

# Statement on Poway Unified School District Data Breach and Public Records Act Mismanagement

May 22, 2016

Gabriela Dow - [gdow.sd@gmail.com](mailto:gdow.sd@gmail.com)

Public Statement also provided at: <http://powayusd.com/en-US/Board/Video/boe-2016-05-08> (last speaker)

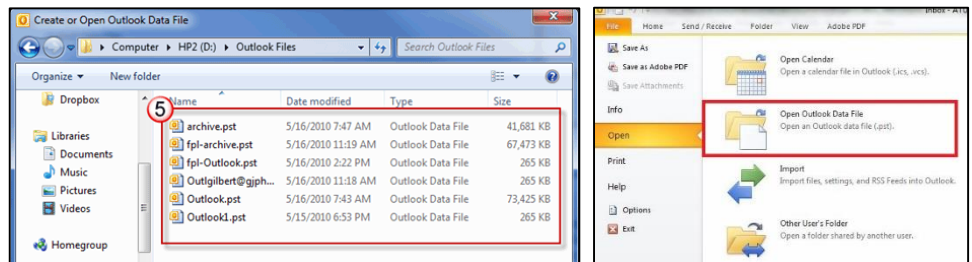
I, Gabriela Dow, am the mother of two students at Poway Unified School District (PUSD). This summary was prepared in an effort to continue being fully transparent about what I have observed and directly experienced as a result of agreeing to volunteer to help PUSD, a district with hard-working staff, teachers and families that deserve responsible leadership.

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**What happened?** PUSD released confidential data for over 36,000 children and 70,000 parents to me, a member of the public.

**What format was the data in?** Two CDs containing documents and several .pst folders containing copies of emails. The .pst folders were opened in MS Outlook. If you Google “pst file open in Outlook” you can see the process. **Below are sample images, not the actual PUSD folders, to show how .pst folders are created (searching an email server for a specific term) and how they are opened in Outlook to then sort/view as emails with whatever info and attachments an email contained.**

I requested documents and emails with my name “Gabriela Dow” in them and I believe that is how files with my name (as a PUSD parent) as well as ALL other parents and students was included in the material that was provided to me.



**Where was the data for 36,443 students?** The spreadsheet of 36,443 students’ data was attached to a July 2014 email to PUSD staff from an outside company, meaning the data has been emailed out at least 22 months ago and I just had a copy on the CD.

**Why did you call this a “data breach” when the PUSD system was not hacked?** Because the definition of “data breach” is “An incident in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorized to do so.” <http://searchsecurity.techtarget.com/definition/data-breach> As a parent volunteer, I am not authorized (nor is ANY member of the public) to receive the confidential data sent to me and which my husband and I viewed.

**Why did you say in a UTSD article that this data could be on the dark web?** Because seeing that so much sensitive data was emailed around almost two years ago and was handed out to me so carelessly made me think it is reasonable to consider that the data could have been sold or used by people who should never have had access to the confidential information.

**Why did you submit the Public Records Act request?** Because the Ed Tech Advisory Committee that I serve on had submitted basic questions in Oct/Nov 2015 that were ignored by the Superintendent for months. We needed answers to make informed recommendations to the board. The committee approved my suggestion to submit PRA, which finally resulted in answers within days. The full PRA request is in this summary, along with details on the way PUSD released the confidential data.

**Why did you contact the District Attorney’s office?** I had already contacted the DA’s office in late April to discuss troubling behavior by PUSD attorney William Shinoff as he contacted me in his role managing PRA requests for PUSD. I was disappointed to see only two members of the board (Beatty and Sellers) seeking to address my concerns. Then the I saw the data breach, did not receive a response from the PUSD board when I reported it and learned the board president assigned staff and the attorneys to manage the breach they had caused. The DA’s office was a safe place to deliver the data and make sure an investigation took place, as well parents being notified. ***I feared that PUSD would hide the evidence and deny it happened.***

**Why the Governor’s office?** I was managing a media tour May 9-11. Since I hadn’t heard back from PUSD, a cybersecurity expert on the tour offered to connect me with the state Cybersecurity Task Force to help assure the breach was addressed.

**Please note that the information below is from my direct experience, but is from my perspective which of course could be missing context and additional information that I hope to see our PUSD board provide to parents and the community after a thorough, transparent investigation.**

## **1. EVENTS LEADING TO DATA BREACH**

In 2013 I was approached by the president of the board for my kids' school Educational Foundation who requested that I consider joining the board specifically to help address Foundation boardmember concerns about the lack of Technology Planning by District leadership. She thought that my experience in working with technology companies could be valuable as the school was raising funds for iPads and other mobile devices. After initially hesitating due to work and time constraints, I agreed to serve on the board to help find solutions and effective use of the funds raised. The lack of clear management by PUSD IT Leadership was so bad that our Foundation board president suggested we write a letter to the PUSD Board. We tried to work through our principal who was helpful but ended up leaving PUSD in mid-2015 to work at another district.


In mid-2015 a scathing PUSD Technology Review conducted by nationally renowned consultant Bob Moore of Kansas-based RJM Strategies, who was retained by Superintendent John Collins to develop a Technology Plan, was made public only after local media threatened to sue the District if this publicly-funded report was not released. A heavily edited/redacted version of this report demonstrated that the problems with PUSD Technology Planning and Leadership were even worse than initially understood. The report is here: <http://www.voiceofsandiego.org/wp-content/uploads/2015/08/PUSDJulyvsMarch2015.pdf>

A news article about Superintendent trying to hide and edit the Tech Analysis (keeping it even from the PUSD Board) is below: <http://www.voiceofsandiego.org/topics/education/before-releasing-harsh-report-poway-superintendent-softened-criticisms/>

The consultant warned about the "arrogance of PUSD" (which Superintendent Collins changed to say the "overconfidence of the It (sic) department"). Parts of this report are completely blacked out from public view, but it is clear that the Moore report warned of an unhealthy culture, describing "reckless, wasteful decision making," as seen on page 10. (*excerpt below*)

It is worth noting that PUSD Superintendent John Collins, who at nearly \$500,000/year is one of the highest paid superintendents in California, has been placed on PAID LEAVE since April 2016.

<http://www.sandiegouniontribune.com/news/2016/apr/25/poway-superintendent-paid-leave/>

<p><b>Finding 3      Culture – The "Po-Way"</b></p> <p>All school districts, successful or not, tend to have their "way" of going about their business. Blue Valley has the "Blue Valley Way," Plano the "Plano Way" and Poway the "Po-Way." Businesses have the same thing. Many of those <del>interview</del><del>interviewed</del> talked candidly of this.</p> <p><b>Implication</b></p> <p>This can be healthy for the culture of the organization. It can create a sense of pride. Many long-time Poway staffers mentioned the "Po-Way," as did most of the relatively new staffers. For the long-time staffers it seems like a form of <del>acceptance</del>. That is, "this is what Poway is and we're not going to change." That is <del>not healthy, productive</del>, particularly when PUSD has much room <del>to grow for improvement</del> with its technology services. It can also lead to a culture in which individuals do not look at their work critically and see how they can improve.</p> <p></p> <p>Staffers relatively new to Poway commented about the <del>arrogance overconfidence</del> of PUSD and the <del>It department</del> and the unwillingness to admit that the district does not have all of the answers, let alone <del>learn from</del> other districts. Culture is difficult to change, but from the 100 or so people interviewed it became clear that the "Po-Way" is not entirely positive. In and of itself this is probably not a huge issue, as it is common to most organizations, but when combined with an extreme level of site-based decision-making as discussed previously and <del>poor ineffective</del> IT leadership (described later) it makes for <del>a reckless uncontrolled</del> and <del>wasteful inefficient</del> decision-making.</p>
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**In May 2015** I agreed to serve on the PUSD Board-appointed Educational Technology Advisory Committee (ETAC) tasked with developing recommendations “regarding technology needs throughout the district and planning, implementation, and evaluation of current and new technology initiatives.” All ETAC meetings are open to the public and I was asked to serve as the committee’s secretary. At the second committee meeting, the PUSD Director of Innovation had an outburst yelling at members of the public and mentioned to me that specific members of the public should be excluded from the meeting. I filed a report notifying the district of this troubling behavior as well as other concerning information about how that director was placed in a position he did not seem qualified for, especially following concerns while he was a school principal.

**Starting in October 2015**, the ETAC as a group submitted a series of questions to the PUSD Superintendent and Administration to better understand the Technology Infrastructure and Operations. The committee sought basic information like a PUSD Tech Department Org Chart, position descriptions, roles and assignments in order to be able to make informed recommendations. Month after month, the Board member liaison to ETAC (initially Kimberley Beatty and then Michelle O’Connor-Ratcliff took over) reported that Superintendent Collins and PUSD staff had not, or would not, provide answers to these basic questions. *(the list of ETAC questions is included in this document)*

**In March 2016**, Board President Michelle O’Connor-Ratcliff presented to ETAC a “Draft IT Org Chart” that she explained she was instructed to “show to the committee by holding it up for us to see, but not allowing anyone to make a copy or photograph the document.” It was then that I told the committee members I would submit our questions as a Public Records Act request because this is a public agency and whatever material existed and could be made public to help answer our questions needed to be provided. *(emails regarding ETAC questions are also included in this document, below)*

**On April 7, 2016** I submitted our ETAC questions as a Public Records Act (PRA) request and also included a request for any emails or documents that included my name, as well as other areas of concern. The PRA request was made to PUSD Communications Manager Christine Paik. *(complete PRA request included in this document, below)* I received a response from attorney William Shinoff, who said he was responsible for managing PRA requests, notifying me of a 14-day extension and that “interrogatories” would not be addressed. William is the son of Daniel Shinoff, whose firm has managed \$28.6 million of San Diego county schools’ legal work since 1993. <http://www.voiceofsandiego.org/topics/education/attorneys-flee-go-to-schools-lawyers-firm-as-his-hold-on-education-market-slips/>

**On April 13** I sent an email to the PUSD Board and Managers asking why an attorney was handling routine records requests, since in most public agencies this is managed by clerks and other in-house staff. I also shared with the board that having an attorney contact a parent via a routine request and referencing “interrogatories” could be intimidating to other parents and seemed inappropriate. The response to this email, that did not include Shinoff as a recipient, was a phone call from William Shinoff saying he was responding to explain why an attorney was being assigned management of PRA requests. I explained to him that my question about his work and expense was to my elected officials and I would discuss the issue with them.

William Shinoff called me again at 1:40 pm on April 26, 2016 to explain that the records would be provided in digital format, which is what I had requested, so the call seemed pointless. He explained they would be .pst files and cost \$2 which I told him was fine. He said that he also wanted me to know that he and his father were good people and what is printed in the media is not the truth. He said his “dad is not the devil” and I told him my specific concern was that an expensive hourly rate was being charged to tax-payers for work a staff-member could do. He shared more info about his father and their reputation. I sent another email to the full PUSD board and management *(included in this document)* letting them know I found Shinoff’s behavior to be unprofessional by bringing his family issues into district business and I again reiterated that this was not the type of interaction the public should be forced to have during a routine processing of a request.

It was brought to my attention that a few days after my complaint, William Shinoff sent a letter to the board saying he did not mention his father during our phone call. William marked his letter to the board as “Attorney Client Privilege” which prompted boardmember Sellers to request a review of how public agency documents are marked “Privileged” in what seems an attempt to avoid disclosure of communication that is not confidential but that those being legitimately questioned do not want seen.

**It is worth noting just some of the controversy regarding Shinoff’s judgement advising school districts for years:**

<http://www.voiceofsandiego.org/topics/education/3-cases-that-help-explain-local-schools-attorneys-current-troubles/>

<http://www.sandiegouniontribune.com/news/2015/sep/25/san-ysidro-settles-shinoff-malpractice-lawsuit/>

<http://www.sandiegouniontribune.com/news/2014/dec/17/molesting-teacher-district-opposes-victims/>

I immediately contacted PUSD board and managers when I found out that William Shinoff wrote to the board that I was not truthful in describing what he said about his father in his phone calls to me. I explained in my email to the board that I had the phone records of William Shinoff calling my cell, that there were people in my office when he called me and with whom I discussed the ridiculous conversation with Shinoff when I hung up with him and that I also took notes during my call with him that they should review. I requested a meeting to show them all of this and to clarify that their attorney was lying to them in an official communication. I was not granted a meeting or ever contacted about this extremely troubling activity.

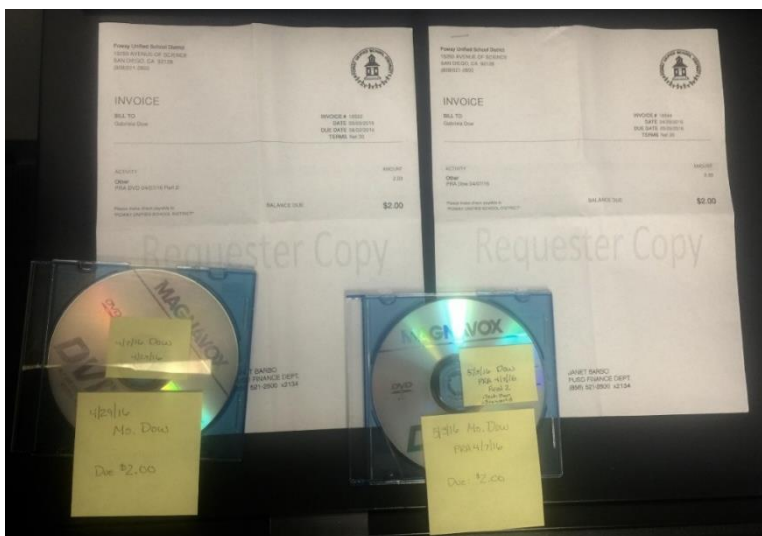
I received an email from William Shinoff on **May 3** telling me two CDs were ready to be picked up with the contents of material that responded to the PRA request. I picked up the two CDs on **May 6**, which were clearly labeled with my name. I paid and signed the invoice certifying that I received the material. (*image below*)

**May 7** was the 10<sup>th</sup> Anniversary of our annual school trail run fundraising event, the Cinco de Mayo Trail Run, which I help manage with set-up starting at 4:30 am at Lake Poway. As fate would have it, the event is to raise money for technology for a low-income PUSD elementary school (and we did in fact raise \$30,000!). It was an extremely busy weekend with this annual special event and our kids' activities, thus I did not review the CDs until late Sunday night, **May 8**.

I purposefully did not insert the CDs into my personal or work computer and instead used an old laptop to view the CDS specifically because I feared that any device from PUSD and the Shinoffs could intentionally contain spyware or other malicious material. Such precaution may seem paranoid, but my direct experience with PUSD and warnings from parents and teachers made it clear that such precautions were reasonable and the smartest course of action. Thus, I inserted the first CD into an old laptop that I asked my husband, who was with me at the time, to disconnect from our home wi-fi to assure PUSD/Shinoff would not infect our network. My husband asked me to specifically note here that the laptop could have auto-connected to our home wi-fi for a moment (a minute) as it is a very slow, older laptop we rarely use and we were not aware that it may have been set to automatically recognize and connect to our home wi-fi. My husband specifically took the step to immediately disconnect the laptop from our wi-fi once it appeared to be trying to connect. ***Again, these precautions were taken to protect our family specifically -- out of concern that spyware would be installed on our home network by PUSD/Shinoffs.***

I opened the .pst folders via Microsoft Outlook (which is the only way I am aware of that you can open and view .pst files). Some of the folders would not open straight from the CD (the old laptop would freeze up trying to read the CD when I clicked on the larger folders) so I saved larger folders on the desktop since Outlook could open them that way. When the computer gave an error message that the desktop did not have enough memory space for such large folders, I used thumb drives to save the remaining large .pst folders to then be able to open and view the files in Outlook. ***It is important to note that I chose to deliver the CDs, laptop and thumb-drives to the DA's Office, where they remain. Although the DA advised that I should check and delete any data from the CDs, I preferred that a complete forensic review from an expert take place to make sure that any data from the CDs that could remain even if I were to "delete" the material could never be recovered. I was not "ordered" to deliver anything to anyone, I chose delivering everything to the DA this as the most secure, responsible process.***

Within twenty minutes of looking through the contents of the .pst folder labeled "Gabriela Dow" I began to see emails that did not seem to have my name within the email content, but did contain attachments (MS Excel spreadsheets) that included my name (as a PUSD parent) along with personal data from tens of thousands of other parents and children.



## **2. DATA THAT WAS RELEASED BY PUSD**

Below is a list of just FOUR files attached to copies of a few emails out of thousands that were on the CDs, and just some of the types of confidential information that was included in these emails and attachments.

- I. A July 2014 email from an employee at a private-sector company containing a spreadsheet with the following information for 36,443 students. *(this is what I remember seeing and wrote some of the headings down to report, needs to be verified with PUSD as they will hopefully be clear on what exactly was in each spreadsheet)*
  1. Student First Name
  2. Student Middle Name
  3. Student Last Name
  4. Student Nickname
  5. Student ID
  6. CSISID
  7. Birthdate
  8. Gender
  9. Grade
  10. Ethnicity
  11. Race ID
  12. Student Language
  13. SSID
  14. EL-Infant Services
  15. Gainful Employment
  16. Goals
  17. Parent Input
  18. Disabilities
  19. Student Guardian
  20. Parent Name
  21. Home Address (Street, City, ST, Zip)
  22. Home phone
  23. Work phone
  24. Mobile phone
  25. Emergency phone
  26. Primary Language
  27. Email addresses
  28. Guardian Address (Street, City, ST, Zip)
  29. District Code
  30. Reading (score?)
  31. Writing (score?)
  32. Last date of vision screen date
  33. Right eye results
  34. Left eye results
  35. Glasses
  36. Hearing test results
  37. School Code
- II. A spreadsheet attached to another email (I don't recall the date or who the email was from or to) listing the employers of each PUSD parent with other personal information.
- III. An email with a spreadsheet attached showing student GATE test results for 2014-2015 and other identifying information.
- IV. An October 2015 email from a vendor apologizing for the misuse of SMS numbers, a with spreadsheet file attached with over 70,350 parent names, student IDs, addresses and SMS / mobile numbers (not all 70,000+ had SMS numbers).

## **3. NOTIFICATIONS AND STEPS TO ADDRESS THE DATA BREACH**

***After seeing that the CD provided by PUSD contained massive amounts of data that should be confidential, I emailed the PUSD Board the very next day, May 9 to inform them of this breach.*** I was in the midst of follow-up and wrap-up for the huge annual Trail Run event for the school as well as a major work event (an annual media tour for a city with national reporters, editors and researchers) that kicked off that day, May 9. Yet I still made the time to write a comprehensive email summarizing what was on the discs that I found problematic and I was very clear that despite managing this major event I could be reached via my cell phone to discuss this urgent matter. *(that email is below)*

***I did not hear anything back from PUSD until May 12*** (email from Malliga Tholandi below). I called Boardmember Kimberley Beatty on May 11 to confirm that the board had seen my email and to ask why nobody had responded. She explained that both she and board member Charles Sellers asked Board President Michelle O'Connor-Ratcliff to call an emergency meeting for the board to discuss this data breach, but Michelle felt district staff and attorneys (Shinoff?) should be the ones to review the situation. By that time, I had already notified the District Attorney's Office and heard back from them as willing to receive the CDs for safe keeping. I did not trust that board members O'Connor-Ratcliff, TJ Zane and Andy Patapow understood the severity of the situation, or that staff and Shinoff would not try to hide their mistakes and possibly say I lied about there being private data on the CDs they handed to me. Thus I made the decision to deliver the CDs to the DA's office, as the most responsible course of action. **I did not "file" a complaint, but I certainly explained how concerned I was that the confidential data had been handled so carelessly and that I did not trust that the majority on the PUSD board would handle this responsibly and not try to hide/deny the data breach.**

**On May 13, I delivered the CDs to the Hall of Justice offices** and reviewed the data with Deputy District Attorney Leon Schorr and Investigator Holmes in person. In addition, an advisor to Governor Jerry Brown's Task Force on Cyber Security, with whom I was at the May 10-11 media tour I was managing connected me with the Cybersecurity Coordinator in the California Governor's Office of Emergency Services who also referred this issue to the Director of Privacy Education and Policy in the Office of the Attorney General, California Department of Justice.

I did not open the laptop after reviewing the data with the District Attorney's office. While the Deputy DA had advised me to review and delete anything left behind on the laptop used to initially try to open the .pst folders that Sunday night, May 8, I discussed with my husband that there could be traces of the data on Microsoft Outlook on the laptop and thus we decided that instead of reviewing the laptop ourselves and deleting anything that could still be in Outlook, on the desktop or on a thumb drive, we would ask the DAs office to please have their experts do a forensic scrubbing. We believed that even if a file is deleted and sent to the Recycle folder it could possibly still be recovered from the hard drive in some way at some time in the future (if we ever gave away or recycled the laptop). The DA's office agreed to conduct a complete data scrubbing to ensure the private data could never be recovered.

**I delivered the laptop to the DA's office on Tuesday, May 17** and will eventually have the laptop returned once they remove any data file that was provided by PUSD and viewed in the laptop Outlook program.

### **Email to PUSD confirming all data in any format that could contain a trace was with the DA.**

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

From: **Gabriela Dow** <gdow.sd@gmail.com>

Date: Tue, May 17, 2016 at 4:34 PM

Subject: Re: PRA

To: "McDowell, Tina" <TMcDowell@powayusd.com>

Cc: Leon Schorr <leon.schorr@sdcca.org>, Michelle O'Connor-Ratcliff <moconnorratcliff@powayusd.com>, kbeatty@powayusd.com, Charles Sellers <csellers@powayusd.com>, Vince Giaime <vince.giaime@sdcca.org>

Hello Tina,

This email is to confirm per your request below, that any and all formats that could contain a trace of the information provided to me by PUSD is in the possession of the San Diego District Attorney's office.

Regarding your voicemail requesting that I meet with PUSD officials, I do not feel safe in doing that without an attorney present due to the fact that the PUSD-appointed attorney, William Shinoff, that I was told to engage with for the PRA process lied about his phone calls to me and the multiple requests I made to meet with PUSD leadership were ignored as I sought to clarify that offensive and false accusation (and help PUSD understand that you are being served by an attorney that has lied to the board).

I would be happy to meet with PUSD to answer your questions in the presence of a District Attorney's representative for an impartial process that does not expose me to further lies or potential liability.

Thank you,  
Gabriela

On May 16, 2016, at 5:12 PM, McDowell, Tina <TMcDowell@powayusd.com> wrote:

**SENT ON BEHALF OF MEL ROBERTSON**

May 16, 2016

Dear Ms. Dow,

On May 9, 2016, you informed the Board of a potential data breach based on information you received from your PRA request of April 2016. I appreciate you bringing this to our attention. In this email, you shared your concerns for student privacy. We share your concerns and take the inadvertent release of this information seriously, and responded by immediately investigating your concern.

Malliga Tholandi emailed you on May 12, 2016, requesting the CDs be returned to our office, and offered to provide you replacement discs without the confidential information. Since then, you informed us that the discs with the student data were turned over to the Assistant District Attorney, Leon Schorr.

Should you have retained any of these documents, in any format, we are requesting that you return the documents and/or destroy them immediately, and confirm with me by 5:00 p.m. on Tuesday May 16, 2016, that this occurred. Please understand, the District has not waived the release of privileged and/or exempt documents by this inadvertent release. We appreciate your cooperation with this very sensitive matter.

We remain ready, willing, and able to supply you with responsive documents to your PRA request.

Sincerely,  
Mel Robertson, Ed.D.  
Associate Superintendent

### ***This ordeal has been a nightmare!***

**I agreed to volunteer on a board and on a committee to help address PUSD's tech problems, and a complete breakdown in a tech-related process via lack of minimal information review (that could have been conducted by an intern or a tech staffer's quick search for the words "confidential, Student ID, CSID, etc" before sending out the data) pulled me into this disaster.**

**This should be a wake-up to parents that these process and tech issues affect us in more ways than we may realize. To have risked the safety of every single student in the district by being so careless with their private information is the worst part of this entire ordeal.**

I have received messages from parents who are asking questions of PUSD management and board members and they say the District seems to be trying to shift blame to me – saying I "obtained" the data versus that they gave out the private information, which is downplaying the terrible mistake the District made in releasing the data to ANYONE in the first place. I hope the District can take responsibility for the mistake that they made in releasing the data and handling PRA requests in such an irresponsible manner. Some of the comments I have seen online state that I "must have known the district would make a mistake" and that I somehow "tricked" them into releasing the information. This is so surprising and hurtful, and it speaks to an acceptance of an incompetent process to handle our private data.

And while I know I handled the data safely, and acted ethically and responsibly by immediately notifying the District and law enforcement, the fact is that PUSD released the data to THE PUBLIC. PERIOD. This breach is severe. Once the data was out, it could have gone anywhere and anything could have happened to harm children and their families.

**The intent of releasing all of this detail is to fully inform and educate the PUSD community about what actually happened.** We need a thorough review and investigation for the PUSD board to answer questions like these below:

1. Why were third-party vendors emailing spreadsheets of sensitive data to PUSD staff? How long has this been happening? Were these third-party email systems using secure, encrypted channels? Do these vendors still have the spreadsheets that I saw on their email attachments, and was that data ever shared with anyone else?
2. Have all PRA requests the Shinoffs managed been reviewed to verify that private data was not released on any other PRA request responses? Does the district have copies of every CD that was ever sent out by Shinoff?
3. Why did PUSD entrust the Shinoffs to manage such sensitive data when they had displayed such poor judgement in the past, with so much controversy about their work?
4. Why did the board not meet until May 18 to understand the data breach that I reported on May 9? Was Shinoff tasked to investigate any part of the data breach he caused?
5. Is there a technically competent Administrator at PUSD to manage such private data? Who is training existing staff and who is supervising the new procedures described in the May 19 PUSD FERPA notice to parents?

#### **4. EMAILS & DOCUMENTS RELATED TO THIS ISSUE**

##### **Notification of the data breach, original PRA request, and correspondence with PUSD/Shinoff**

----- Original Message -----

Subject: Re: Fwd: California Public Records Act request

Date: 2016-05-09 18:25

From: Gabriela Dow <gabriela@moradowconsulting.com>

To: moconnorratcliff@powayusd.com, kbeatty@powayusd.com, apatapow@powayusd.com, csellers@powayusd.com, tjzane@powayusd.com

Cc: Steve Dow

Dear PUSD Board Members,

As you know per our recent email correspondence, including my concerns from the email below, I initiated a public records request from PUSD in April. This is the first Public Records Act (PRA) request I have ever made. However, I do work with many public agencies and was concerned to see that PUSD has decided to hand the management of PRR's over to a consultant attorney's office since this is a responsibility that is usually fulfilled by staff and only involves an attorney if there is an issue concerning litigation.

Not only has my interaction with William Shinoff, the attorney that made clear to me is responsible for all PUSD PRA requests, been disastrous with him acting inappropriately during during one of two phone calls he made, but I am now shocked at the contents of what William prepared.

Included with the information I received on Friday, May 6th, were multiple spreadsheets and attachments listing personal information for what appears to be ALL PUSD students and families (36,444 lines of data on just one spreadsheet).

This information includes:

- Child's name (and nickname)
- Home address
- Home phone number
- Home email address
- Emergency phone number
- Guardian name / address
- Child's medical information (hearing and vision exam results)
- Birthdates
- Language Fluency
- Service Set Identifier (SSID)

My public records request did include a request for information related to my name in the PUSD files (and my name does indeed appear in this spreadsheet). For the sake of children's privacy, however, I certainly would have expected that a good portion of this information would have not been transmitted to ANYONE.

Although I am certainly a fan of transparency, I am also a fan of sound judgement. Given that PUSD has chosen to essentially "contract out" this judgement to an outside attorney (in relation to management of PRA requests), I would



at least hope that this attorney would indeed use sound judgement and actually take the time to look at what information is being sent, particularly large file attachments.

I recommend that you review California Public Records Act Section 6254.4(a) and HIPAA legal requirements. I have a real suspicion that my own tax dollars were used to pay a lawyer to break the law – affecting over 36,000 individuals whose children's sensitive personal information is being sent to who knows who.

In addition, I noticed that there are several files in the information I received listed as Confidential, and some of the spreadsheets included GATE test scores for children (again with their parent info and home address).

Attached is an image of a screenshot I took of the worst email/data file that was sent to me. Please look into this immediately for the sake of student safety. NOBODY should know a child's nickname, guardian info, home address, medical info, parent cell phone information, test scores, Student ID, birthdate, etc as this could be used to profile and harm a child or family by using this information that should be confidential.

All PUSD parents and caregivers need to be warned that their and their children's confidential, personal information has been compromised. I would like to involve law enforcement and hopefully have PUSD get an understanding of who else such sensitive, confidential information was sent to.

I am at the airport picking up a national reporter for a media tour I am managing that will have me fully booked for the next few days (see attached agenda as FYI), but this is a serious enough issue that I wanted to alert you immediately. I can be reached via my cell 858-735-2922 during very limited timeframes in the next few days (6-8 am or 4-5pm tomorrow or 6-7 am or after 5pm Weds).

Thank you, and please actually do something about this information rather than continuing to hand responsibility, judgement and financial resources to the Shinoffs.

Gabriela

**On 2016-04-13 17:52, Gabriela Dow wrote:**

> Dear Ms. Paik, PUSD Boardmembers, Sup. Collins and Ms. Walton,  
>  
> I hope you are enjoying your Spring Break. My family and I are  
> returning from our Spring Break vacation in San Francisco and I wanted  
> to respond to the email received below from William Shinoff in  
> response to a PRA I submitted last week.  
>  
> I was quite surprised to receive a response from an attorney  
> referencing "interrogatories" since there is nothing litigious about  
> my request. I am a PUSD parent and volunteer that wants to better  
> understand my school district's decision-making process on specific  
> areas that I have been and continue to be involved in.  
>  
> It is troubling to think that the high rates from a law firm are being  
> applied to standard records requests, and I would like to know if this  
> is the standard PUSD process for every PRA, or just for select  
> requests? If it is the latter, could you please let me know why my  
> request is being handled by an outside attorney? Also, I can file a  
> separate PRA if required, but I would like to know the cost PUSD has  
> spent having attorneys manage routine PRA requests?  
>  
> Below is additional information to help clarify the items Mr. Shinoff  
> requested, for this standard request that I (as a tax-payer) hope a  
> more cost-effective staffer can handle:  
>  
> "The District is also requesting clarification to your Public Records

> Act Request. Requests 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17,20 are  
> vague and ambiguous as to time and individuals. Can you please provide  
> a timeframe to these requests and please specify individuals whose  
> emails you are requesting on these matters."  
>  
> ITEM #5. Any documents, emails, records related to the development of  
> a district Technology Plan, including emails regarding consultant Bob  
> Moore's tech analysis. DATE-RANGE Jan 1, 2014 to today. Emails from  
> the Superintendent, staff in his office (including Newman, Gravina,  
> Dawn Kale and prior Communications Director), Associate  
> Superintendents, Dan Shinoff, David Hall, Lori Hath, current  
> boardmembers and boardmembers from the prior term.  
>  
> ITEM #6. Any documents, emails, records related to discussion of ETAC  
> (Education Technology Advisory Committee). DATE-RANGE Jan 1, 2014 to  
> today. Emails from the Superintendent, staff in his office (including  
> Newman, Gravina, Dawn Kale and prior Communications Director),  
> Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current  
> boardmembers and boardmembers from the prior term.  
>  
> ITEM #7. Any documents, emails, records related to the "Progress of IT  
> Leadership Strategy" document and answer to ETAC question of "how many  
> staff and total staff hours were involved in creating this "plan"?  
> DATE-RANGE April 1, 2015 to today. Emails from the Superintendent,  
> staff in his office (including Newman, Gravina, Dawn Kale and prior  
> Communications Director), Associate Superintendents, Dan Shinoff,  
> David Hall, Lori Hath, current boardmembers and boardmembers from the  
> prior term.  
>  
> ITEM #8. Any documents, emails, records related to the #IAMPUSD social  
> media campaign, including coordination with PUSD teachers/staff  
> featured in the Twitter videos tagged with this hashtag which was  
> managed by Mr. Rich Newman in Fall/Winter 2015. DATE-RANGE August 1,  
> 2015 to today. Emails from the Superintendent, staff in his office  
> (including Newman, Gravina, Dawn Kale and prior Communications  
> Director), Associate Superintendents, Dan Shinoff, David Hall, Lori  
> Hath, current boardmembers and boardmembers from the prior term.  
>  
> ITEM #9. Any documents, emails, records related to the RFID  
> "Wearables" pilot project launched in Sept. 2015. This includes all  
> communication with HP and Yet, the private-sector sponsors of this  
> pilot. DATE-RANGE Jan 1, 2014 to today. Emails from the  
> Superintendent, staff in his office (including Newman, Gravina, Dawn  
> Kale and prior Communications Director), Associate Superintendents,  
> Dan Shinoff, David Hall, Lori Hath, current boardmembers and  
> boardmembers from the prior term.  
>  
> ITEM #10. Any documents, emails, records mentioning or related to  
> "Gabriela Dow" "Gaby Dow" or the Dow family and their children who  
> attend Valley Elementary. DATE RANGE Jan 1, 2012 to today from ANY  
> PUSD employee, boardmember, consultant, or community member. All  
> emails and documents- please search your email server and document  
> servers for "Gabriela Dow" "Gaby Dow" "Ms. Dow" "Dow Family" "Steve  
> Dow" -- this is a standard, routine tech exercise.  
>  
> ITEM #11. Any documents, emails, records related to the departure of  
> Dr. Andy Johnson from PUSD in 2015. DATE-RANGE Jan 1, 2014 to today.

> Emails from the Superintendent, staff in his office (including Newman,  
> Gravina, Dawn Kale and prior Communications Director), Associate  
> Superintendents, Dan Shinoff, David Hall, Lori Hath, current  
> boardmembers and boardmembers from the prior term.  
>  
> ITEM #12. Any documents, emails, records related to training teachers  
> on new technology implementation. DATE-RANGE Jan 1, 2014 to today.  
> Emails from the Superintendent, staff in his office (including Newman,  
> Gravina, Dawn Kale and prior Communications Director), Associate  
> Superintendents, Dan Shinoff, David Hall, Lori Hath, current  
> boardmembers and boardmembers from the prior term.  
>  
> ITEM #14. Any documents, emails, records related to use of two tech  
> TOSAs utilized by 39 schools. DATE-RANGE Jan 1, 2014 to today. Emails  
> from the Superintendent, staff in his office (including Newman,  
> Gravina, Dawn Kale and prior Communications Director), Associate  
> Superintendents, Dan Shinoff, David Hall, Lori Hath, current  
> boardmembers and boardmembers from the prior term.  
>  
> ITEM #15. Any documents, emails, records related to the use of any  
> security outside of law enforcement, including Bravo Three, by PUSD.  
> DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff  
> in his office (including Newman, Gravina, Dawn Kale and prior  
> Communications Director), Associate Superintendents, Dan Shinoff,  
> David Hall, Lori Hath, current boardmembers and boardmembers from the  
> prior term.  
>  
> ITEM #17. Any documents, emails, records related to restraining orders  
> pursued by PUSD. How many restraining orders has PUSD pursued in the  
> past 10 years? DATE-RANGE Jan 1, 2014 to today. Emails from the  
> Superintendent, staff in his office (including Newman, Gravina, Dawn  
> Kale and prior Communications Director), Associate Superintendents,  
> Dan Shinoff, David Hall, Lori Hath, current boardmembers and  
> boardmembers from the prior term.  
>  
> ITEM #20. Any documents, emails, records related to Sea World. DATE  
> RANGE Jan 1, 2012 to today from ANY PUSD employee, boardmember,  
> consultant, or community member. All emails and documents- please  
> search your email server and document servers for "Sea World" -- this  
> is a standard, routine tech exercise.  
>  
> Thank you,  
> Gabriela Dow  
>  
> ----- Original Message -----  
> Subject: California Public Records Act request  
> Date: 2016-04-08 10:34  
> From: "William B. Shinoff" <wshinoff@sashlaw.com>  
> To: "gabriela@moradowconsulting.com" <gabriela@moradowconsulting.com>  
> Cc: "Paik, Christine" <cpaik@powayusd.com>, "Walton, Noreen  
> (nwalton@powayusd.com)" <nwalton@powayusd.com>  
>  
> Dear Ms. Dow,  
>  
> This letter is in response to your April 7, 2016 request for documents  
> under the California public records act (Gov. Code §6250, et seq.) to  
> Poway Unified School District. You have requested:

- >
- > 1. PUSD management organizational chart with names and titles.
- >
- > 2. Copy of the organizations chart shared with the ETAC by Boardmember > O'Connor-Ratcliff at the March 21, 2016 meeting.
- >
- > 3. Job descriptions for the PUSD Director of Innovation, his Assistant > and the Chief Technology Officer (the positions that were added to the > historical org chart). Please also provide the job description of the > "IT Director."
- >
- > 4. Any documents, emails, records related to the assignments for the > "Director of Innovation," to Mr. Rich Newman's appointment and transfer > from the Superintendent's office to other offices, and for the > assignments and transfers of the "Chief Technology Officer" Bob Gravina.
- >
- > 5. Any documents, emails, records related to the development of a > district Technology Plan, including emails regarding consultant Bob > Moore's tech analysis.
- >
- > 6. Any documents, emails, records related to discussion of ETAC > (Education Technology Advisory Committee).
- >
- > 7. Any documents, emails, records related to the "Progress of IT > Leadership Strategy" document and answer to ETAC question of "how many > staff and total staff hours were involved in creating this "plan"?"
- >
- > 8. Any documents, emails, records related to the #IAMPUSD social media > campaign, including coordination with PUSD teachers/staff featured in > the Twitter videos tagged with this hashtag which was managed by Mr. > Rich Newman in Fall/Winter 2015.
- >
- > 9. Any documents, emails, records related to the RFID "Wearables" pilot > project launched in Sept. 2015. This includes all communication with HP > and Yet, the private-sector sponsors of this pilot.
- >
- > 10. Any documents, emails, records mentioning or related to "Gabriela > Dow" "Gaby Dow" or the Dow family and their children who attend Valley > Elementary.
- >
- > 11. Any documents, emails, records related to the departure of Dr. Andy > Johnson from PUSD in 2015.
- >
- > 12. Any documents, emails, records related to training teachers on new > technology implementation.
- >
- > 13. Clarification on the change from previously stated 4:1 goal to more > recent 3:1 student to computer ratio described at the PUSD Foundation > meeting.
- >
- > 14. Any documents, emails, records related to use of two tech TOSAs > utilized by 39 schools.
- >
- > 15. Any documents, emails, records related to the use of any security > outside of law enforcement, including Bravo Three, by PUSD.
- >
- > 16. Clarification of PUSD policy, procedures, discussion for seeking

> restraining orders against parents and community members - who has to  
> order and approve this process and what steps are taken to avoid this  
> drastic measure?  
>  
> 17. Any documents, emails, records related to restraining orders  
> pursued by PUSD. How many restraining orders has PUSD pursued in the  
> past 10 years?  
>  
> 18. Clarification of what specific "inappropriate behavior" would  
> warrant a letter from PUSD like the Sept. 11 2015 letter (attached) from  
> Superintendent Collins to Kim Garnier directing her to "comply" with  
> specific behavior. How many other parents, students or community members  
> have ever received a "direction to comply" like this - "no longer  
> permitting" them "to have contact" with PUSD staff and requiring  
> notification to the Superintendent 24 hours in advance of any intention  
> to "be present at the District office." How many emails sent, or phone  
> calls made, or requests made warrant a demand letter like this?  
>  
> 19. Does the district have any board policies and/or administrative  
> procedures on Health guidelines for use of digital devices across the  
> district, for both students and staffs? If yes, please provide the  
> current guidelines.  
>  
> 20. Any documents, emails, records related to Sea World.  
>  
> The District received your Request on April 8, 2016. The District is  
> currently searching its files to determine if any such records do exist  
> and whether they are disclosable under the California Public Records  
> Request Act. Under Government Code section 6253(c), the District may  
> extend the time to respond to the request by an extra 14 days. The  
> District will utilize its 14-day extension pursuant to section  
> 6253(c)(2) which provide:  
>  
> (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.  
>  
> By adding 14 days to the Poway Unified School District's initial 10-day  
> period within which to respond, the response is now due May 2, 2016.  
>  
> The District is also requesting clarification to your Public Records Act  
> Request. Requests 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17,20 are vague and  
> ambiguous as to time and individuals. Can you please provide a timeframe  
> to these requests and please specify individuals whose emails you are  
> requesting on these matters.  
>  
> Additionally, the California Public Records Act requests provides the  
> public the ability to obtain records of public entities. The Act does  
> not provide for the answering of interrogatories by requestors.  
> Therefore, any interrogatories made in your request will not be  
> answered.  
>  
> If you have any questions or concerns, please do not hesitate to contact  
> me.  
>  
> Sincerely,  
> William Shinoff

## May 12 response from PUSD to my May 9 notification of data breach and my email informing PUSD the CDs were delivered to the District Attorney's Office

-----  
From: **Tholandi, Malliga** <MTholandi@powayusd.com>  
Date: Thu, May 12, 2016 at 9:39 AM  
Subject: Student Privacy / PRA  
To: Gabriela Dow <gdow.sd@gmail.com>  
Cc: "Robertson, Mel" <mrobertson@powayusd.com>

Dear Mrs. Dow:

Our Board of Education has shared with Dr. Mel Robertson your concerns about the release of students' private data under a Public Records Act Request. We thank you for bringing this important issue to our attention immediately.

I am now handling the operational pieces of PRA requests that come to our district and as such Mel requested that I contact you.

Mrs. Dow, our district always believed and continues to believe that the safeguarding of student and staff information is of the utmost importance to us. Hence, I respectfully request that you please return the 2 CDs and any files related to this most recent public records act request. We will provide you with a new CD with the responsive documents to your request.

Please let us know what is the best manner to collect the 2 CDs from you.

I thank you once again and look forward to hearing from you.

***Malliga Tholandi***

*Associate Superintendent, Business Support Services*

*Poway Unified School District*

*Phone: [\(858\) 521-2778](tel:8585212778)*

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

From: **Gabriela Dow** <gdow.sd@gmail.com>  
Date: Fri, May 13, 2016 at 4:15 PM  
Subject: Re: Student Privacy / PRA  
To: "Tholandi, Malliga" <MTholandi@powayusd.com>  
Cc: "Robertson, Mel" <mrobertson@powayusd.com>, leon.schorr@sdca.org, "O'Connor-Ratcliff, Michelle" <moconnorratcliff@powayusd.com>, "Beatty, Kimberley" <kbeatty@powayusd.com>, "Sellers, Charles" <csellers@powayusd.com>, "Zane, TJ" <tjzane@powayusd.com>, "Patapow, Andy" <APatapow@powayusd.com>, Steve Dow, Noah Li, "Jing (Jessica) Xu", B Senese, Joe Long, Adalia Lavado, Dena Glynn, Chenyang Rickard, Scott Himelstein

Ms. Tholandi, Ms. Robertson and PUSD Board of Directors,

Earlier today, I delivered the CDs to Deputy District Attorney Leon Schorr, who is cc:d here. Mr. Schorr and his associate reviewed with me the file attachment from an email included in the PRA response provided by your PUSD attorney William Shinoff that contained private personal, medical and educational data for 36,444 minors and their family members. The also reviewed with me a file that included home address and SMS/text data for over 70,000 PUSD parents and guardians. There were other files on the CDs that included GATE test results and other student and parent/family information that should have never been made public.

The CDs that I left with the DA's office included the original labels on each CD (one on the CD case and one on the inside for each CD marked) and corresponding paperwork that I signed as instructed by PUSD staff and Shinoff.



On May 14, 2016, at 5:14 PM, Beatty, Kimberley <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)> wrote:

One creative solution would be to re-designate Monday night's ETAC meeting as a **Special Meeting**. Special meetings only require 24 hours advanced notice. Someone would have to go to the district office to post the revised agenda on our website by Sunday 6:30pm. This has been done before by either the superintendent or his office staff. Section 54954 of the Brown Act (see below) does not require that advisory committees delineate in advance "the time and place for holding regular meetings." This allows for advisory committee meetings to be designated as *special*. The statute further states that there is an assumption that if notice is posted 72 hours in advance it is a regular meeting, but it does not state that this is a requirement. Like the BOE, either the chair of the board or a quorum of the membership can make this change. Just a thought!

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

*Kimberley*

**From:** O'Connor-Ratcliff, Michelle

**Sent:** Saturday, May 14, 2016 11:31 AM

**To:** Adalia Lavado; Glynn, Dena; Jing Xu; Brian Senese; Chenyang Rickard; Joe Long; Noah Li; Scott Himelstein; Gabriela Dow; Beatty, Kimberley <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)>

**Subject:** RE: Vote: May 16 ETAC Agenda

Dear ETAC members,

I was in Sacramento yesterday on School Board business, so I have only just seen this long chain of emails regarding the requested agenda change. As you probably know, the change was not made in time, so the agenda stands as currently posted. Although we cannot discuss the matter during Monday's meeting, I believe committee members are free to discuss the topic outside of the meeting without violating the Brown Act since the requested topic does not have a direct link to education technology and is therefore not within ETAC's subject matter jurisdiction. See you Monday.

Sincerely,

*Michelle O'Connor-Ratcliff*

President, Board of Education

Poway Unified School District

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**From:** Gabriela Dow

**Sent:** Friday, May 13, 2016 5:56 PM

**To:** Glynn, Dena

**Cc:** Jing Xu; Beatty, Kimberley; Adalia Lavado; Brian Senese; Chenyang Rickard; Joe Long; Noah Li; Scott Himelstein; O'Connor-Ratcliff, Michelle; Angelo, Melissa

**Subject:** Re: Vote: May 16 ETAC Agenda

Updated agenda attached- 5:55pm, please post asap Melissa. Thanks so much, Gabriela

On Fri, May 13, 2016 at 5:52 PM, Gabriela Dow wrote:

Thanks Dena. Melissa - please note the new agenda edit to post. Do you need us to email you a new agenda or can you please add "student data breach" under new business?

Thanks, Gabriela



**On May 13, 2016, at 5:46 PM, Glynn, Dena wrote:**

Gaby et al,

Just got to email. I vote yes.

See everyone Monday,  
Dena

Sent from my iPhone

**On May 13, 2016, at 4:27 PM, Gabriela Dow wrote:**

Joe, Dena, Brian, Adalia-

Please remember the severity of this matter and the importance of our school district having the ability to safely handle and manage our kids' most sensitive private information.

This is very difficult work but it is necessary to understand and discuss the full scope of these problems and gaps in data protocol for the sake of our kids education, and now for the sake of their private information and personal/digital safety.

I hope to see all committee members weigh in by the deadline to include this on our agenda for Monday.

Michelle / Kim / Jessica - is that deadline 5 pm, or later? And does Melissa know that she needs to post the agenda on the website by the end of the day?

Thanks so much,  
Gaby

**On Fri, May 13, 2016 at 2:27 PM, Jing Xu wrote:**

Four Ayes now: Gaby, Jessica, Sunny, Noah.

Adalia, what do you think? It is an urgent issue.

Thanks,  
Jessica

---

**From:** [Gabriela Dow](#)

**Sent:** 5/13/2016 14:13

**To:** [jing xu](#)

**Cc:** [Beatty, Kimberley](#); [Adalia Lavado](#); [Brian Senese](#); [Chenyang Rickard](#); [Glynn, Dena](#); [Joe Long](#); [Noah Li](#); [Scott Himelstein](#); [O'Connor-Ratcliff, Michelle](#)

**Subject:** Re: Vote: May 16 ETAC Agenda

Thank you for the clarification Jessica. Can the issue be discussed as new business if two more votes are not received by 5 or 6 pm today?

I just left a meeting with the Deputy District Attorney and his staff regarding the data breach of student and parents' personal and medical data, test scores, etc for 36,444 kids/families. Another spreadsheet that I reviewed with the DA investigators included over 70,000 records with mobile phone and address info for parents. That spreadsheet was actually attached to a PUSD email apologizing for how the SMS info was mishandled last year. It is unbelievable (screenshot below).

This is beyond alarming and I will provide as much information as I can at the Monday meeting.

In the meantime, I urge our board members Michelle and Kim to address this immediately.

I hope the board also takes responsible steps to notify the community as soon as possible of this massive data breach involving our kids' and our personal data.

Thank you,  
Gabriela

**On May 13, 2016, at 12:52 PM, jing xu wrote:**

Gaby, we have been following Robert's Rules. The majority of the committee decide the agenda. I think it is better that we continue and vote.

There are three votes for it (Gaby, Jessica, Sunny). We need two more.

---

**From:** Gabriela Dow

**To:** "Beatty, Kimberley" <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)>

**Cc:** jing xu; Adalia Lavado; Brian Senese; Chenyang Rickard; "Glynn, Dena"; Joe Long; Noah Li; Scott Himmelstein; "O'Connor-Ratcliff, Michelle" <[moconnorratcliff@powayusd.com](mailto:moconnorratcliff@powayusd.com)>

**Sent:** Friday, May 13, 2016 12:38 PM

**Subject:** Re: May 16 ETAC Agenda

Do we need to vote (there has been a motion and a second) to add the data breach to our agenda? Or can it be added by the committee chair based on two committee members' request (or can the topic just be raised under new business?)

Thanks,  
Gabriela

On May 13, 2016, at 10:33 AM, Beatty, Kimberley <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)> wrote:

72 hours in advance is the posting requirement for a regular meeting. So, you technically have until 6:30pm this evening.

*Kimberley*

**From:** jing xu

**Sent:** Friday, May 13, 2016 10:25 AM

**To:** Adalia Lavado; Brian Senese; Chenyang Rickard; Glynn, Dena; Gabriela Dow; Jing Xu; Joe Long; Noah Li; Scott Himmelstein

**Cc:** O'Connor-Ratcliff, Michelle <[moconnorratcliff@powayusd.com](mailto:moconnorratcliff@powayusd.com)>; Beatty, Kimberley <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)>

**Subject:** Re: May 16 ETAC Agenda

I second Gaby's new motion. Under new business if there is enough time to make the change.

Kind regards,  
Jessica Xu

**From:** Gabriela Dow

**To:** jing xu

**Cc:** Adalia Lavado; "Sunny"; "Beatty, Kimberley" <[kbeatty@powayusd.com](mailto:kbeatty@powayusd.com)>; Brian Senese; "Glynn, Dena"; Joe Long; Noah Li; "O'Connor-Ratcliff, Michelle" <[moconnorratcliff@powayusd.com](mailto:moconnorratcliff@powayusd.com)>; Scott Himmelstein; "Eric Lehew" <[elehew@powayusd.com](mailto:elehew@powayusd.com)>

**Sent:** Friday, May 13, 2016 10:19 AM

**Subject:** Re: May 16 ETAC Agenda

If there is time, could we also add the data breach of all student info (over 36,400 records with medical info, test scores, private home/contact info) to the agenda?

Thank you,  
Gabriela

## **Emails with ETAC regarding the PRA request and with PUSD Board and managers informing them of unprofessional behavior during response to the request**

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

From: **Gabriela Dow** <gdow.sd@gmail.com>

Date: Thu, Apr 21, 2016 at 1:57 PM

Subject: Re: 2015-16 PUSD Org Chart

To: "O'Connor-Ratcliff, Michelle" <moconnorratcliff@powayusd.com>, "Beatty, Kimberley" <kbeatty@powayusd.com>

Cc: Adalia Lavado, jing xu, Brian Senese, Sunny, "Glynn, Dena", "Joe Long", "Ning (Noah) Li", Scott Himelstein

Thanks for staying on top of this. I am cc:ing Boardmember Beatty here as well.

Michelle, do you know when this org chart was created? It seems odd that at our last ETAC meeting you described Richard Newman as having a "floating position" with the title of "Director of Innovation" "moving fluidly" from reporting to Superintendent John Collins to later reporting to perhaps Mel with the other EDIIs to now Malliga, etc.

So this new org chart now lists two people with the title "Director Information Technology" (Dawn Kale, who has consistently had that title) and Richard Newman (whose email signatures and title presented up until this org chart has been "Director of Innovation"). Is that a typo or has there been a change in Newman's title, which based on the information you presented at the last ETAC meeting is officially "Exec Director II" -- which has a completely different job description and requires minimum "five years of experience in information technology management."

As an FYI to the rest of ETAC, and as I mentioned at our last meeting, I submitted a Public Records Act request for a copy of the org chart (with boxes hand-written above the old or current IT org chart) that Michelle was able to show us at the March 21 ETAC meeting, but that she was instructed to "not allow us to copy or keep." This does not seem right for such a basic public document presented at a public meeting to a group of public volunteers.

I was contacted by attorney William Shinoff in response to the public records request that I emailed to the PUSD Director of Communications and he informed me that he was utilizing a 14-day extension from the standard ten days required by law for the questions I submitted (which were primarily the ETAC questions we have been submitting via you and Kimberley, our board reps, for moths).

Below for the rest of ETAC to see is the email I forwarded to the board, to our Superintendent and Communications Director expressing my concern that an expensive and controversial law firm is handling routine matters like PRAs, which are typically handled by staff in other public agencies to avoid exorbitant costs and as a best management practice for responsible use of tax dollars.

The result of the email below, which I did not send to Shinoff, was for Shinoff to call me to explain that his law firm handles ALL public records requests for PUSD and that I had to work through him. I explained to him that my question about the use of his law firm was for my elected board members, and he said he represented them all. (??) Michelle and Kimberley, are you not concerned by this?

Recent articles about controversy with Shinoff specifically is below (it does not seem ethical to have Shinoff Jr. managing sensitive items for PUSD when his father is the subject of scrutiny for the way he manages PUSD and other public agency matters):

### **Attorneys Flee Go-To Schools Lawyer's Firm**

<http://www.voiceofsandiego.org/topics/education/attorneys-flee-go-to-schools-lawyers-firm-as-his-hold-on-education-market-slips/>

### **3 Cases That Help Explain Local Schools Attorney's Current Troubles**

<http://www.voiceofsandiego.org/topics/education/3-cases-that-help-explain-local-schools-attorneys-current-troubles/>

### **Poway Unified spent \$320k in dispute with parent**

[http://www.sandiegouniontribune.com/news/2016/apr/10/poway-unified-has-spent-320k-on-dispute-with/?fb\\_action\\_ids=10209532038282366&fb\\_action\\_types=og.comments](http://www.sandiegouniontribune.com/news/2016/apr/10/poway-unified-has-spent-320k-on-dispute-with/?fb_action_ids=10209532038282366&fb_action_types=og.comments)

After hearing mothers at our last ETAC describing the lack of resources to have their children assessed for years so that they can learn how to read, it is incredibly distressing to know that hundreds of thousands of dollars, likely millions, are being wasted with this law firm by not following best practices and common sense.

Teachers have described their text books being more than 10 years old and library hours are cut, art and music are cut, there is a shortage of staff everywhere we turn, so every penny matters. Adding more "IT Directors" or "Innovation Directors" or whatever the actual title turns out to be, and yet still having no clear Tech Plan, is another example of money being wasted without results with people that are that could have benefitted students in the classroom.

*Email on 4/13 after public records request made on 4/7:*

*Dear Ms. Paik, PUSD Boardmembers, Sup. Collins and Ms. Walton,*

*I hope you are enjoying your Spring Break. My family and I are returning from our Spring Break vacation in San Francisco and I wanted to respond to the email received below from William Shinoff in response to a PRA I submitted last week.*

*I was quite surprised to receive a response from an attorney referencing "interrogatories" since there is nothing litigious about my request. I am a PUSD parent and volunteer that wants to better understand my school district's decision-making process on specific areas that I have been and continue to be involved in.*

*It is troubling to think that the high rates from a law firm are being applied to standard records requests, and I would like to know if this is the standard PUSD process for every PRA, or just for select requests? If it is the latter, could you please let me know why my request is being handled by an outside attorney? Also, I can file a separate PRA if required, but I would like to know the cost PUSD has spent having attorneys manage routine PRA requests?*

**\*\*** Again, the only person that responded to my email above was the lawyer, William Shinoff, who suggested that I go ahead and file another Public Records Act request that he would manage if I want an answer on how much it is costing PUSD to have his dad's law firm manage all requests for public documents.

This is incredibly frustrating, but I will submit that PRA this week. And I will share with ETAC other documents that we waited months for as the attorney makes them available through this process that is required by law in order to assure transparency by public agencies.

Thanks,  
Gabriela

----- Original Message -----

Subject: Public Records Request

Date: 2016-04-07 21:46

From: Gabriela Dow <gabriela@moradowconsulting.com>

To: cpaik@powayusd.com

Dear Director Paik:

Pursuant to California Public Records Act, Government Code Section 6250 et seq. ("PRA"), I request that the Poway Unified School District ("PUSD") provide me with a copy of the following "records" as defined by PRA:

1. PUSD management organizational chart with names and titles.
2. Copy of the organizations chart shared with the ETAC by Boardmember O'Connor-Ratcliff at the March 21, 2016 meeting. The org chart had the "IT Director" as the top position in the formatted version and as Ms. O'Connor-Ratcliff explained "the district" provided her with this updated version which had hand-drawn boxes above "IT Director" for "Director of Innovation" and his "Assistant" and for "Chief Tech Officer" (or similar) – Ms. O'Connor-Ratcliff said she

was instructed to only “show” ETAC the document but nobody could take a photo or copy it and she was not allowed to make copies and hand it out. This document should

3. Job descriptions for the PUSD Director of Innovation, his Assistant and the Chief Technology Officer (the positions that were added to the historical org chart). Please also provide the job description of the “IT Director.”
4. Any documents, emails, records related to the assignments for the “Director of Innovation,” to Mr. Rich Newman’s appointment and transfer from the Superintendent’s office to other offices, and for the assignments and transfers of the “Chief Technology Officer” Bob Gravina.
5. Any documents, emails, records related to the development of a district Technology Plan, including emails regarding consultant Bob Moore’s tech analysis.
6. Any documents, emails, records related to discussion of ETAC (Education Technology Advisory Committee).
7. Any documents, emails, records related to the "Progress of IT Leadership Strategy" document and answer to ETAC question of “how many staff and total staff hours were involved in creating this “plan”?”
8. Any documents, emails, records related to the #IAMPUSD social media campaign, including coordination with PUSD teachers/staff featured in the Twitter videos tagged with this hashtag which was managed by Mr. Rich Newman in Fall/Winter 2015.
9. Any documents, emails, records related to the RFID “Wearables” pilot project launched in Sept. 2015. This includes all communication with HP and Yet, the private-sector sponsors of this pilot.
10. Any documents, emails, records mentioning or related to “Gabriela Dow” “Gaby Dow” or the Dow family and their children who attend Valley Elementary.
11. Any documents, emails, records related to the departure of Dr. Andy Johnson from PUSD in 2015.
12. Any documents, emails, records related to training teachers on new technology implementation.
13. Clarification on the change from previously stated 4:1 goal to more recent 3:1 student to computer ratio described at the PUSD Foundation meeting.
14. Any documents, emails, records related to use of two tech TOSAs utilized by 39 schools.
15. Any documents, emails, records related to the use of any security outside of law enforcement, including Bravo Three, by PUSD.
16. Clarification of PUSD policy, procedures, discussion for seeking restraining orders against parents and community members – who has to order and approve this process and what steps are taken to avoid this drastic measure?
17. Any documents, emails, records related to restraining orders pursued by PUSD. How many restraining orders has PUSD pursued in the past 10 years?
18. Clarification of what specific “inappropriate behavior” would warrant a letter from PUSD like the Sept. 11 2015 letter (attached) from Superintendent Collins to Kim Garnier directing her to “comply” with specific behavior. How many other parents, students or community members have ever received a “direction to comply” like this – “no longer permitting” them “to have contact” with PUSD staff and requiring notification to the Superintendent 24 hours in advance of any intention to “be present at the District office.” How many emails sent, or phone calls made, or requests made warrant a demand letter like this?
19. Does the district have any board policies and/or administrative procedures on Health guidelines for use of digital devices across the district, for both students and staffs? If yes, please provide the current guidelines.
20. Any documents, emails, records related to Sea World.

I believe these records are publicly available and not exempt from disclosure under the PRA. If you believe otherwise, I request a detailed statement describing the nature of the withheld material and the basis for your decision. I would like to obtain these records as quickly and cost efficiently as possible, therefore please contact me once you have gathered the records to discuss how to best to obtain the records. If possible, I prefer to receive the records in electronic form.

Thanks so much,  
Gabriela Dow

----- Original Message -----

Subject: Fwd: California Public Records Act request

Date: 2016-04-13 17:52

From: Gabriela Dow <gabriela@moradowconsulting.com>

To: "Paik, Christine" <cpaik@powayusd.com>, moconnorratcliff@powayusd.com, kbeatty@powayusd.com, apatapow@powayusd.com, csellers@powayusd.com, tjzane@powayusd.com, jcollins@powayusd.com, nwalton@powayusd.com

Dear Ms. Paik, PUSD Boardmembers, Sup. Collins and Ms. Walton,

I hope you are enjoying your Spring Break. My family and I are returning from our Spring Break vacation in San Francisco and I wanted to respond to the email received below from William Shinoff in response to a PRA I submitted last week.

I was quite surprised to receive a response from an attorney referencing "interrogatories" since there is nothing litigious about my request. I am a PUSD parent and volunteer that wants to better understand my school district's decision-making process on specific areas that I have been and continue to be involved in.

It is troubling to think that the high rates from a law firm are being applied to standard records requests, and I would like to know if this is the standard PUSD process for every PRA, or just for select requests? If it is the latter, could you please let me know why my request is being handled by an outside attorney? Also, I can file a separate PRA if required, but I would like to know the cost PUSD has spent having attorneys manage routine PRA requests?

Below is additional information to help clarify the items Mr. Shinoff requested, for this standard request that I (as a taxpayer) hope a more cost-effective staffer can handle:

"The District is also requesting clarification to your Public Records Act Request. Requests 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17,20 are vague and ambiguous as to time and individuals. Can you please provide a timeframe to these requests and please specify individuals whose emails you are requesting on these matters."

ITEM #5. Any documents, emails, records related to the development of a district Technology Plan, including emails regarding consultant Bob Moore's tech analysis. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #6. Any documents, emails, records related to discussion of ETAC (Education Technology Advisory Committee). DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #7. Any documents, emails, records related to the "Progress of IT Leadership Strategy" document and answer to ETAC question of "how many staff and total staff hours were involved in creating this "plan"? DATE-RANGE April 1, 2015 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #8. Any documents, emails, records related to the #IAMPUSD social media campaign, including coordination with PUSD teachers/staff featured in the Twitter videos tagged with this hashtag which was managed by Mr. Rich Newman in Fall/Winter 2015. DATE-RANGE August 1, 2015 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #9. Any documents, emails, records related to the RFID "Wearables" pilot project launched in Sept. 2015. This includes all communication with HP and Yet, the private-sector sponsors of this pilot. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #10. Any documents, emails, records mentioning or related to "Gabriela Dow" "Gaby Dow" or the Dow family and their children who attend Valley Elementary. DATE RANGE Jan 1, 2012 to today from ANY PUSD employee, boardmember, consultant, or community member. All emails and documents- please search your email server and document servers for "Gabriela Dow" "Gaby Dow" "Ms. Dow" "Dow Family" "Steve Dow" -- this is a standard, routine tech exercise.

ITEM #11. Any documents, emails, records related to the departure of Dr. Andy Johnson from PUSD in 2015. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #12. Any documents, emails, records related to training teachers on new technology implementation. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #14. Any documents, emails, records related to use of two tech TOSAs utilized by 39 schools. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #15. Any documents, emails, records related to the use of any security outside of law enforcement, including Bravo Three, by PUSD. DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #17. Any documents, emails, records related to restraining orders pursued by PUSD. How many restraining orders has PUSD pursued in the past 10 years? DATE-RANGE Jan 1, 2014 to today. Emails from the Superintendent, staff in his office (including Newman, Gravina, Dawn Kale and prior Communications Director), Associate Superintendents, Dan Shinoff, David Hall, Lori Hath, current boardmembers and boardmembers from the prior term.

ITEM #20. Any documents, emails, records related to Sea World. DATE RANGE Jan 1, 2012 to today from ANY PUSD employee, boardmember, consultant, or community member. All emails and documents- please search your email server and document servers for "Sea World" -- this is a standard, routine tech exercise.

Thank you,  
Gabriela Dow

----- Original Message -----

Subject: California Public Records Act request

Date: 2016-04-08 10:34

From: "William B. Shinoff" <wshinoff@sashlaw.com>

To: "gabriela@moradowconsulting.com" <gabriela@moradowconsulting.com>

Cc: "Paik, Christine" <cpaik@powayusd.com>, "Walton, Noreen (nwalton@powayusd.com)"

Dear Ms. Dow,

This letter is in response to your April 7, 2016 request for documents under the California public records act (Gov. Code §6250, et seq.) to Poway Unified School District. You have requested:

1. PUSD management organizational chart with names and titles.
2. Copy of the organizations chart shared with the ETAC by Boardmember O'Connor-Ratcliff at the March 21, 2016 meeting.
3. Job descriptions for the PUSD Director of Innovation, his Assistant and the Chief Technology Officer (the positions that were added to the historical org chart). Please also provide the job description of the "IT Director."
4. Any documents, emails, records related to the assignments for the "Director of Innovation," to Mr. Rich Newman's appointment and transfer from the Superintendent's office to other offices, and for the assignments and transfers of the "Chief Technology Officer" Bob Gravina.
5. Any documents, emails, records related to the development of a district Technology Plan, including emails regarding consultant Bob Moore's tech analysis.
6. Any documents, emails, records related to discussion of ETAC (Education Technology Advisory Committee).
7. Any documents, emails, records related to the "Progress of IT Leadership Strategy" document and answer to ETAC question of "how many staff and total staff hours were involved in creating this "plan"?"
8. Any documents, emails, records related to the #IAMPUSD social media campaign, including coordination with PUSD teachers/staff featured in the Twitter videos tagged with this hashtag which was managed by Mr. Rich Newman in Fall/Winter 2015.
9. Any documents, emails, records related to the RFID "Wearables" pilot project launched in Sept. 2015. This includes all communication with HP and Yet, the private-sector sponsors of this pilot.
10. Any documents, emails, records mentioning or related to "Gabriela Dow" "Gaby Dow" or the Dow family and their children who attend Valley Elementary.
11. Any documents, emails, records related to the departure of Dr. Andy Johnson from PUSD in 2015.
12. Any documents, emails, records related to training teachers on new technology implementation.



13. Clarification on the change from previously stated 4:1 goal to more recent 3:1 student to computer ratio described at the PUSD Foundation meeting.

14. Any documents, emails, records related to use of two tech TOSAs utilized by 39 schools.

15. Any documents, emails, records related to the use of any security outside of law enforcement, including Bravo Three, by PUSD.

16. Clarification of PUSD policy, procedures, discussion for seeking restraining orders against parents and community members - who has to order and approve this process and what steps are taken to avoid this drastic measure?

17. Any documents, emails, records related to restraining orders pursued by PUSD. How many restraining orders has PUSD pursued in the past 10 years?

18. Clarification of what specific "inappropriate behavior" would warrant a letter from PUSD like the Sept. 11 2015 letter (attached) from Superintendent Collins to Kim Garnier directing her to "comply" with specific behavior. How many other parents, students or community members have ever received a "direction to comply" like this - "no longer permitting" them "to have contact" with PUSD staff and requiring notification to the Superintendent 24 hours in advance of any intention to "be present at the District office." How many emails sent, or phone calls made, or requests made warrant a demand letter like this?

19. Does the district have any board policies and/or administrative procedures on Health guidelines for use of digital devices across the district, for both students and staffs? If yes, please provide the current guidelines.

20. Any documents, emails, records related to Sea World.

The District received your Request on April 8, 2016. The District is currently searching its files to determine if any such records do exist and whether they are disclosable under the California Public Records Request Act. Under Government Code section 6253(c), the District may extend the time to respond to the request by an extra 14 days. The District will utilize its 14-day extension pursuant to section 6253(c)(2) which provide:

(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.

By adding 14 days to the Poway Unified School District's initial 10-day period within which to respond, the response is now due May 2, 2016.

The District is also requesting clarification to your Public Records Act Request. Requests 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17,20 are vague and ambiguous as to time and individuals. Can you please provide a timeframe to these requests and please specify individuals whose emails you are requesting on these matters.

Additionally, the California Public Records Act requests provides the public the ability to obtain records of public entities. The Act does not provide for the answering of interrogatories by requestors. Therefore, any interrogatories made in your request will not be answered.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,  
William Shinoff

----- Original Message -----

Subject: Shinoff behavior Re: Fwd: California Public Records Act request

Date: 2016-04-27 15:21

From: Gabriela Dow <gabriela@moradowconsulting.com>

To: "Paik, Christine" <cpaik@powayusd.com>, moconnorratcliff@powayusd.com, kbeatty@powayusd.com, apatapow@powayusd.com, csellers@powayusd.com, tjzane@powayusd.com

PUSD Board and Ms. Paik -

The only response I received from my inquiry and concern below about having an expensive, overly aggressive/litigious and defensive/controversial law firm handle routine records requests was another call from William Shinoff saying that he was responding to my concern. I explained to him that I specifically had not included him in the email to PUSD Superintendent, Board and Communications Director because the question was regarding the use of his firm and it does not make sense that he would answer that concern. He said he was forwarded the email and is responsible for answering these types of questions or concerns. I reiterated that my question about the use of his/his father's law firm was a question for my elected officials.

I got another call from William yesterday asking if it was OK to provide the records in a .pst file (which was fine), saying the request might go over the legal deadline (which I said was not advisable) and he did explain that PUSD had a person handling PRA requests that "was doing it incorrectly in the past" and while he agrees it is not a best practice to have an attorney handling this type of work the situation at PUSD is unique and the district just has not been set up to handle these requests -- from lack of tech competency to the large volume.

He then spent some time explaining that his "dad is not a devil and it's not really fair that we are getting blamed..." I explained that my and likely the community's concern was over best practices in efficient, transparent business processes, especially when it comes to tax-payer funding.

William seems like a very nice kid and it was frankly very sad, uncomfortable and quite alarming to be receiving an official phone call from an attorney representing my kids' school district and my tax-dollars talking about whether or not his dad is a devil, what is really true outside of media reports, etc etc. I have never experienced anything like this in a professional setting-- these are matters that need to be handled impartially, professionally and in a cost-effective way (is PUSD being billed top hourly rate for a junior attorney spending time defending his dad on client time and in a way that could be tremendously unnerving and intimidating by other other parents or community members).

I was beside myself at the way the Director of Innovation acted yelling at the public during the ETAC meeting, completely out of control. I was quite stunned to have Tracy Hogarth flat out lie during my meeting with her regarding Newman's outburst-- was the information I sent about that meeting documented anywhere?

I was not surprised to hear that Noreen Walton lost control as well at a recent board meeting since there was a very uncomfortable incident where Ms. Walton was shaking and on the verge of tears addressing the District-wide foundations last year, which I thought about documenting but to what end since the incidents I was already dealing with over Newman and Hogarth were just going in circles.

Here is another sad, troubling example of highly unprofessional behavior from a PUSD representative-- from your legal counsel. You should at least be aware of it.

I am as exhausted as each of you in dealing with these issues. I have not experienced this much emotional instability with any of the 100+ public agencies I have worked with, worked for or engaged with over the past 20 years.

Thank you for the steps you have taken to audit with the Superintendent on official leave.

Thank you for the professionalism each of you have demonstrated in this environment. This cannot continue -- ALL public agencies receive questions, critique, even strong opposition. They handle it professionally- I often see it from the inside working with the elected officials' staff, PIOs and Communications Managers. But top PUSD leadership is unable to handle any concerns without escalating the issue or acting unprofessionally; from Sup. Collins to Assoc. Sup Hogarth, to Noreen Walton (whose official position and role nobody seems able to discern), to Director Newman (an Elem Principal that should have been reprimanded, not promoted to a "floating position" where Collins could "mentor" away his lack of professionalism), to Dan Shinoff and now Shinoff Jr.

Please assess if PUSD's legal team is bringing too many personal issues into their work assignments, and if these are the people that should serve as official spokespeople on behalf of you, our elected officials, and our overall district.

What professional brings language about "the devil" and his family into a routine request required by law?

This is highly inappropriate and a very poor use of the money that belongs in the classrooms.

Thanks so much,  
Gabriela

----- Original Message -----

Subject: Re: California Public Records Act Request

Date: 2016-05-04 17:55

From: Gabriela Dow <gabriela@moradowconsulting.com>

To: "William B. Shinoff" <wshinoff@sashlaw.com>

Cc: "Angelo, Melissa" <mangelo@powayusd.com>, "Mignella, Brigitte" <bmignella@powayusd.com>, Daniel Shinoff <DShinoff@sashlaw.com>, moconnorratcliff@powayusd.com, cpaik@powayusd.com, csellers@powayusd.com, tjzane@powayusd.com, APatapow@powayusd.com, kbeatty@powayusd.com, mrobertson@powayusd.com

Please have the material available for pick-up at the front desk of PUSD Admin Services building tomorrow -- I will pick it up and provide payment for the CDs after 10 am tomorrow or by 5pm Friday 5/6.

My apologies for the delay in responding and for requesting a time-window for pick-up; I am currently prepping for a briefing with an Assembly representative for Friday, managing all sponsors for the 1,400+ attendee Annual Trail Run event Saturday (to fund a PUSD low-income school), and managing 30+ global corps and 15+ reporters for a national media tour with the City of Carlsbad Monday. The extremely busy and unpredictable nature of my schedule these next two days is due to last-minute details coordinating with media and elected officials whose immediate needs for these annual special events are my priority.

I am cc:ing the PUSD board, Assoc. Sup Roberts and Director of Communications Paik to officially request ceasing all contact with you William, with your father Daniel and with anyone else from the Shinoff family (and ideally your law firm) given your unprofessional, unethical and irresponsible conduct in calling me to discuss your family's reputation problems and then lying to the board and PUSD management about the complaint I lodged about your improper conduct.

I look forward to having a different PUSD representative contact me if there are any questions regarding the additional PRA requests I submitted last week.

Thank you,  
Gabriela

On 2016-05-03 12:11, William B. Shinoff wrote:

> Dear Mrs. Dow,  
>  
> The final files to your California Public Records act are now ready  
> for your pickup. Please let me know when you plan to pick up the CD's  
> so I can arrange for them to be waiting for you at the front desk.  
>  
> Sincerely,  
>  
> William Shinoff

----- Original Message -----

Subject: RE: Shinoff behavior Re: Fwd: California Public Records Act request  
Date: 2016-04-28 11:01  
From: Gabriela Dow <gabriela@moradowconsulting.com>  
To: "Paik, Christine" <cpaik@powayusd.com>

Thanks Christine - you're absolutely correct, thank you for your email that I forgot to reference in my focus on lack of response from the board members.

I have been meaning to reach out to you since you took on this position -- as a former news professional myself (I worked at two CNN bureaus, DC and LA, as well as KCBS news desk in LA) to grab coffee, talk about regional PIO/public comms gatherings, and just give you some background on why I and others are upset at things you may not be aware of. I certainly was not aware of these things when I spoke in favor of Collins and my school district a year ago, and when I first started working as a member of the board for my kids' school foundation.

I will give you a call, am slammed managing a media tour for national reporters with the City of Carlsbad but even over the weekend if you have 20 minutes.

Thanks so much, I really do appreciate the position you are in.

You can call/text my cell any time 858-735-2922.

Gabriela

On 2016-04-27 18:06, Paik, Christine wrote:

> Hello Ms. Dow,  
> Thank you for your email.  
> While I can't speak to Mr. Shinoff's phone conversation or the actions  
> of my colleagues towards you, I have witnessed nothing but  
> professionalism in my dealings with them in the short time I've been  
> here.  
> Obviously this District is experiencing a time of great change and  
> pressure. But as a fellow parent and new employee of PUSD, I believe  
> part of what makes this District so strong is the level of commitment  
> of its employees, as well as parents like yourself. That hasn't  
> wavered.  
>  
> When I speak to PUSD employees and families, I hear nearly the same  
> thing over and over again: it's all about the kids. I've seen your

> social media posts... you are all about your sons' learning, and  
> supporting Valley Elementary School. Our administrators share that  
> same passion for education. That's why they got into this field, and  
> have stayed for so long.  
>  
> You may not agree with how this District is handling PRA requests. You  
> are absolutely entitled to your opinion. But I would counter, that  
> most of the people working here have never dealt with PRAs before, let  
> alone have the time or ability to process 72 of them (approximately  
> the number we've received in the past year). Many of them are vast in  
> scope, thousands of pages, requiring hours and hours of work. Wouldn't  
> you rather have the District focusing on the work of educating our  
> kids and keeping the District running? That's what the Superintendent  
> had to weigh when he made the decision, to keep the District from  
> getting sidelined from its mission of education. That is why for now,  
> they are going to our attorneys. This is not to make the process  
> intimidating or unnerving for requestors. It is because we want to  
> respond to the PRAs as quickly as possible, and abide by all the laws  
> surrounding PRAs. We are doing our best to keep up.  
>  
> I absolutely appreciate your passion around keeping the District accountable.  
>  
> As for your statement that the only response you received was from  
> William Shinoff, I actually did respond to your original inquiry and  
> concern below.  
> Here is that email again:  
>  
> -----Original Message-----  
> From: Paik, Christine  
> Sent: Monday, April 18, 2016 2:50 PM  
> To: 'Gabriela Dow' <gabriela@moradowconsulting.com>  
> Subject: RE: California Public Records Act request  
>  
> Ms. Dow,  
> I hope you and your family enjoyed Spring Break.  
> Thank you for your follow up email to clarify your PRA requests. I've  
> passed them on to Mr. Shinoff.  
> Due to the sheer number and scope of PRA requests the District is  
> receiving, District employees were unable to handle these requests  
> without it hampering the important work of educating our children and  
> keeping the District running.  
> All PRA requests are being handled by the District's attorneys, not  
> just specific ones.  
> Please file a separate PRA request for your question regarding attorney costs.  
> Thank you for your understanding and patience!  
> Best,  
>  
> Christine Paik  
> Director of Communication & Community Engagement  
>

## ETAC QUESTIONS

Since October 2015 the committee waited to receive answers to basic PUSD Tech questions. At the March 2016 meeting PUSD Board President O'Connor-Ratcliff said she was instructed by the superintendent's office to answer one question by holding up a document (old org chart with boxes written in pencil at the top of the page showing new directors and an assistant). It was then that Gabriela told the committee she would submit the questions as a PRA request, and they agreed.

After six months of waiting, the committee finally received some answers to these basic questions on April 18, eleven days after Gabriela submitted the questions as a PRA request on April 7.

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

From: **Adalia Lavado**

Date: **Mon, Nov 30, 2015** at 1:06 PM

Subject: ETAC Leadership Questions Update

To: "Anderson, Wendy" <wanderson@powayusd.com>, "Beatty, Kimberley" <kbeatty@powayusd.com>, Brian Senese, "Cabral, Kriscia", Gabriela Dow, "Glynn, Dena", jing xu, Noah Li, "O'Connor-Ratcliff, Michelle" <moconnorratcliff@powayusd.com>, Scott Himelstein, Xu Jihe, Joe Long

Good afternoon,

Kimberly relayed to me today that she has not yet received responses to the ETAC questions that were submitted. Unfortunately, it is going to take more time. There were some unforeseen disruptions that delayed things. She will follow up when she is able to. We will keep you posted.

As a reminder--we are meeting in the Bronco Room tomorrow night at 6:00 p.m.

See you soon.

Sincerely,  
*Adalia*

Adalia L. Lavado  
K-12 Educator  
Experienced K-8 Administrator

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

From: **O'Connor-Ratcliff, Michelle** <moconnorratcliff@powayusd.com>

Date: **Mon, Apr 18, 2016** at 1:35 PM

Subject: ETAC questions answered

To: "Sunny", "Glynn, Dena", Gabriela Dow, "Joe", "Ning (Noah) Li", Scott Himelstein, "Jing (Jessica) Xu", "Adalia", Brian Senese

Dear ETAC members,

Please find attached answers to the 17 questions submitted by the committee. See you all this evening.

*Michelle O'Connor-Ratcliff*  
President, Board of Education  
Poway Unified School District

## ETAC Questions

1. Please provide a district organizational chart.
2. Please provide job descriptions of current leadership positions in Educational Technology?
3. What are the qualifications needed for a CTO or CIO at a district the size of PUSD? What specific experience would be minimal for the position of CTO or CIO?
4. Please explain the "Director of Innovation / Office of Innovation" role. How was the staffing decision made for Richard Newman to assume the current position of "Director of Innovation"? And why was Mr. Newman recently moved out of the Superintendent's Office?
5. What are the impacts of operating a district of this size without a tech plan for a year or longer? (Since the 2011-2016 plan did not include any mention of mobile devices it was not relevant for the past few years)
6. The current PUSD Educational Technology Plan will end in June 2016. Will ETAC be involved in preparing the new plan for next five years? If not, Why?
7. How many total hours (all staff involved) were spent developing the "Progress of IT Leadership Strategy" document?
8. What is the educational goal for every grade? (nothing to do with any new technology)
9. How does PUSD connect the new technology implementation with the educational goal?
10. Is there any well-defined curriculum inside PUSD about new technology? How was it developed?
11. When a new technology device or software is purchased, who makes the final decision and how does the decision connect to the educational goal?
12. How is the teacher trained for the new technology implementation? How does PUSD convey its goal to all the teachers?
13. When the district goes to 4:1 with computers, what will the teacher training model look like to ensure the devices will be utilized to their full capacity?
14. Currently, how are the two tech TOSAs being utilized by 39 schools? How is that model being successful?
15. Design 39 was touted as a school to help share resources across the district. What is the current model enabling them to do so with other staff in the district, aside from teachers visiting their site?
16. A recently global study by Organization for Economic Co-operation and Development has the following conclusion: Investing heavily in school computers and classroom technology does not improve students' performance. Overall, students who use computers moderately at school tend to have somewhat better learning outcomes than students who use computers rarely. But students who use computers very frequently at school do much worse, even after accounting for social background and student demographics (<http://www.oecd.org/education/new-approach-needed-to-deliver-on-technologys-potential-in-schools.htm>). How will the Superintendent and the Board plan the future technology use in PUSD schools based on above results?
17. Does the district have any board policies and/or administrative procedures on Health guidelines for use of digital devices across the district, for both students and staffs? If yes, please provide the current guidelines.

**Document attached to Michelle O'Connor-Ratcliff 4/18/16 email to ETAC, after Gabriela's 4/7/16 PRA, months after original questions were submitted starting in October 2015**

***We finally got answers to ETAC Questions once Gabriela submitted them as a PRA request.***

1. Please provide a district organizational chart. – Please see attached. *(GD note, this is different than the org chart "shown" to us at a prior meeting and lists people twice, changes key position titles)*
2. Please provide job descriptions of current leadership positions in Educational Technology? – Please see attached
3. What are the qualifications needed for a CTO or CIO at a district the size of PUSD? What specific experience would be minimal for the position of CTO or CIO? *(GD note, in an email sent to Gabriela, a comment from PUSD staff said in reference to this question "this sounds like Gaby Dow wants to now (sic) if she is qualified." See screenshot below, very sad to see the attitude of staff thinking professionals/parents that volunteer their expertise are after their jobs!)*
  - It is important for the Learning Support Services to have someone who understands how tools can enhance learning for students and adults.
  - They must understand the role of formative and summative assessments in student learning and work with LSS on staff development for our sites.
  - They must have a working relationship with schools and it is preferred that it is someone that has had an administrative role at a school site.
  - There are many goings on at a school that would be important for this person to understand as we personalize learning moving forward.
  - They must possess leadership qualities, clear communication abilities, and a strong collaborative disposition so that we are working towards a vision together.
  - They also must be able to understand the technical side by working with a knowledgeable staff on the needs of our system.
  - They must have a strong background in research, be able to plan long term, run effective meetings, know how to use technology as a tool for learning and collaboration, and integrate the work with a variety of departments.
4. Please explain the "Director of Innovation / Office of Innovation" role. How was the staffing decision made for Richard Newman to assume the current position of "Director of Innovation"?  
And why was Mr. Newman recently moved out of the Superintendent's Office?
  - The move was important as Bob Gravina assumed the supervision and coordination of the County project MiTi (Modernization, Improvement, Transformation, Initiative).
    - This is a project that affects all departments and school sites that use the PeopleSoft software.
  - We needed a manager working closely with Dawn Kale (Director of IT) so that we had the learning and technical workings of our district together.
5. What are the impacts of operating a district of this size without a tech plan for a year or longer? (Since the 2011-2016 plan did not include any mention of mobile devices it was not relevant for the past few years)
  - This year, LSS and the IT Department are implementing a significant revision of our technology planning and technology goals.
  - We will be embedding the results of this work in our District Local Control Accountability Plan and budget proposals this spring as well as initiating a multiyear Technology for Learning Plan.
  - We are working to ensure this work leads to a year to year ongoing and responsive process that will address equitable integration of technology resources to support student learning.
  - The Steering Committee, which is comprised of community members, a member from the PUSD Board of Education Educational Technology Committee, site administrators, a community representative, classified and certificated staff, and LSS, BSS and PSS staff will oversee the process of developing a new plan focused on identifying guiding principles for effective use of technology resources and personalized learning.
  - Major features of the work will include:
    - A review of relevant research, literature, and model technology plans to identify best practices.
    - Meetings to develop input from key stakeholders (LCAP Community Meetings, Business Leaders, Teacher and Support Staff Groups).
    - Visits to schools highlighting best technology integration practices.



- Developing key priorities and initial recommendations.
- Presentation to the Board of Education.
- The intention of 2015-16 work is to develop overarching goals to support equitable and effective integration of technology based resources in support of accelerating and personalizing learning for every student. These goals will be sustained, and adapted through a district level process that is monitored continuously.

6. The current PUSD Educational Technology Plan will end in June 2016. Will ETAC be involved in preparing the new plan for next five years? If not, Why?

- Yes, the Steering Committee is comprised of community members, a member from the PUSD Board of Education Educational Technology Committee (Adalia Lavado), site administrators, a community representative, classified and certificated staff, and LSS, BSS and PSS staff who will oversee the process of developing a new plan focused on identifying guiding principles for effective use of technology resources and personalized learning.
- There is a role for all stakeholders in the development of our plan, including a representative from ETAC.

7. How many total hours (all staff involved) were spent developing the "Progress of IT Leadership Strategy" document?

- Directors and staff are constantly involved in preparing operational documents. It is a part of their daily work and we do not track by hours.

8. What is the educational goal for every grade? (nothing to do with any new technology)

- Develop a personalized learning pathway to ensure that each of our students minimally meets/exceeds state standards through individual and collaborative learning, to develop strong citizens and future leaders, and to develop strong problem solvers, critical readers and writers, and to develop analytic interdisciplinary thinkers.

9. How does PUSD connect the new technology implementation with the educational goal?

- Technology is a tool to support teaching and learning. Like other resources, technology is used to enhance and ensure that we meet the academic goals and standards set for our students

10. Is there any well-defined curriculum inside PUSD about new technology? How was it developed?

- Technology is defined as a means to access and accelerate learning. It is part of intervention, research, problem based learning, portfolios, communication, collaboration – all of the critical skills that we want our students to perform seamlessly.
- In addition, a committee of classified, certificated, and administrative staff led by the IT department have recently completed development of a draft technology skills scope and sequence.
- This draft identifies the key technology skills we expect our TK-12 students to master.
- The skills identified for each grade level align to the California State Standards for Mathematics and English Language Arts & Literacy in History/Social Studies, Science and Technical Subjects, the International Standards for Technology in Education National Education Technology Standards for Students as well as skills required to take the California Assessment of Student Performance and Progress annual test.

11. When a new technology device or software is purchased, who makes the final decision and how does the decision connect to the educational goal?

- We work collaboratively with school site leaders to meet the needs and direction of the teachers/students at the school.
- We provide resources and staff time for sites as principals work with their staffs.
- The vetting of software includes engaging with teachers similar to when we review and purchase curriculum. If we are to make a district purchase, we ensure our teachers have been included as part of the process.

12. How is the teacher trained for the new technology implementation? How does PUSD convey its goal to all the teachers?

- We have many processes for staff development with technology. Because technology use has been personalized with many teachers/sites, we have tried to meet them where they are.
- There are some district applications, however, that are systemic that we hold common trainings. We use TLC's, site leaders, professional time, district staff development days, etc.

Our goals are conveyed to our teachers via John, principals, district leaders, and via PFT. In addition, we also have two Technology Integration Specialists who work directly with sites and lead TLCs.

13. When the district goes to 4:1 with computers, what will the teacher training model look like to ensure the devices will be utilized to their full capacity?

- This will be part of the staff development model that the Technology Committee will wrestle with along with the leadership of LSS and school sites.
- Some districts are using various models and we will learn from them also.
- At our elementary school sites, we currently have professional learning leaders who are focused on ensuring best practices for improving teaching and learning, including the integration of technology.

14. Currently, how are the two tech TOSAs being utilized by 39 schools? How is that model being successful?

- Our Technology Trainers are deployed for district wide implementation of programs. They use TLC's as well as visit sites, are accessible via email and phone, etc.

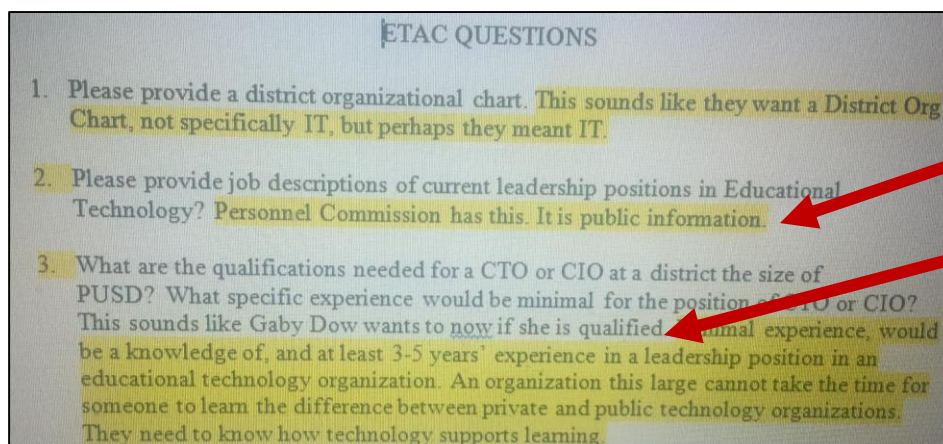
15. Design 39 was touted as a school to help share resources across the district. What is the current model enabling them to do so with other staff in the district, aside from teachers visiting their site?

- This is the second year that D39C has been in operation.
- They are still working on building consistency and continuity in their program. School site teams have spent time at D39C so that they can have an opportunity to see the work first hand and speak with staff about the current model. In addition, D39C has hosted conferences for staff to attend.
- Both principals of D39C have been asked to share their learnings at principal meetings. We have also used the lessons learned around the infrastructure of D39C and their roll out of technology to share with other sites. We will continue to learn lessons from D39C and share them.

16. A recently global study by Organization for Economic Co-operation and Development has the following conclusion: Investing heavily in school computers and classroom technology does not improve students' performance. Overall, students who use computers moderately at school tend to have somewhat better learning outcomes than students who use computers rarely. But students who use computers very frequently at school do much worse, even after accounting for social background and student demographics (<http://www.oecd.org/education/new-approach-needed-to-deliver-on-technologys-potential-in-schools.htm>). How will the Superintendent and the Board plan the future technology use in PUSD schools based on above results?

17. Does the district have any board policies and/or administrative procedures on Health guidelines for use of digital devices across the district, for both students and staffs? If yes, please provide the current guidelines.

- No. This is a new research area that has countering data. We believe the parent has a role in this area. If a parent does not want their child using technology, then they must communicate this with the school. It does pose a quandary with state assessments that are all digital. The data from this testing at the high school (Early Assessment Program – EAP) has implications with a student needing to take intervention courses during their senior year and potentially into the college/university.



Why did it take months to receive basic answers/info that PUSD staff identified as clearly public records?

Also disheartening to see that PUSD Tech Leaders thought ETAC members were after their jobs and thus the answers were most likely tailored to that unfounded concern.

## 5. FEEDBACK, NEWS, BIO

1. Gaby - I'm just angry at people who say, "What's the big deal? My social security number wasn't exposed." Besides the reasons of child predators, there's a whole market for this type of data. The most popular way to recover your forgotten password is a bunch of personal questions. It doesn't take a hacker criminal long to connect what was released to you to try and hack into bank accounts, social media accounts, etc. <http://www.cnbc.com/2015/09/23/hackers-are-selling-your-data-on-the-dark-web-for-1.html> From what I know about the things hackers can hack into, I know there's no such thing as 100% secured. But if you at least make it harder, they'll move on to the next target. You have to have layers of provisions in place before hackers can get to the information. I just wanted to share seeing some people's reactions to this. I'm just so glad it happened to you and you know enough to take the steps to prevent the information from being stolen, especially the non-Internet laptop part. :) Thanks for dealing with this!!!
2. I wanted to share with you the response I got from the district. I was particularly struck by the fact that you apparently "obtained" the records, implying more than a little effort and intention. It is so disgusting and heartbreaking. Please be careful. I don't know what exactly I fear they might do but I just know that I wouldn't put anything past them anymore. They're going to be looking to blame someone. It just makes me so sad that these are the people that we are paying with our tax dollars to care for and have a hand in raising our children.
3. Hi there! Just wanted to let you know, you and your family have my support. You're fighting the good fight and those who matter know it. I'm sure you do too! On behalf of all the children you are helping, mine included as this puts all corrupt districts on notice, thank you!!
4. May you find peace tonight as you sleep. Thank you. It really feels like 1984 or Hunger Games in how these people respond as if they're in the "know" and have no idea and claim they do AND blame you instead of the district. I really am praying for your peace and some stillness and comfort in your home. I can't even fathom the bricks that have been thrown at you SO unjustly. It makes me sick. Thank you for everything you have done and always being so professional and articulate. You're an incredible woman. Your children and husband are lucky to have you. And frankly, so is our community!!! *[[After I responded that my husband I actually laughed at some of the ridiculous comments being made online]]*: Ha! I'm glad you've kept a sense of humor in it! I must be projecting because I'm exhausted and cried for an hour tonight. I don't deal well with unjust behavior. Many things I blow off. I rarely cry but when someone is treated unfairly I have a hard time getting over it.
5. Just attended the special PUSD board meeting to make a comment and to publicly praise Gaby Dow for making the hard decision but the right decision to go to the DA with the information that PUSD violated student/family privacy when through a standard records request, she shockingly received 36,000 personal student personal identifying records that should never have been released to the public. Please contact PUSD school board trustees and ask them to hold the district accountable and to serve swift justice for those responsible for this breach.
6. Thinking about you. Seen and heard different reports about the breach. I only know what I have read. I want you to know that I support you and I am here for you.
7. The problem is that people assume the school district has the children's interests first. It is horrifying when you are forced to see that this is not the case. It's absolutely unbelievable to those who have not witnessed it firsthand. I never would've believed any school district could be so shady and have such poor priorities, money and politics over children. I was told by a respected administrator "I can't speak against my employer... I can't side with a family." I didn't realize there were sides. I thought there was one side... the child's. Her comments were the most dramatic and succinct but I've had the same conversation with numerous staff members over the 6 years that I've been trying to get help for my disabled son. So, yeah, I know how they work and what their priorities are. I wish I were as ignorant as these people. It must be nice to not realize how bad things are.
8. **PUSD 2009 Teacher of the Year:** They basically didn't give anything concrete that is being done or how they are certain that this data wasn't sent inadvertently to 3rd party vendors. When they moved to the new district offices they left boxes of employee records which included SSN and pay information sitting out in a dumpster where an employee discovered them. They don't have any procedures in place for securing employee or student data. Same run around, no way to ensure "employee training" will even take place. Who is doing the training? There is no one qualified or experienced with technology and cyber security at the Administration level, thus who knows where all student and employee data has been released. A 5th grader figured out how to get into district servers, sorry but I don't have any confidence that things are under control.

## NEWS

<http://www.sandiegouniontribune.com/news/2016/may/16/poway-data-breach/>

<http://www.sandiegouniontribune.com/news/2016/may/17/poway-data-breach-meeting/>

<http://www.cbs8.com/story/31989568/poway-unified-breach-information-of-36000-students-released>

<http://www.10news.com/news/personal-information-of-more-than-36000-poway-unified-students-exposed-in-data-breach-051716>

<http://www.kusi.com/story/31997621/san-diego-county-data-breach-affects-30000-plus-students>

<http://timesofsandiego.com/education/2016/05/16/public-records-request-leads-data-breach-poway-students/>

<http://fox5sandiego.com/2016/05/18/data-breach-personal-information-released-on-poway-unified-students/>

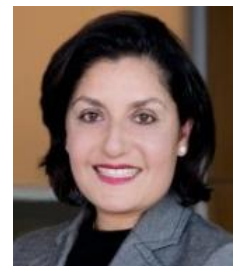
<http://www.nbcsandiego.com/news/local/Birthdates-Employer-Info-Included-in-Poway-Records-Release-380164861.html>

<http://www.cbs8.com/story/32010149/poway-school-district-parents-demand-answers-after-data-breach>

### **Gabriela Dow Bio**

(from ETAC final report to be delivered May 31, 2016, which contains bio/headshot of all ETAC members)

Gabriela is mother to two PUSD students, owner of Mora Dow Consulting, partner with Silicon Valley-based VC tech accelerator Plug and Play, member of the board for the Valley Elementary Educational Foundation and member of the Industry Advisory Board for the San Diego City College School of Business and Accounting. Gabriela's 20+ years of experience include launching tech startups, working as a journalist and managing public agency programs. She worked press advance for a presidential campaign, at the White House Office of Public Liaison and as an Intergovernmental Affairs Officer for a U.S. Governor in Washington D.C. She worked at two CNN bureaus, KCBS News and was elected President and VP during service on the Board of Directors for San Diego Habitat for Humanity from 1999-2005. A native of Guadalajara, Mexico she is a graduate of UCLA.



## **6. ETAC FINAL RECOMMENDATIONS TO PUSD BOARD**

(to be presented at the May 31, 2016 PUSD board meeting and hopefully considered for future solutions that are so desperately needed)

### **Final Recommendations to the PUSD Board from the PUSD Educational Technology Advisory Committee (ETAC)**

*May 16, 2016*

The PUSD Educational Technology Advisory Committee (ETAC) is a PUSD Board-appointed committee of community volunteers who met from May 2015, where over 60 topics were identified (see Appendix), through May 2016. The committee refined its focus to three key topics (Leadership, Health and Safety, and Technology Planning) to discuss, develop, vote and approve the following ten recommendations.

#### **Leadership:**

- 1. The District should present a clear vision of the appropriate role for technology in education.**

*All committee members present voted in favor: Joe Long, Sunny Rickard, Gabriela Dow, Jessica Xu, Noah Li.*

- 2. The District should fund Physical Education, Arts and Music at a level that is at least comparable to the funding for technology.**

*Joe Long abstained. All other committee members present voted in favor: Sunny Rickard, Gabriela Dow, Jessica Xu, Noah Li.*

- 3. The PUSD Board and Superintendent should finalize the District's IT Organizational Structure with clearly defined roles and position descriptions to ensure accountability.**

*All committee members present voted in favor: Brian Senese, Dena Glynn, Gabriela Dow, Jessica Xu, Noah Li.*

#### **Health and Safety:**

- 1. The District should offer students a paper-based curriculum as an alternative option to instruction based on computers and mobile devices.**

*Joe Long voted no. All committee members present voted in favor: Sunny Rickard, Gabriela Dow, Jessica Xu, Noah Li.*

- 2. The District should address the health and safety risks associated with digital devices, such as internet addiction, vision health, radiation, cybersecurity and privacy.**

*All committee members present voted in favor: Joe Long, Sunny Rickard, Gabriela Dow, Jessica Xu, Noah Li.*

- 3. The District should only introduce technologies that have been adequately studied through independent peer-reviewed research that demonstrates the new technology will not pose a health or privacy risk and will measurably improve student achievement.**

*All committee members present voted in favor: Joe Long, Sunny Rickard, Gabriela Dow, Jessica Xu, Noah Li.*

**Technology Planning:**

**1. The District must finalize district-wide TK-12 Technology Standards by the beginning of the 2016-2017 school year, present those standards to the community, and work to finalize an overall PUSD Technology Plan as soon as possible.**

*All committee members present voted in favor: Brian Senese, Dena Glynn, Gabriela Dow, Jessica Xu, Noah Li.*

**2. The District should provide job-embedded professional development via expanded TOSAs for teachers to be successful in implementing the TK-12 Technology Standards into the Common Core curriculum. This professional development should address the unique needs of students receiving special education services and/or using assisted technology.**

*All committee members present voted in favor: Brian Senese, Dena Glynn, Gabriela Dow, Jessica Xu, Noah Li.*

**3. The District’s use of technology should emphasize creation, such as coding, tinkering, design thinking, project-based learning, robotics and experiential model lessons to support TK-12 Technology Standards.**

*All committee members present voted in favor: Brian Senese, Dena Glynn, Gabriela Dow, Jessica Xu, Noah Li.*

**4. The District should develop or update a policy that addresses Digital Citizenship so that students are not only competent in technology but also understand, along with parents and teachers, the safe and responsible use of these tools.**

*All committee members present voted in favor: Brian Senese, Dena Glynn, Gabriela Dow, Jessica Xu, Noah Li.*

ETAC Agendas and Minutes can be found at <http://www.powayusd.com/en-US/Board/Board-Advisory-Committees>

Despite what seemed to be ongoing attempts to dismantle ETAC, the clear withholding of information, a parallel tech committee created to serve the Superintendent and then continued, unexplained efforts to discredit our work, it was gratifying to see that in April 2016 PUSD Executive Director Eric Lehew described to PUSD Director of Innovation Richard Newman the final ETAC recommendations as “better than ours.....” Hopefully all PUSD staff, parents and community members can work in a cooperative, not competitive, manner for the future success of our children.

