some portions of the video were interpreted as offensive and inappropriate, the District has been legally advised that the contents of the video do not rise to the legal standards of "hate speech," harassment or discrimination against any students. We urge members of the public who have not seen the video not to make assumptions.

Concerns have also been raised regarding a contract signed by all candidates prior to participation in the student government election, and whether violation of a code of conduct in

the contract allows for disciplinary action. The contents of any participation contract are governed by the same free speech protections of the U.S. Constitution and California law. Participation in school activities cannot be conditioned on a student giving up such protections. This does not eliminate the need for Board policies. Our Board policies are consistent with education policies adopted by school districts throughout the state and are reflective of the values of our community with regards to our expectations of behavior and consequences.

There has been much discussion regarding the ASB video, the bullying incident and our decisions. In the past week, the Superintendent has met with SRVHS staff, ASB students, as well as individual students and families who are most personally effected by the ASB video in hopes of shedding light on these incidents and gaining insight as to how we provide a system of supports for all students going into the future that address areas of tolerance and full inclusion. As educators, we see an important takeaway that everyone can embrace, in this very American story where experiences of individuals exercising their rights and participating in the democratic process can lead to conflict but also result in important life lessons.

As we move forward, we hope to harness all the passion we have witnessed in the past week to better illustrate how images, words and actions impact each other. The Board of Education and the Superintendent are absolutely committed to continuing our focus on creating opportunities for students and staff to engage in open and honest dialogues about the importance of words. Prior to this year, the District has addressed these topics through initiatives such as “Inclusion” and “Culturally and Linguistically Responsive Teaching and Learning,” and through the endeavors of our Climate Committee and a focus on “Words Matter.” This year, we have furthered these efforts through the formation of an Equity Task Force and a new partnership with the Anti-Defamation League to provide programs and trainings for students and staff.

Please know that this work has no end point and will be a focus for the District office over the summer to ensure that we have a plan in place for the 2017-2018 school year that fully engages our entire community in cultural responsiveness. We look forward to sharing that our plans with you in the fall. The San Ramon Valley is a special community full of diverse, engaged citizens. We know that by coming together we can make our corner of the world a better place for future generations.

As educators, we see an important takeaway that everyone can embrace, in this very American story where experiences of individuals exercising their rights and participating in the democratic process can lead to conflict but also result in important life lessons.

EXHIBIT - 2

Message

From: Willford, Janet [SR] [jwillford@srvusd.net]
on behalf of Willford, Janet [SR] <jwillford@srvusd.net> [jwillford@srvusd.net]
Sent: 3/27/2017 12:05:32 PM
To: Bowen, Daniel [DH] [Bowen, Daniel [DH] <DBowen@srvusd.net>]; McFerrin, Erin [CH] [McFerrin, Erin [CH] <EMcFerrin@srvusd.net>]; Greco, Andrea [MV] [Greco, Andrea [MV] <AGreco@srvusd.net>]
Subject: FW: Nathaniel Yu

I AM SO HAPPY!!!!!!! We all win on this one!

From: Reimann, Jason [EC]
Sent: Monday, March 27, 2017 9:59 AM
To: 'Ross Pytlik'; Steele, Ruth [SR]
Cc: yuplace@comcast.net; gylouie@yahoo.com; Willford, Janet [SR]; 'sr.NYu@students.srvusd.net'; Superintendent; Taylor, Toni [EC]
Subject: RE: Nathaniel Yu

Hello Mr. Pytlik,

I am sorry that Nathaniel and his family have chosen not to take San Ramon Valley High School's offer to work through a restorative process to reinstate Nathaniel. It is certainly Nathaniel's and his family's right to decline to participate in this process.

I will ask San Ramon Valley High School to work with Nathaniel and his family to find the best options available for Nathaniel's new schedule.

Please do not hesitate to contact me if I can provide and further information regarding the best next steps.

All the best,

Jason Reimann
Director of Instructional Services
San Ramon Valley Unified School District
699 Old Orchard Drive
Danville, CA 94526
(925) 552-2916 Phone
(925) 838-3147 Fax

EXHIBIT - 3

Message

From: Riley, Christina [SR] [CRiley@srvusd.net]
on behalf of Riley, Christina [SR] <CRiley@srvusd.net> [CRiley@srvusd.net]
Sent: 6/7/2017 12:02:55 PM
To: Ramos, Dearborn [DH] [Ramos, Dearborn [DH] <DRamos@srvusd.net>]
CC: Drake, Kirsten [SR] [Drake, Kirsten [SR] <kdrake@srvusd.net>]
Subject: FW: Access to Messenger in IC

Dearborn,

Following up on the issue below:

1. I manually put grades into IC for Nathaniel after obtaining them from his individual teachers (after we spoke about which classes were to be incompletes and which ones were ready to be graded) on 6/6/17
2. After talking to Carol Zuschneid (see yellow highlight below) I went back into IC and deleted all of Nathaniel's grades this morning (6/7/17).

What can I say....neither of us knew of this decision beforehand.

Christina

From: Zuschneid, Carol [EC]
Sent: Wednesday, June 07, 2017 8:27 AM
To: Riley, Christina [SR]
Subject: RE: Access to Messenger in IC

You should have access now.

It was a request from Ed Services to delay his grades going in. I am waiting to hear from them before importing his grades. Won't be until after Thursday.

Carol Zuschneid

Information Systems Technician
San Ramon Valley Unified School District
699 Old Orchard Dr
Danville, CA 94526
(925)552-2932

From: Riley, Christina [SR]
Sent: Wednesday, June 07, 2017 8:14 AM
To: Zuschneid, Carol [EC] <czuschn@srvusd.net>
Subject: Access to Messenger in IC

Carol,

1. Can you give me access to Messenger, etc. under System Administration? I just learned the hard way when I sent out a summer school blurb via email and now I have all kinds of parent responses flooding my email.
2. Nathaniel Yu did not have any grades show up in IC for 2nd semester grading even though I checked in the Schoolloop grading submissions of his teachers and there was a semester grade there. What do you think caused this? I have since obtained grades for him and inputted them into Campus.

Best regards,



Christina Riley

Counselor Tech. and 504 Coordinator

San Ramon Valley High School

501 Danville Blvd.

Danville, CA 94526

(925) 552-3021



EXHIBIT - 4

Message

From: Willford, Janet [SR] [jwillford@srvusd.net]
on behalf of Willford, Janet [SR] <jwillford@srvusd.net> [jwillford@srvusd.net]
Sent: 6/6/2017 5:03:41 PM
To: Riley, Christina [SR] [Riley, Christina [SR] <CRiley@srvusd.net>]
Subject: Re: Nathaniel Yu

I did I gave him an I for Incomplete. Can't do anything else per instructions from the superintendent

Janet Willford
Sent from my iPhone

On Jun 6, 2017, at 2:32 PM, Riley, Christina [SR] <CRiley@srvusd.net> wrote:

I am looking for grades from all of you for Nathaniel Yu for 2nd semester as soon as possible. Can you email them to me and copy Dearborn? Thank you.

Best regards,

 *Christina Riley*
Counselor Tech. and 504 Coordinator
San Ramon Valley High School
501 Danville Blvd.
Danville, CA 94526
(925) 552-3021 <image003.jpg>

EXHIBIT - 5

Exhibit 5

INT0000009384.PDF – page 147

From: Hurd, Rachel [EC] <rhurd@srvusd.net>
Sent: 5/18/2017 12:01:39 PM
To: Schmitt, Rick [EC], Fischer, Cindy [EC]
Cc:
Subject: FW: Question and opinion - Muslim Discrimination at SRVUSD?

Hi Cindy and Rick,

Here is the email string I spoke with Rick about today. I deleted the email addresses and names of the person who contacted me (XXX), the person who sent it to him (WWW), and the other two people who received it from WWW. For your reference Cheryl Cook-Kallio is (or was) a government/social studies teacher in Pleasanton and is very active in advocacy for civics education, was on the Pleasanton City Council, and most recently ran for the District 16 Assembly seat against Catharine Baker.

Rick – I agree with you that it's not what this teacher is portraying it as. While it may not be in the best taste, especially given the times, it is hardly a Muslim discrimination video.

The back story you shared that the teacher and many of the leadership classmates don't like Nathaniel actually makes the case to some extent that Nathaniel is a victim too.

Rachel