April 12, 2023

VIA EMAIL

Barry J. Bennett
The Bennett Law Office
5132 North Palm Avenue #300
Fresno, CA 93704
barry@bennettsharpe.com

Re: Response to California Public Records Request (2223_117)

Dear Mr. Bennett:

I am writing you on behalf of the Carmel Unified School District (“District”) in response to your request under the California Public Records Act (“CPRA”). The District understands your request to seek three categories of records:

1. A copy of any and all reports or other documents prepared by Barbara Vrankovich and presented to the District or its agents on or about December 15, 2023, concerning an investigation conducted by Ms. Vrankovich in which Mr. Lyons participated as a subject or as a witness; and

2. Any report(s) or document(s) concerning any other investigations conducted at the District’s, or District Superintendent’s, request which Mr. Lyons was either named as the subject of the investigation or in which the activities of Mr. Lyons were the subject; and

3. Copies of any requests addressed by the District, its agents or employees to the Monterey County District Attorney’s Office, the Monterey County Sheriff’s Department, or the California Commission on Teacher Credentialing in 2022, in which the activities or alleged activities of Mr. Lyons were discussed, or concerning which an investigation was requested.

The CPRA allows members of the public to seek copies of public records, but that ability is limited where the law exempts records from disclosure. (Gov. Code, § 7972.705.) Records exempt from disclosure include non-disclosable pupil or educational records; and records where the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Family Educational Rights & Privacy Act [FERPA], 20 U.S.C., §1232g; 34 C.F.R. Part 99; Ed. Code, § 49060, et seq.; Cal. Code. Regs., tit. 5, § 430, et seq.; Gov. Code, §§ 7922.000, 7927.705.) With these standards in mind, the District must only produce those writings which meet the definitions contained in the CPRA, are not otherwise exempt from disclosure, and are maintained in the District’s care, custody and control. (Gov. Code, §§ 7920.535-7922.210.) Further, to the extent information
that is exempt from disclosure can be redacted from an otherwise public record, a responding public entity should produce the record with the necessary redactions.

Given these parameters, the District has not identified any records responsive to Category 2 which are disclosable at this time. As the District has previously indicated, its governing board has commissioned a comprehensive investigation of additional claims regarding the handling of sexual harassment allegations at Carmel High School and whether mandatory reporting obligations were met. As that investigation is ongoing, the public interest in nondisclosure of records related to that investigation necessary to maintain the integrity of that investigation outweighs any public interest in disclosure at this time.

However, the District has identified responsive records responsive to Categories 1 and 3 noted above. Disclosable records responsive to Category 1 were provided to your office on March 13. To the extent other records responsive to Category 1 exist and come within the attorney-client privilege, they would not be subject to disclosure under the CRA. (Gov. Code, § 7972.705.) The records responsive to Category 3 may be found at this link as part of the District’s response to a prior CPRA request.

We understand this to complete the District’s response to your request, but please reach out to me if you have any questions or concerns.

Sincerely,

DANNIS WOLIVER KELLEY

William B. Tunick

cc: Jessica Hull, Chief Communication Officer, Carmel USD