

STATE OF RHODE ISLAND  
PROVIDENCE, Sc.

SUPERIOR COURT

STEVEN BROWN, Executive Director of the :  
AMERICAN CIVIL LIBERTIES UNION OF :  
RHODE ISLAND; and the AMERICAN CIVIL :  
LIBERTIES UNION OF RHODE ISLAND, :  
*Plaintiffs,* :

vs. :

C.A. No.

LIBBY MILLER, Principal, Achievement First :  
Mayoral Academy, :  
*Defendant.* :

**COMPLAINT**

1) This action is brought pursuant to Rhode Island General Laws §§ 38-2-1, *et seq.*, entitled “Access to Public Records” [“APRA”].

2) Pursuant to Rhode Island General Laws § 38-2-9, jurisdiction to hear APRA claims is vested in the Superior Court.

3) Plaintiff Steven Brown [“Brown”] is a Rhode Island resident and the Executive Director of the American Civil Liberties Union of Rhode Island.

4) Plaintiff the American Civil Liberties Union of Rhode Island [“ACLURI”] is a Rhode Island non-profit corporation dedicated to preserving the civil liberties of all citizens under the laws of the State of Rhode Island.

5) Defendant Libby Miller [“Miller”] is the Principal of the Achievement First Mayoral Academy [“Academy”], a public, charter school located at 370 Hartford Avenue in Providence, Rhode Island, and is sued in that official capacity.

a. The Academy is an “agency” or “public body” within the meaning of APRA, Rhode Island General Laws § 38-2-2(1);

b. Defendant Miller is the custodian or “chief administrative officer” within the meaning of APRA, Rhode Island General Laws § 38-2-2(2), and the person who has the custody or control of the public records of the Academy.

6) On or about June 1, 2018, Plaintiffs submitted a written request to Defendant Miller requesting certain public documents pertaining to rights and protections afforded transgender students attending the Academy, including, but not limited to, any memos, guidelines, or other documents reflecting consideration of any policies addressing such students. A copy of the Plaintiffs’ letter is attached hereto as Exhibit “A”.

7) Records requested in Plaintiffs’ letter of June 1, 2018 [“A”] are public records within the meaning of APRA, Rhode Island General Laws § 38-2-2(4) and are owned, maintained and controlled by the Academy and Defendant Miller.

8) Not having received any response from Defendant Miller within the time prescribed by Rhode Island General Laws § 38-2-7 (a), Plaintiffs again wrote to Defendant Miller on June 20, 2018, and inquired about the status of their requests. A copy of that letter is attached as Exhibit “B”.

9) Defendant has failed to respond to either of Plaintiffs’ requests.

10) Pursuant to Rhode Island General Laws § 38-2-7 (a), failure to comply with a request for public records within ten (10) business days is deemed a denial of the request. Pursuant to Rhode Island General Laws § 38-2-7 (a), any denial of a request for public records must be made in writing within ten (10) business days of the request, giving the specific reasons for the denial.

11) Pursuant to Rhode Island General Laws § 38-2-7 (c), if the records requested do not exist or are not within the custody or control of the defendant, Defendant Miller was required to so state within the time set forth by the statute.

12) The Rhode Island Department of Education [“RIDE”] has required each Local Education Agency to “adopt a policy addressing the rights of transgender and gender non-conforming students to a safe, supportive and non-discriminatory school environment” by July 1, 2018, and to “inform all members of the school community, including all school personnel, students, and families about this policy.” 200-RICR-30-10-1 (2.3) (A) & (C).

13) The records requested by Plaintiffs seek to discover what Defendant Miller and the Academy have developed in compliance with this requirement of RIDE, and none of the records requested is exempt from disclosure by any of the exceptions set forth in Rhode Island General Laws § 38-2-2.

14) Defendant’s failure to respond in writing in any way to Plaintiffs’ requests is the equivalent of a denial and violates the rights of Plaintiffs and the public under the Access to Public Records Act in General Laws §§ 38-2-1 *et seq.*

WHEREFORE, Plaintiffs request that this Honorable Court:

- a. Advance this matter on the calendar pursuant to Rhode Island General Laws § 38-2-9(c);
- b. Declare that Plaintiffs are entitled to access to the requested records pursuant to the Access to Public Records Act;
- c. Issue such orders incident to the foregoing as may be necessary to command the Defendant to make available Plaintiffs’ requested records forthwith;
- d. Impose fines and penalties as provided for in Rhode Island General Laws § 38-2-9(d);
- e. Award Plaintiffs their costs including attorney fees;

f. And issue such other, further relief as this court may deem necessary.

Dated: August 1, 2018

Respectfully submitted,

PLAINTIFFS,  
Steven Brown, *et al.*,

By Their Attorney,

/s/ Annie Goldberg  
Annie Goldberg, Esquire #3057  
Cooperating Attorney,  
American Civil Liberties Union  
Foundation of Rhode Island  
21 Langham Road  
Providence, RI 02906  
Phone [401] 274-7873



128 DORRANCE STREET, SUITE 400  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
www.riaclu.org | info@riaclu.org

June 1, 2018

Libby Miller  
Principal  
Achievement First Mayoral Academy  
370 Hartford Avenue  
Providence, RI 02909

Dear Ms. Miller:

Please consider this a formal request pursuant to the Access to Public Records Act (APRA), R.I.G.L. §38-2-1 et seq. I am writing to obtain the following records:

1. Copies of any policies of your charter school, whether adopted administratively or by your Board, specifically addressing the rights and protections afforded transgender students in your district. This includes, but is not limited to, policies addressing privacy and confidentiality, use of restrooms or locker rooms, dress codes, gender-based activities, or staff training regarding transgender students. Our request for “policies” also encompasses memos, guidelines, or any other document however named that addresses this particular topic.

2. In the alternative:

a. if your school has no specific policy on transgender students, but it has been the subject of possible or actual consideration or discussion by your Board, we request copies of any documents prepared for, or considered by, the Board on the issue; or

b. If your Board has had no discussion or consideration of a policy on transgender students, but the topic has been considered in an administrative capacity by your office, we request copies of any documents reflecting that consideration.

As provided for by APRA, we are willing to pay reasonable copying costs for the requested records. If available in electronic format, we request that they be sent to [apra@riaclu.org](mailto:apra@riaclu.org). In accordance with the Act, we look forward to receiving the documents within ten business days. If you have any questions about this request, feel free to let us know.

Thank you in advance for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Brown'.

Steven Brown  
Executive Director

EXHIBIT A



128 DORRANCE STREET, SUITE 400  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
www.riaclu.org | info@riaclu.org

June 20, 2018

Libby Miller  
Principal  
Achievement First Mayoral Academy  
370 Harford Avenue  
Providence, RI 02909

Dear Ms. Miller:

I am writing to follow up on a public record request our organization submitted to you via mail on June 1, 2018. To date, we have not received a response to our request, a copy of which is enclosed.

As you know, R.I.G.L. 38-2-3(e) states: "A public body receiving a request shall permit the inspection or copying within ten (10) business days after receiving a request. If the inspection or copying is not permitted within ten (10) business days, the public body shall forthwith explain in writing the need for additional time to comply with the request."

Although your office has had more than ten business days to respond, I have not received any communication related to this request. As such, I ask you to please remit these documents to us by Wednesday, June 27<sup>th</sup> or we will deem your non-response a denial of our request and consider further action.

If you have submitted the documents by mail or email but we have not received them, please let me know so we can arrange another way to ensure receipt of them. Your prompt attention to this is appreciated.

Sincerely,


  
Megan Khatchadourian  
Assistant to the Director

EXHIBIT B