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September 27, 2023

VIA FEDERAL EXPRESS

Dr. Nellie Meyer
Superintendent
Mountain View Los Altos High School
District
1299 Bryant Avenue
Mountain View, CA 94040

Dr. Kip Glazer
Principal
Mountain View High School
3535 Truman Avenue
Mountain View, CA 94040

Dr. Phil Faillace, President
Sanjay Dave, Vice President
Esmerelda Ortiz, Clerk
Thida Cornes, Trustee
Catherine Vonnegut, Trustee
Board of Trustees
Mountain View Los Altos High School
District
1299 Bryant Avenue
Mountain View, CA 94040

Re: Censorship of *The Oracle* and Cancellation of Journalism Class at Mountain View High School

Dear Drs. Meyer, Glazer, Faillace and Members of the Board of Trustees:

My law firm represents Mountain View High School (“MVHS”) teacher Carla Gomez and MVHS student Hanna Olson through her parent, Sara Kopit-Olson. We are also considering representing additional MVHS students.

I write to describe serious violations of the rights of Ms. Gomez, Ms. Olson and other MVHS students, and to demand remedies for the violations of those rights. The demands are listed at the conclusion of this letter. If the demands are not met promptly, we will prepare next steps for legal action.

Summary of background facts

Ms. Gomez has been a valuable educator in the Mountain View Los Altos High School District (“MVLA”) since 2003. Although Ms. Gomez’s primary position has been as an English teacher, from 2021 to 2022 she was co-adviser of the MVHS newspaper *The Oracle*, and from 2022 to the Spring of 2023 she was the sole faculty adviser to the *The Oracle*. Ms. Olson is a senior at MVHS and one of three co-editor-in-chiefs of *The Oracle*. *The Oracle* is a student-run newspaper. Students choose, write and edit the stories for the newspaper, get outside experts for

September 27, 2023

Page 2

commentary and elect their own leadership. As the sole faculty adviser, Ms. Gomez would advise the students on journalistic standards and techniques, and review articles prepared by the students. Being the adviser requires a considerable amount of work; for her extra duty, Ms. Gomez received extra pay of approximately \$7,000 per year.

In the fifth issue of the last school year's edition of *The Oracle*, the students chose to write an article about incidents of sexual harassment at MVHS (the "Article"). The Article was meant to be a longform, in-depth piece. MVHS administrators were alerted to the planned Article when student writers started asking for interviews. Other individuals, including those to be named in the Article, were contacted per proper newsgathering practices. The student reporters did their jobs carefully and well.

On Friday, March 24, 2023, Ms. Gomez received a call from MVHS Assistant Principal John Robell who expressed concern over a student who might be named in the Article as a serial sexual harasser of other students. Mr. Robell explained that Dr. Glazer would not let the Article be published with the student's name because the student in question [REDACTED]. Mr. Robell told Ms. Gomez not to share the student's [REDACTED] with the journalism students, which Ms. Gomez did not do. Ms. Gomez responded that she would not tell the journalism students to omit the student's name from the Article because that was not part of her role as adviser.

On Monday, March 27, 2023, Dr. Glazer came into the journalism classroom during second period while class was in session. Dr. Glazer spoke to the class, and asserted (incorrectly) that she could censor an article, but that she did not want to. Dr. Glazer said words to the effect that students should write about MVHS in a "positive light" and that *The Oracle* should be uplifting for MVHS. That same evening, Dr. Glazer visited the journalism production, which is a period after school during which members of *The Oracle* staff work on publishing the upcoming print issue of the newspaper (the students and Ms. Gomez often had to work into evenings just before an edition of *The Oracle* was set to be published). Dr. Glazer, Ms. Gomez and three in-depth student reporters who had worked on the sexual harassment Article met in a separate room to hear Dr. Glazer's concerns about the forthcoming Article. Dr. Glazer reiterated that the Article would portray the school badly, and that there could be "catastrophic consequences" from its publication.

On Tuesday, March 28, 2023, one of the journalism student reporters sent Dr. Glazer a draft of the Article. This was the first time Dr. Glazer had seen a draft copy of the Article. Dr. Glazer again came to the after-school production session for the newspaper. Dr. Glazer told the student journalists that the Article was too long, and that any specific descriptions of sexual harassment should be removed. During the meeting with the students on March 28, Dr. Glazer also read aloud a parent's letter to some of the students about a *prior* edition of the newspaper complaining about a *separate* article. Dr. Glazer read portions of this letter even though the parent who wrote that letter explicitly asked that it not be shared with the student editors. The implication the students drew was that *The Oracle* should avoid upsetting people. Also on March 28, Dr. Glazer wrote an email with the following: "... I still struggle to understand how adding all these details of each incident meet what you explicitly stated to be the goal of the

article, which was to elevate the voice of the victim. As I state during our meeting, I am extremely concerned about the potential negative impact of this article on our school community.” The students listened respectfully to Dr. Glazer. They made a few changes to the article for journalistic reasons, but, what is much more troubling is that the students made many more changes to the Article because they were afraid of upsetting their Principal, Dr. Glazer.

On March 28, 2023—*i.e.*, at the same time all of the above was happening—the MVHS English Department Coordinator Esther Wu held a meeting that included Ms. Gomez, MVHS Assistant Principal Heather Morelli and other MVHS faculty to discuss the journalism program for the then following, 2023-2024, school year. There was some discussion about the number of students enrolled for introduction to journalism the following year, but it is important to note that there was no discussion at the March 28 meeting about requiring a Career & Technical Education (“CTE”) certification to advise the journalism program, changing advisers or cutting the program entirely. Dr. Glazer received a summary email of this meeting from Ms. Wu on March 28.

Soon after the edition of *The Oracle* at issue was published with a censored version of the Article, things changed. Dr. Glazer announced that the introduction to journalism program would be cut regardless of whether the number of enrollees was sufficient to maintain the class. Still, there was no mention of a CTE requirement to advise journalism students or changing advisers. However, on April 24, 2023, Dr. Glazer announced that she was going to take the journalism adviser position away from Ms. Gomez and give it to someone with a CTE credential. Dr. Glazer gave the journalism adviser position to Pancho Morris, the MVHS drama teacher. Ms. Gomez asked Dr. Glazer to reconsider, but Dr. Glazer refused. On or about April 28, 2023, Dr. Glazer came into the journalism class and announced to the students her decision to remove Ms. Gomez in favor of a CTE teacher, and told the students that Ms. Gomez did not want to pursue CTE certification. This is false, and Dr. Glazer knew it was false because Ms. Gomez had previously made clear to Dr. Glazer and other administrators that she did intend to pursue CTEs, including for AME/Multimedia Communications. Ms. Gomez is in the process of getting that CTE certification now.

It turned out, however, that Dr. Glazer’s purported rationale for removing Ms. Gomez as the journalism adviser was also entirely pretextual and false. Amber Woodward, the District’s CTE Program Specialist confirmed in writing to Ms. Gomez that *The Oracle* “is not CTE” this (2023-2024) school year. Thus, there was no legitimate reason for Dr. Glazer to fire Ms. Gomez as the journalism adviser. We are also informed that Dr. Glazer forbids sales of *The Oracle* on campus, undercutting a source of income for the newspaper.

The foregoing has affected Ms. Olson in additional ways. Last year, Ms. Olson spoke out against changes to the journalism program at two MVLA board meetings, and witnessed a wave of support from journalism advisers, parents, students, and MVHS alumni, who could all recognize how the changes made by the MVHS administration could be detrimental to the stability of *The Oracle*. To see her school’s administration and Superintendent disregard these deep concerns, over how the future of student journalism at MVHS was in danger, was deeply discouraging for Ms. Olson and her classmates. As an editor in chief, Ms. Olson’s job has been

made significantly more challenging as a result of the lack of Introduction to Journalism class, since new students joining *The Oracle* have been deprived of an important curriculum regarding the ethics, technical aspects, and purpose of journalism. Beyond losing out on valuable education, students in Ms. Olson's class have expressed their distrust in the administration's regard for the voices of their students. The actions of Dr. Glazer and the administration have created a deep fracture in the security of MVHS's journalism program, leaving Ms. Olson (and her co-editors-in-chief) to pick up the pieces in order to make the best of a difficult situation. Ms. Olson also believes that it is shameful to push Ms. Gomez, a knowledgeable and valued teacher, out of the MVHS journalism program.

Concurrently with this letter, we are submitting a notice of claim on behalf of Ms. Gomez pursuant to Government Code §§ 900, *et seq.*

Violations of law

Dr. Glazer's actions constitute impermissible *de facto* censorship of *The Oracle* in violation of the First Amendment to the United States Constitution and/or Article I, Section 2 of the California Constitution and/or California Education Code § 48907.

The cancellation of the introduction to journalism class and the removal of Ms. Gomez as journalism adviser violated Ms. Gomez's and students' rights under various statutory and constitutional provisions, including but not necessarily limited to the First Amendment to the United States Constitution and/or Article I, section 2 of the California Constitution and/or California Labor Code § 1102.5; *See DiBona v. Matthews*, 220 Cal. App. 3d 1329 (1990).

The foregoing is not a complete recitation of the facts or law in this matter. All claims, rights and remedies are fully and expressly reserved.

Demands for a prompt resolution

In order to resolve this matter promptly and without resorting to costly and time-consuming litigation, Ms. Gomez and Ms. Olson demand the following:

1. A written statement on MVLA letterhead, signed by Drs. Meyer, Glazer and Faillace, acknowledging that Dr. Glazer's actions amounted to the censorship of the Article in violation of the constitutional and statutory rights of the students, including Ms. Olson, and apologizing for the violations of their constitutional and statutory rights;
2. A written commitment that the introduction to journalism class will be reinstated at MVHS within the current academic year, with Ms. Gomez as the sole adviser to the journalism class and *The Oracle* receiving compensation for her role as adviser at a rate no less than that in the prior academic year;
3. A written commitment that no MVHS or MVLA official will attempt to censor a future printing of the Article in *The Oracle*;

4. A written agreement tolling the time to bring an action for reinstatement of the introduction to journalism class at MVHS until such time as the class is actually reinstated and operational, without interruption, for at least one full academic year; and
5. Pursuant to the California Public Records Act, all communications and other documents, in any and all formats (whether electronic or hard copy), between, among, from, or to MVHS and MVLA staff, faculty and/or administrators, including without limitation Drs. Meyer, Glazer and/or Faillace, and/or MVHS Assistant Principals, and/or MVLA Trustees, from March 1, 2023 to the present concerning or discussing: the Article; Ms. Gomez; *The Oracle*; and/or the journalism program, journalism classes and/or journalism students at MVHS.

If these demands are met in full within ten (10) calendar days of the date at the top of this letter, then my clients will refrain from commencing legal action. If all of the demands are not met by that time, my clients and potentially other MVHS students and their parents will very likely sue.

In an effort to facilitate a speedy resolution of this dispute, please note that the demands above do not include a request for the payment of damages. My clients reserve the right to seek all available damages if litigation commences, including punitive damages. Moreover, my clients reserve the right to seek a recovery of attorney's fees and costs if litigation commences.

Please ensure that you and all other agents and employees of MVHS and MVLA retain all documents and records pertinent to this dispute, whether kept in hard copy or electronic form, including without limitation all copies of the Article and all correspondence between, amongst, from or to anyone at MVHS and MVLA pertaining to the issues or events mentioned in this letter.

Very truly yours,



Jean-Paul Jassy
JASSY VICK CAROLAN LLP

cc: Chelsea Tibbs, Esq. (via email only)
Alex Ellenberger, Esq. (via email only)