



HIGHLAND PARK PUBLIC SCHOOLS

www.hpschools.net
435 Mansfield St, Highland Park
NJ, 08904

June 7, 2024

VIA EMAIL: opra+request-62194-51db6a14@requests.opramachine.com
Anonymous

Re: OPRA Request dated May 31, 2024

As custodian of records for the Highland Park Board of Education ("Board" and/or "District"), I am writing this letter in response for your request for records pursuant to the Open Public Records Act ("OPRA") submitted via email on Friday, May 31, 2024 at 5:12 p.m. and received on Monday, June 3, 2024.

The Board's responses to your request are set forth below:

"Policy 8842 references "a form", but not a specific form name or form number. The policy notes: "...shall complete a form, available in the office of the Building Principal". Please confirm which form is intended by the policy, and if the intended form is one of the paper forms provided in the initial OPRA response. If no such form exists, please confirm that in practice the paper form for initial reporting is superseded by the digital only as shown in "Screen Shot 2024 05 31 at 11.20.09 AM.png.pdf".

Attached you will find Nurse Instructions for reporting Adult/Student/Substitute Incidents, Injury Incident Report Student/Adult Form, Screenshot of Sample Nurse Treatment Record, Bolinger Student Accident Forms 23.24 English, Bolinger Student Accident Forms 23.24 Spanish, and Before and After Care Incident Report.

"Please confirm whether or not the "Bolinger" forms are required to be completed if there are no "claims" (these appear to be for insurance purposes and insurance claims). If there is documented guidance on how and when to use these forms, please provide."

This request is overly broad in that the request does not identify specific records and seeks information rather than identifiable records. A proper OPRA request must identify with reasonable clarity by specifically describing those documents that are being sought. See Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 211-12, 877 A.2d 330 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 178 (App. Div.), cert. Denied, 190 N.J. 394 (2007); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 40 (App. Div. 2005). Under OPRA, one cannot submit "wholesale requests for general information to be analyzed, collated and compiled by the responding government entity." MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 868 A.2d 1067 (App. Div. 2005). (The Court found a request for "all books, records, [and] documents" related to a specific project to be improper.)

OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1; MAG Entertainment, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[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 litigants may use to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt." Id. at 549; *See also Bent v. Stafford Police Dep't*, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics). The Board is not required to perform research on

behalf of the requestor, only to produce specific records identified by the requestor. Likewise, the Board is not required to create new documents in order to respond to an OPRA request. See Sussex Commons Assocs., LLC v. Rutgers, 210 N.J. 531, 544 (2012).

This request is overly broad in that it does not identify with reasonable clarity the specific government records sought and seeks information. Accordingly, this request is invalid pursuant to OPRA and is denied as overbroad. Notwithstanding the denial, there are no records responsive to this request.

"In addition, we noted that a separate reporting form was provided for Before and After Care, which differs from the screenshot of the online form and Bolinger form. Please provide any additional/different accident/injury reporting forms used by athletics, after school clubs, or other program if they also differ from standard forms. If no other program utilizes its own forms, please confirm."

There are no records responsive to this request.

"Please provide the district policies and procedures on how clubs / programs / etc. are to establish and obtain approval when they establish their own independent policies, procedures, and forms. Please provide the district policy which dictates the precedence or pre-emption in the case of conflict between top-level district policies and more specific, lower-level policies."

District policies and regulations can be found on the District website at <https://www.straussesmay.com/seportal/Public/pubElanOnline.aspx?id=036100f752da4943b2ed0e3b0326564b>

"Please provide the sections from the district employee handbook, in effect during the 2023-2024 school year, which addresses how to handle and report accidents/injuries. If this differs from school to school, please provide all relevant handbook sections, and identify for which school it is applied."

Attached is a copy of the Irving 23-24 Employee Handbook, the Middle School 23-24 Employee Handbook, and the High School 23-24 Employee Handbook.

"Please provide the Before and After Care employee handbook, in effect during the 2023-2024 school year, sections which address how to handle and report accidents/injuries, if such sections exist. If the handbook changed during the year please provide all versions which were in effect from August 1, 2023 – May 31, 2024. If the Before and After Care program does not have a separate employee handbook from the district handbook, please confirm."

Attached please find the Reporting Memo dated January 31, 2024.

"Please confirm if the "Before and After Care Incident Report 1.pdf" was pre-existing on file or generated in response to our initial OPRA request."

This request is denied as an overbroad request for information and not specific records, as explained in more detail above.

As the documents identified above are being provided to you in electronic format only, there is no charge associated with your request. The foregoing information and the enclosed documents constitute the Board's full and complete response to your OPRA request and therefore, your OPRA request is closed.

Sincerely,

Denise M. DeRosa

Denise DeRosa

Business Administrator/Board Secretary