

From: Michael Chwe <michael@chwe.net>
Subject: **Are parents obliged to protect confidentiality?**
Date: September 8, 2010 11:54:03 AM PDT
To: Tim Cuneo <tcuneo@smmusd.org>
Cc: Debbie Mulvaney <Mulv99@aol.com>, Pattie Fitzgerald <Safelyeverafter@aol.com>, Karen Gardner <karenkgar@gmail.com>, Hugo Pedroza <hugo.pedroza@smmusd.org>, emayoral@smmusd.org, Suzanne Webb <swebb@smmusd.org>, Shari Davis - PTA Council <Shari_Davis_PTA_Council@mail.vresp.com>, bsnell@smmusd.org, Kelly Pye <kpye@smmusd.org>, ballen@smmusd.org, odelatorre@smmusd.org, jescarce@smmusd.org, mlvazquez@smmusd.org, rmechur@smmusd.org



Dear Superintendent Cuneo,

I was forwarded your memo of August 31, 2010 concerning an email sent to many parents by Mr. Patrick DeCarolis. Your memo states that "The dissemination of this material is highly inappropriate. It involves a confidential personnel matter, the release of which is subject to legal protections. Please destroy all copies of the email and do not forward it or discuss the content of the email with others."

I am writing to ask for greater clarity in this statement. Of course SMMUSD officials and staff have legal obligations to protect the confidentiality of personnel matters involving teachers. Teachers have legal protections in this sense, just as any employee has legal protections concerning his or her employer.

However, parents are not in any kind of contractual or other special legal relationship with SMMUSD teachers. The relationship between parents and SMMUSD teachers is the same as between any two individuals. If I understand correctly, a parent has no special legal obligation to protect confidentiality of personnel matters involving teachers, apart from the legal obligations any two unrelated individuals have to one another. For example, if third parties were legally restricted from speaking about matters between employers and employees, entire fields of investigative journalism would not be possible.

Thus when you state that the release of information in Mr. DeCarolis's email is "subject to legal protections," and then ask that parents destroy copies of the email and not discuss it with others, do you mean to imply that parents have the legal obligation to do so? Do you mean to imply that the legal protections which teachers have with respect to their employers also extend to parents?

I would very much appreciate your thoughts on this matter. Thank you very much.

Sincerely yours,
Michael Chwe

From: Michael Chwe <michael@chwe.net>
Subject: authenticity of December 4, 2008 letter from Dr. Mike Matthews
Date: September 8, 2010 10:59:50 AM PDT
To: Tim Cuneo <tcuneo@smmusd.org>
Cc: Debbie Mulvaney <Mulv99@aol.com>, Pattie Fitzgerald <Safelyeverafter@aol.com>, Karen Gardner <karenkgar@gmail.com>, Hugo Pedroza <hugo.pedroza@smmusd.org>, emayoral@smmusd.org, Suzanne Webb <swebb@smmusd.org>, Shari Davis - PTA Council <Shari_Davis_PTA_Council@mail.vresp.com>, bsnell@smmusd.org, Kelly Pye <kpye@smmusd.org>, ballen@smmusd.org, odelatorre@smmusd.org, jescarce@smmusd.org, mlvazquez@smmusd.org, rmechur@smmusd.org
▶ 1 Attachment, 265 KB



Dear Mr. Cuneo,

I was forwarded your memo of August 31, 2010 concerning an email sent to many district parents from Mr. Patrick DeCarolis. Mr. DeCarolis's email included a December 4, 2008 letter from Assistant Superintendent Mike Matthews, which I include below. Is the letter in any way inauthentic? Given SMMUSD records, it should be a simple matter to verify whether it is genuine or not. Thank you very much.

Sincerely yours,
Michael Chwe



**Santa Monica
Malibu Schools**
Extraordinary Public Education

December 4, 2008

Dear Mrs. _____

On October 20, 2008, you submitted a written complaint regarding alleged activities by an SMMUSD employee, Mr. Ari Marken, towards your daughter. Abiding by SMMUSD Board Policy 5145.7 on Sexual Harassment, the District hired an independent investigator to examine this complaint. The District found that Mr. Marken did violate Board Policy 5145.7 and has taken appropriate action.

The Santa Monica Malibu Unified School District is committed to the safety of all of our students. I thank you for bringing your complaint forward, and I expect that your daughter will not experience any

future problems. If there are any such problems in the future, please do not hesitate to call Mr. Larry Boone, House Principal, Dr. Hugo Pedroza, Principal, or me.

Thank you again, and best wishes for an outstanding school year for your daughter.

Sincerely,



Michael D. Matthews, Ed.D.
Assistant Superintendent

CC: Dr. Hugo Pedroza, Principal, Santa Monica High School

Santa Monica-Malibu Unified School District

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Dianne Talarico, Superintendent of Schools

