
Brown Act §54957.5 – Immediate Public Availability of “Mythbusters” Open-Session Presentation

From Editor <Editor@eastof52.com>

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To Deborah.Schweitzer@dehesasd.com <Deborah.Schweitzer@dehesasd.com>

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 1 attachment (307 KB)

October_8__2025_Board_Agenda.pdf;

Dear Dehesa School District Officials:

This is a Brown Act demand — not a CPRA request.

On October 8, 2025, during open session, the Superintendent presented a slide deck titled “Mythbusters” as an agendized item. The presentation was created using district time, systems, and resources, and used in connection with an open-session agenda item. Under Government Code § 54957.5, that writing became a public record required to be available to the public at the same time it was provided to or used by the Board.

Noncompliance on the record

- § 54957.5(a): Writings related to any open-session item are public records and must be available for public inspection.
- § 54957.5(b): When those writings are distributed to a majority of the Board or displayed at the meeting, they must be available to the public at the same time at the location specified on the agenda.
- AB 2647 (2022) / § 54957.5: If the “Mythbusters” deck (or any version sent to a majority) was distributed fewer than 72 hours before a regular meeting, the District must post it online at the time of distribution and make physical copies available by the next business day at the office listed on the agenda.

As of this message, the District has not made the deck available or posted it. That is a current and continuing violation of § 54957.5.

Immediate production required – Deadline: October 13, 2025, 5:00 p.m. PT

Deliver by reply email or download link no later than 5:00 p.m. October 13, 2025:

1. The native file of the “Mythbusters” presentation (.pptx or equivalent), including speaker notes, embedded media, hyperlinks, and file properties/metadata (author, create/modify dates, file path).
2. A PDF export of the exact version as displayed in open session.
3. If a distinct board/meeting-day copy exists, produce that final version as well.
4. The date and method of distribution of any version provided to a majority of the Board (email, link, packet, etc.), and the URL where you have posted (or are posting) the material in compliance with AB 2647.

Format, scope, and limits on gamesmanship:

- Produce records electronically in their native format (with a PDF reference).
- Any claimed exemption or privilege must identify the specific statute and be limited to narrow redactions; all reasonably segregable portions must be produced immediately. No privilege survives voluntary public disclosure in open session.
- If you contend no responsive records exist, provide a written certification of non-existence and a description of the search performed, including custodians, systems, and date ranges.

Preservation and notice

Immediately preserve all potentially responsive records: drafts, shared links, cloud copies, version history, emails, texts, chats, and device-stored files. This is a § 54957.5 compliance demand; CPRA timelines do not apply. The statute requires prompt, contemporaneous public availability.

Consequences of continued noncompliance

Absent full production by the deadline, I will take the following actions without further notice:

- Serve a Brown Act cease-and-desist and pursue relief under Gov. Code §§ 54960, 54960.1, and 54960.2, including nullification where appropriate and attorney’s fees.
- File a parallel CPRA for the same records and seek judicial remedies and fees.
- Notify oversight entities (the Civil Grand Jury, and the Public Integrity Unit), and document this refusal as part of an ongoing public record of your multiple Brown Act compliance failures.
- Report this episode in *East of 52*’s coverage of District transparency and governance.

Further, the fact that I should even need to write to request these materials is quite telling of the chronic obfuscation employed by your agency. Referring back to the historical agendas, this is not an isolated incident, but a pattern of continual violations. I have quite lengthy list of all missing materials that have mysteriously not been posted in accordance with law, but that is for another day.

I was physically present and witnessed Mr. Johnson deliver his cute little presentation regarding agenda item IX of open session (see attached agenda for reference), along with the students’ performances and the duration of the board meeting. I’m frankly surprised the District devoted multiple open-meeting presentations—funded by taxpayers, staffed by public employees, built on district time and systems—to a slideshow about a journalist. That is not mission-aligned work. The public’s money and your work hours belong to the students you are paid to serve, not to vanity projects aimed at a member of the press. Respectfully and as directly as I can state, this is not the highest and best use of public money or staff bandwidth. Your mandate is student service. The fact that you need to be reminded of such is unconscionable.

Produce the records no later than Monday, 5PM, October 13, 2025.

Sincerely,
Lizzie Bly
Editor, *East of 52*