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September 26, 2018

Union School District
5175 Union Avenue
San Jose, CA 95124

Re: **Redacted**
California Public Records Act/Freedom of Information Act Request

Dear Sir/Madam:

This office represents **Redacted** with respect to sexual abuse and/or molestations and/or harassment by Mr. Samuel Neipp which occurred during the 2014-2015 through 2017-2018 school years while Mr. Neipp was employed at Dartmouth Middle School and/or Branham High School. Pursuant to her rights under the California Public Records Act (Government Code Section 6250 et seq.) and/or the FOIA, we hereby request that a copy of the following documents (as defined by California Evidence Code Section 250) be provided to our office:

1. Any and all documents, records, reports, files, e-mails, and/or correspondence which in any way refer to, relate to, or concern **Redacted** including but not limited to any and all records kept at Dartmouth Middle School and/or Branham High School and/or at the Union School District office and/or electronically. An authorization will be provided to you.
2. Any and all documents, records, reports, files and/or correspondence which in any way refer to, relate to, or concern Mr. Neipp including but not limited to documents, records or reports concerning:
 - a. the interview/hiring process and/or hiring of Mr. Neipp including but not limited to any documents concerning any reference checks and/or employment checks and/or criminal background checks performed concerning Mr. Neipp, and/or any resumes and/or job applications that were provided by Mr. Neipp;
 - b. Mr. Neipp's job performance;
 - c. disciplinary action taken against Mr. Neipp;
 - d. any incidents involving Mr. Neipp; and/or

- e. any and all training provided to Mr. Neipp by or on behalf of the Union School District.
3. Any and all documents which in any way concern reports made and/or complaints made by anyone at any time regarding Mr. Neipp to the Union School District and/or any agents, servants and/or employees of Dartmouth Middle School and/or Branham High School and/or at the Union School District and/or any school within the Union School District where Mr. Neipp worked at any time and/or disciplinary action taken regarding Mr. Neipp, including but not limited to reports, concerns and/or complaints involving touching, inappropriate touching, sexual misconduct, sexual abuse, misbehavior, inappropriate behavior, acts of violence and/or inappropriate conduct or language.
4. Any and all documents which in any way relate to, refer to, or concern any investigation performed by Dartmouth Middle School and/or Branham High School and/or the Union School District, its agents, servants and/or employees, regarding Mr. Neipp including but not limited to investigation into inappropriate conduct and/or sexual molestation of children.
5. All Union School District and/or Dartmouth Middle School and/or Branham High School policies and procedures, employee handbooks and/or student handbooks in place from 2013 through the present, including but not limited to policies and procedures re: harassment, sexual harassment, fraternization or non-fraternization with students, mandated reporting, the handling of complaints made concerning employees, and/or the supervision of students, including but not limited to the supervision of students during school hours and/or during school sponsored activities.
6. Any and all documents concerning any communications made at any time between Union School District and/or Dartmouth Middle School and/or Branham High School, including any agents, servants and/or employees of Union School District and/or Dartmouth Middle School and/or Branham High School, with any law enforcement personnel concerning in any way Mr. Neipp.
7. Any and all documents concerning any communications made at any time between Union School District and/or Dartmouth Middle School and/or Branham High School, including any agents, servants and/or employees of Union School District and/or Dartmouth Middle School and/or Branham High School, to Child Protective Services (CPS) which in any way concern, refer or relate to Mr. Neipp and/or concerning any students who were inappropriately touched and/or sexually molested by Mr. Neipp.
8. Any and all documents which in any way refer to, relate to, or concern the supervision of students at Dartmouth Middle School and/or Branham High School, including but not limited to the supervision of students during school hours and/or during school sponsored activities.

9. Any and all documents which in any way refer to, relate to, or concern the policies and procedures governing, and job duties of, Mr. Neipp, including but not limited to any and all written job descriptions applicable to him at any and all times during his employment with the Union School District.
10. Any and all documents which in any way refer, relate to, or concern the policies and procedures governing, and job duties of the Assistant Principal at Dartmouth Middle School from 2013 through 2015 including but not limited to any and all written job descriptions in effect at any time from 2013 through 2015.
11. Any and all documents which in any way refer, relate to, or concern the policies and procedures governing, and job duties of the Assistant Principal at Branham High School from 2014 through the present including but not limited to any and all written job descriptions in effect at any time from 2014 through the present.
12. Any and all documents which in any way refer, relate to, or concern the policies and procedures governing, and job duties of the Principal at Dartmouth Middle School from 2013 through 2015 including but not limited to any and all written job descriptions in effect at any time from 2013 through 2015.
13. Any and all documents which in any way refer, relate to, or concern the policies and procedures governing, and job duties of the Principal at Branham High School from 2014 through the present including but not limited to any and all written job descriptions in effect at any time from 2014 through the present.
14. Any and all documents which in any way refer, relate to, or concern the policies and procedures governing, and job duties of the Superintendent of the Union School District from 2013 through the present including but not limited to any and all written job descriptions in effect at any time from 2013 through the present.
15. Any and all document which in any way concern, refer to, or relate to training provided to agents, servants and/or employees of the Union School District, including but not limited to teachers, assistant principals, and/or principals, on reporting sexual misconduct, sexual abuse and/or suspicions of such misconduct or abuse in accordance with the Child Abuse and Neglect Reporting Act [Penal Code Section 11164 et. seq.]

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the California Public Records Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities upon which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me. Please notify me of all duplication costs and this office will reimburse you for the same.

Thank you for your consideration of this request.

Sincerely,



LAUREN A. CERRI, ESQ.

LAC/kt