May 15th, 2023

VIA EMAIL

K.Hodges

Re: California Public Records Act Request (Request #2223_121)

Dear M. Hodges:

The Carmel Unified School District ("District") received your California Public Records Act ("CPRA") request, dated May 5, 2023 in which you request the following:

1. Contract with the Monterey County Office of Education to provide therapists/specialists to service CUSD district schools. Specifically, you request the contracts that include the "contracted wages for Kelsi Jordan/physical therapist and Elizabeth Erdelyi/Teacher for the Visually Impaired."

2. Contract with the Monterey County SELPA or perhaps with Washington Union School District that lists the costs associated with students currently placed at the AB Ingham regional program for the orthopedically impaired.

As a preliminary matter, only those writings which meet the definitions contained in the CPRA, are in the District’s care, custody and control, and which are not otherwise exempt from disclosure by the CPRA, will be produced. Moreover, the CPRA only requires the production of records which exist at the time of the request, and the District is not required to create records in order to respond to requests for public records.

In addition, the District is not obligated to produce records where the public interest in nondisclosure, including the burden to the agency and threat to the deliberative process, outweighs the public interest in disclosure. (Gov. Code § 7922; American Civil Liberties Union Foundation v. Deukmejian (1982) 32 Cal.3d 440, 452-54 (agency’s cost in reviewing and deleting exempt information is a burden which may be considered in determining whether records should be disclosed; burden of redacting confidential information from 100 index cards justified nondisclosure); see also Times Mirror Company v. Superior Court, 53 Cal.3d 1325.)

With regard to your first request, the District does not employ Kelsi Jordan or Elizabeth Erdelyi. Contracts related to Ms. Jordan’s or Ms. Erdelyi’s wages are not in the care, custody or control of the District. There are no disclosable records responsive to this request. Similarly, the District does not have access or control over contracts between Washington Union School District and the Monterey County SELPA. There are no disclosable records responsive to this request.
Without waiving its rights or any other objections that may be available to it, the District has reviewed its records and determined the enclosed document is disclosable and responsive to your request for a contract with Monterey County SELPA. This correspondence concludes the District’s response to your request. Should you need any additional information, please feel free to contact me.

Sincerely,

Allyson Cruz
Legal Support Specialist
Carmel Unified School District