



## OCEAN VIEW SCHOOL DISTRICT

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# Press Release

### **OVSD CLARIFIES STATUTORY RIGHT TO SEEK RESTRAINING ORDER AGAINST INDIVIDUALS THREATENING BOARD PRESIDENT, BOARD MEETINGS**

**HUNTINGTON BEACH, CA, May 2, 2017**– The Ocean View School District (OVSD) has faced scrutiny in recent weeks for the decision to file a workplace violence restraining order on behalf of the District’s Board President, Gina Clayton-Tarvin, against a member of the public, Raymond Herrera. Those criticizing this action have characterized it as an attempt to prevent Mr. Herrera from exercising his First Amendment right to free speech, and suggested that the District’s actions constitute a waste of public funds.

The District and the Board President seek to clarify that there is a distinction between speech which is protected under the First Amendment, even that which may be inaccurate and false, and speech that is hateful and incites anger and violence in others. The District must allow the first type of speech, within certain bounds, but it is not required to tolerate the latter. In fact, the District is obligated to take cautionary measures, which may include seeking restraining orders on behalf of its employees and officials, upon being made aware of a threat of violence that could potentially endanger members of the OVSD community.

President Clayton-Tarvin has been, and continues to be, the subject of a barrage of hateful and violent comments on social media as a direct result of Mr. Herrera’s encouragement. In response to several “livestream” videos that Mr. Herrera posted on his Facebook page while attending two recent OVSD Board meetings, comments were made suggesting that vicious acts of rape, assault and battery should be carried out against President Clayton-Tarvin. The specific comments have not been included in this press release because of the violent and inappropriate nature of the content, but will be provided to the media upon request.

Apparently demonstrating agreement with these statements, Mr. Herrera “liked” the comments that stated President Clayton-Tarvin should be raped and assaulted, as well as one suggesting that she should undergo a lobotomy. Mr. Herrera incited others and elicited this animosity towards President Clayton-Tarvin by singling her out to his social media followers and making numerous false statements and accusations against her, inaccurately portraying her as a staunch advocate for illegal immigrants. These statements and allegations are false. They were made to cause an uprising of anger and calls for violence amongst Mr. Herrera’s followers against the Board President and District.

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The District and the Board President recognize that much of the speech that is taking place on social media and during Board meetings concerning President Clayton-Tarvin is protected by the First Amendment. However, the District expects that such differences of opinion be presented with accurate facts and in a respectable manner appropriate for the school district community. When such inaccuracies are used to incite threats of violence against an individual, the speech can no longer be tolerated.

The decision to pursue a restraining order was also based on Mr. Herrera’s own threatening statements regarding the Board President, including, “I will be back whenever I need to be back,” “Gina, you need to be taken out,” and “This lady is a snake, she’s a commie, she’s the scum of the earth, and I shall return Gina...” These comments, in conjunction with Mr. Herrera’s express and tacit approval of proposals of violence against President Clayton-Tarvin, caused the District to reasonably believe there may be a threat to the safety of the Board President and broader OVSD community.

Most recently, Mr. Herrera’s followers have made comments that advocate for acts of violence to be carried out in Board meetings – where innocent members of the public, including District parents and students, could potentially be harmed. The following comments were made during Mr. Herrera’s most recent livestream of the April 25, 2017, Board meeting: “Some parent or student is going to shoot up these type of meetings;” and “Good pipe bomb would fix these treasonous maggots.”

The Ocean View School District has a statutory right to seek a restraining order against an individual who engages in a course of conduct, directed at an employee or official, which would place a reasonable person in fear of his or her safety. Such a restraining order is considered even more urgent when it is possible that acts of violence could be carried out in a public place such as a school board meeting.

Given the serious nature of the comments that have been made, the District will continue to pursue all legal avenues to protect the safety of its Board President and members of the OVSD community. The Huntington Beach Police Department is aware of the situation.

For further information, please contact the office of the Ocean View School District Superintendent, Dr. Carol Hansen, at (714) 847.2551, ext. 1309.

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