May 8, 2023

VIA EMAIL

Andrew Sandoval

Re: Carmel Unified School District
California Public Records Act Requests No. 2223_79 & 2223_118

Dear Mr. Sandoval,

I am writing on behalf of the Carmel Unified School District (“District”) in further response to your California Public Records Act (“CPRA”) requests. In response to your first request, after reviewing its records, the District determined that it maintained documents responsive to your request. On April 27, the District provided you with responsive records to your CPRA request that contained appropriate redactions in compliance with, and required by, state and federal law.

Subsequently, you submitted an additional request:

Thank you for the records as required by the public records act. I am requesting the records be only be redacted with legally required redactions. Some portions of the redactions are not supposed to be redacted. Although uncomfortable for the district, they must be released. This will be my only official request, I expect the Carmel School District to provide records in accordance with the Public Records Act. Please don’t waste more tax payers money by keeping unnecessary redactions. I am hopeful you law firm is more responsive and professional than Lozano Smith. My last request to Carmel school district ended up in a lawsuit filled against me. Recently I won an appellate court appeal from Hartnell College, represented by Lozano Smith, related to disciplinary records and emails. I would also like all the emails, notes and documentation related to investigation, as this was not provided.
The District has re-reviewed the records provided on April 27 and confirmed that the redactions were carefully made to avoid publicly disclosing information which could be used to identify students.

The District is legally required to comply with state and federal law which includes the Family Educational Rights and Privacy Act ("FERPA"). FERPA prohibits the District from releasing any personal identifiable information ("PII") of its students unless an exception permits such release. (20 U.S.C., § 1232g; 34 C.F.R. Part 99.) Even where the District is required to disclose employee reports or complaints that are not otherwise exempt from disclosure, the documents are “subject first to redacting the names, home addresses, phone numbers and job titles of all persons mentioned in the report other than [the employee]” including students. (BRV, Inc. v. Superior Court (2006) 143 Cal.App.4th 742, 760.)

Your recent request also sought “emails, notes and documentation related to [the] investigation.” The District understands this request to seek emails to/from the investigator and/or her notes. However, these records are protected by attorney-client communication privilege, attorney work product privilege, and official information privilege. (Gov. Code, §§ 7927.705, 7922.000; see also City of Petaluma v. Superior Court (2016) 248 Cal.App.4th 1023, 1033-34.) As such, the District does not have any disclosable records responsive to this additional request.

Please let us know if you have any questions or concerns regarding the above information.

Best Regards,

Allyson Cruz
Legal Support Specialist
Carmel Unified School District