

ELIZABETH PUBLIC SCHOOLS
Every Child, Achieving Excellence

Olga Hugelmeyer
Superintendent of Schools

Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary

May 14, 2024

Concerned Parent
opra+request-60914-30415221@requests.opramachine.com

Dear Concerned Parent:

I am in receipt of your request for records pursuant to the State's Open Public Records Act.

1. Your request "Email log data for employee, Carmen Alvarez for the time period 8/1/23 – 12/30/23 in EXCEL FORMAT" is denied as the request as presently worded is overly broad and lacks specificity as to the records requested. "In order to identify an email, OPRA requests must contain (1) content and/or subject of the email, (2) the specific date range or range of dates during which the emails were transmitted, and (3) must identify the sender and/or recipient thereof" (Elcavage v. West Milford Twp, GRC Complaint No.2009-07 (April 8, 2010). Simply requesting an individual name as the content and/or subject makes the request overly broad and lacking specificity and is not valid request. the request is overly broad and lacks specificity as to the retrievable record being requested. This request as presently drafted does not identify with reasonable clarity a governmental record. "OPRA request must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of any agency's documents." Bent v. Twp. Of Stafford Police Dep't Custodian of Records, 381 N.J. Super. 30,37 (App. Div. 2005). A proper OPRA request must state "a specific subject matter that [is] clearly and reasonably described with sufficient identifying information." Burke v. Brandes, 429 N.J.Super. 169, 176 (App. Div. 2012). The District is "only obligated to disclose identifiable government records." Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012)(citations omitted). OPRA "only allows for requests for records" and does not permit for "requests for information." Bent v. Twp. Of Stafford Police Dept, 381 N.J. Super. 30, 37 (App. Div. 2005). As set forth in Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012): "agencies are only obligated to disclose identifiable government records. (citation omitted). MAG Entm't, supra, 375 N.J.Super. at 549. The statute "only allows requests for records, not requests for information." Bent v. Twp. of Stafford Police Dep't, 381 N.J.Super. 30, 37 (App.Div.2005). OPRA does not require public entities to respond to an open-ended demand for records that would require a search of voluminous records of the District to evaluate and/or sort out to determine what documents should be disclosed. See MAG Entertainment LLC v. ABC, 375 N.J. Super. 534, 543 (App. Div. 2005)("Wholesale requests for general information to be analyzed, collated and compiled" by the agency are outside OPRA's scope"). Researching, compiling and creating such information falls outside the controlling authority of the Open Public Records Act. The law provides that while "the custodian is obligated to search [his] files to find the identifiable government records listed in the Complainant's OPRA request... the Custodian is not required to research [his] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request." Burnett v. City of Gloucester, 415 N.J. Super. 506, 515 (App. Div. 2010), quoting Donato v. Township of Union, GRC 2005-182, interim order (January 31, 2007). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entm't, 375 N.J. Super. at 546. Additionally,

your request is overbroad and unduly burdensome. N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J.Super. 166, 181–82 (App.Div.), certif. denied, 190 N.J. 394 (2007)(finding that custodian of public records may reject a request that is overly broad or vague so as to prevent identification of the records sought); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982, at *4 (N.J. Super. Ct. App. Div. Sept. 1, 2015)(calling for the custodian to research and compile a database of responsive records within a topic, prior to determining what records were exempted or could be redacted, was overbroad). Your request is not limited to particularized identifiable government records. Your request requires the custodian to exercise discretion, survey employees or conduct research. As such, your request is denied as it is overly broad and invalid under OPRA as it fails to properly identify the records being sought.

2. Retrievable records for your request “the resume included in the employment application” is attached.

Sincerely,



Harold E. Kennedy, Jr.
School Business Administrator/Board Secretary

Office of the School Business Administrator/Board Secretary

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Carmen G. Alvarez



- OBJECTIVE:** To utilize my skills and experience within the Board of Education
- EDUCATION:**
- *New York University School of Social Work, January 1999 to present
 - *BA in Psychology, May 1995, Rutgers University, New Brunswick, NJ
- WORK EXPERIENCE:**
- Therapeutic Learning Center at Newark Beth Israel Medical Center, Newark, NJ, 9/95-Present**
- Senior Clinical Specialist, 1/96-Present
- * Intensive Outpatient Program- provide group therapy to children between the ages of six to twelve with emotional and behavioral disturbances
 - * Develop individualized treatment plans
 - * Develop individualized behavior modification plans
 - * Case manager for six clients and their families
 - * Weekly family sessions with clients' families
- Clinical Specialist, 9/95-1/96
- * Therapeutic Nursery- provided group therapy to children between the ages of three to five with emotional and behavioral disturbances
 - * Developed individualized treatment plans
 - * Aided in the development of cognitive and age appropriate developmental skills
- Children's Specialized Hospital Outpatient Center, Fanwood, NJ, 5/94-8/94**
- * Worked as a therapist's assistant in the Cognitive Remediation Program
 - * Worked with children ages 5-10 in enhancing memory, attention, perceptual and executive functioning skills
- Douglass Developmental Disabilities Center, New Brunswick, NJ, 1/94-5/94**
- * Tutored children with autism in various academic and/or social activities
 - * Created a program proposal for an individual child
- SKILLS:**
- Fluent in Spanish
 - Handle with Care Primary Restraint Trainer
 - Familiar with Windows and MacIntosh systems
- REFERENCES:** Available upon request