

Thank you
Emidio D'Andrea
School Business Administrator/Board Secretary Montclair Board of Education
22 Valley Road
Montclair, N.J. 07042
(O) 973-509-4050

-----Original Message-----

From: Sunlight Policy Center [mailto:opra+request-18677-4f8f2785@requests.opramachine.com]
Sent: Tuesday, November 24, 2020 10:19 AM
To: Emidio D'Andrea <edandrea@montclair.k12.nj.us>
Subject: OPRA request - Communications from MEA, NJEA to Montclair Board of Education

Dear Montclair Board of Education,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested: All communications from the Montclair Education Association and the New Jersey Education Association to the Montclair Board of Education for August, September and October 2020.

Yours faithfully,

Sunlight Policy Center

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-18677-4f8f2785@requests.opramachine.com

Is edandrea@montclair.k12.nj.us the wrong address for OPRA requests to Montclair Board of Education? If so, please contact us using this form:



MONTCLAIR PUBLIC SCHOOLS

BUSINESS OFFICE

22 VALLEY ROAD ~ MONTCLAIR, NEW JERSEY 07042

WWW.MONTCLAIR.K12.NJ.US

EMIDIO D'ANDREA

Business Administrator

December 2, 2020

Via Email (opra+request-18677-4f8f2785@requests.opramachine.com)

Sunlight Policy Center

Re: OPRA request dated November 24, 2020

Dear Sir/Madam:

You recently requested documents from the Montclair Board of Education ("Board" or "District") pursuant to the Open Public Records Act ("OPRA") on November 24, 2020. The time in which a public entity has to respond to an OPRA request begins to run the day after the custodian of records receives such a request. Your request was received by the Board on November 24, 2020.

Under normal circumstances, a public entity typically has seven (7) business days to respond to such a request. However, on March 20th, Governor of New Jersey, Phillip Murphy, signed A3849/S2302. Same modifies N.J.S.A. 47:1A-5, to provide government entities additional time to respond to OPRA requests during a State of Emergency or other public health emergency, including the current COVID-19 outbreak.

At this time, the following is provided in response to your OPRA request:

- 1. All communications from the Montclair Education Association and the New Jersey Education Association to the Montclair Board of Education for August, September and October 2020.**

Please be advised that your OPRA request, as stated, is overly broad and/or unclear and fails to identify with reasonable clarity the specific government records to which you seek access. In this regard, the Appellate Division has held that "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool [individuals] may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.'* N.J.S.A. 47:1A-1." (Emphasis added.) MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). The Court further held that "[u]nder OPRA, *agencies are required to disclose only 'identifiable' government records* not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency's files." (Emphasis added.) Id. at 549.

Your OPRA request fails to identify the content and/or subject of the written communications. In order to specifically identify written communications, OPRA requests must contain: (1) the content and/or subject, (2) the specific date or ranges of dates during which the written correspondence was

transmitted, and (3) a sender and/or recipient. See Id.; Bent v. Stafford Police Dep't, 381 N.J. Super. 30 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009); Elcavage v. West Milford Twp., GRC Complaint Nos. 2009-07 (April 2010) and 2009-08 (March 2010); Armenti v. Robbinsville Bd. of Educ. (Mercer), GRC Complaint No. 2009-154 (OPRA request invalid for failure to identify by name the specific recipients of written correspondence sought).

In addition, when making OPRA requests, specifically for emails, same should include content and/or subject matter, specific date or range of dates, and sender and/or recipient. Id.; Ciszewski v. Sparta Police Dep't (Sussex), GRC Complaint No. 2013-79 (October 2013); Ciszewski v. Newton Police Dep't (Sussex), GRC Complaint No. 2013-90 (October 2013); and Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-07 (April 2010).

At this time, we request clarification of your OPRA request. Please respond in writing and identify the content and/or subject matter of said communications. Failure to provide such written clarification will result in the closure of this request.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,



Emidio D'Andrea
Business Administrator