



Saddle River School District - Wandell School
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January 12, 2024

VIA E-MAIL [opra+request-55828-da7e3c84@requests.opramachine/]
Brian Hampel

Re: Open Public Records Act/Common Law Request

Dear Mr. Hampel:

The Saddle River School District (“District”) records custodian received your Open Public Records Act (“OPRA”) and common law request (“Request”) on December 5, 2023. The District obtained an extension of time to respond to your Request until January 12, 2024. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

All attorney bills & invoices pertaining to legal services provided to the Saddle River Board of Education. The time frame for the requested documents is from June 1, 2023, through and including the entire month of November, 2023.

Common Law: Under common law, I seek access to the requested documents to ensure transparency and accountability in the spending of public funds by the Saddle River School District. This request is grounded in the fundamental public right to access governmental records, which promotes accountability and transparency in public entities. By scrutinizing the financial expenditures on legal services, stakeholders such as taxpayers and community members can better understand how public funds are being allocated and managed.

- (1) To the extent that any such records contain personally identifiable information related to any individual student, please redact that personally identifiable information prior to disclosure.
- (2) To the extent that any such records are exempted from disclosure under OPRA, and also unavailable under the common law right of access, please provide a complete Vaughn index of all such records, disclosing “sufficient detail to prove the requestor ‘with as much information as possible to use in presenting his case’ and to enable the ‘decision-maker’s review of governmental records to

determine whether they contain privileged material.” Paff v. Division of Law, 412 N.J. Super. 140, 161 (App. Div. 2010).

The District conducted a good-faith search and identified the enclosed 32 pages of records as responsive to your Request. Please be advised that the District has implemented redactions to remove information protected by attorney-client privilege and/or attorney work-product. OPRA specifically provides that certain records are deemed to be confidential, and thus are not encompassed by the definition of a “government record” under OPRA. This includes any record within the attorney-client privilege. See N.J.S.A. 47:1A-1.1. OPRA further specifies that while attorney bills are not fully exempt from public access, “such bills or invoices may be redacted to remove any information protected by the attorney-client privilege.” N.J.S.A. 47:1A-9.b. provides that the provisions of OPRA shall not abrogate or erode any grant of confidentiality recognized by court rule. Attorney work-product is protected under Rule 4:10-2(c), thus records that are protected from disclosure by the attorney work-product doctrine are also exempt from disclosure pursuant to an OPRA request. Accordingly, these entries have been redacted to remove references to specific topics of legal research, legal strategies, and discussion/correspondence between the District’s legal counsel and the District’s representatives. Therefore, the entries were redacted to ensure that confidential communications in the course of the lawyer-client relationship were not inadvertently revealed.

Please also note that the enclosed invoices contain personal identifying information of students. N.J.S.A. 47:1A-9(b) allows exemptions from disclosure for any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA. The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232(g) and its supplemental regulations codified under 34 C.F.R. 99.30, precludes schools from disclosing student names and personal identifying information without obtaining consent. See also N.J.A.C. 6A:32-7.1 to -7.8. Accordingly, the invoices have also been redacted to remove identifiable student information.

Sincerely,



Kaitlyn Lawler
Board Secretary

c: OPRA File