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November 15, 2012

VIA U.S. MAIL AND ELECTRONIC MAIL

Vivian Moreno

Riverside, CA 92506

Re: Your Public Records Request of November 5, 2012

Dear Ms. Moreno:

The Riverside Unified School District (“District”) has received your request for public records related to a specific complaint investigation conducted by the District. Specifically, you requested the following:

“Any and all documents that set forth the methodology utilized to randomly select students for an interview, any script or list setting forth the questions asked of each randomly selected student, any notes taken during the interviews of the randomly selected students, any audio tape recordings of the interviews with the randomly selected students, any investigatory reports, summaries or similar documents generated as a result of the subject investigation.”

As required by law, the District has conducted a reasonable search and has determined that it possesses records responsive to your request. However, certain responsive records are being withheld pursuant to the following exceptions:

- (1) the exemption of Government Code section 6254(a) applicable to “[p]reliminary drafts, notes or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.” The purpose of this exemption is to provide a measure of privacy for writings concerning pending agency action (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325), and it is applicable to responsive records including notes created for the purpose of preparing a final public investigation report. The public interest in withholding such records in order to protect the District’s ability to frankly discuss and investigate legal matters clearly outweighs the public interest in disclosure.

- (2) the exemption of Government Code section 6254(f) applicable to “any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”
- (3) the exemption of Government Code section 6254(k) applicable to “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law,” specifically, pupil records which are confidential pursuant to Education Code section 49076. Even if student names are redacted, providing copies of student responses to investigatory questions could lead to the identification of those or other students, especially given the limited pool of students interviewed.

You have already been provided with copies of the following requested records: the report generated as a result of the investigation, the methodology used in the investigation, and a list of questions asked. Should you have questions, please contact the undersigned who is responsible for this determination.

Sincerely,



Michael H. Fine
Deputy Superintendent
Business Services and Governmental Relations