

WALL TOWNSHIP PUBLIC SCHOOLS
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY
PO Box 1199
Wall, New Jersey 07719-1199

Brian J. Smyth
Business Administrator/Board Secretary

Phone: 732-556-2016
FAX: 732-556-2102

March 22, 2023

Betsy Cross
Re: OPRA 23-140

opra+request-40787-89f97317@requests.opramachine.com

Dear Ms. Cross,

The Wall Township Board of Education, (District) is in receipt of your emailed request that is dated March 10, 2023, and received by the Custodian of Records on March 13, 2023, wherein you requested record as follows:

“Records requested:

- 1) All records of ESSR and ESSR II and III (if applicable) Funds received for the years 2020, 2021, 2022 and any planned 2023 monies applied for. This includes the applications Wall submitted.
- 2) Can you please provide me with front/back images of the checks and/or proof of receipt of the Covid grant funds by the WTPS district with the cover letter it came with?
- 3) As we approach the 2-year mark of receiving the funds, can you please provide documentation (including purchasing orders) of how the ESSR monies have been spent thus far and what amount, if any, is still unspent where are they budgeted for future?
- 4) The stipulations included in order to keep funding from ESSR - what rules did you agree to in order to keep the monies.
- 5) Can you please provide any/all documentation from the source(s) of any/all COVID relief grant funds regarding the requirements the district needed to abide by to receive funding, including the district's responses to the 8 writing prompts regarding: (1) mask management, 2) social distancing, 3) handwashing/respiratory etiquette, 4) cleaning & improved ventilation, 5) contact tracing, isolation& quarantine, 6) diagnostic testing & screening, 7) encouraging vaccination of staff & students, and 8) making special accommodations for students w/ disabilities.
- 6) Finally, how has 20% of the Covid Relief Funding been spent on learning loss, as stated by Dr. Handerhan in her "Special Presentation" at the June 15, 2021, Board of Education meeting, as one of the requirements for securing the funding?”

Your request under item 1 fails to identify with reasonable clarity the specific government records sought. As such, your request is an invalid OPRA request and is denied. When a request is complex because it fails to identify with reasonable clarity those documents that are desired, then that request is not encompassed by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 NJ Super. 166, 180 (App. Div. 2007).

Regarding item 2, please know that the district does not receive checks from the NJ Department of Education and therefore no records exist that would be responsive to your request. Regarding proof of receipt please know that your request is not a valid OPRA request as you have not identified a specific government record.

Regarding item 3, your request fails to identify with reasonable clarity the specific government records sought. As such, your request is an invalid OPRA request and is denied. When a request is complex because it fails to identify with reasonable clarity those documents that are desired, then that request is not encompassed by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 NJ Super. 166, 180 (App. Div. 2007). Custodians are not required to conduct research to determine which records, if any, are responsive to an overly broad request.

Regarding item 4, your request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166, 180 (App. Div. 2007).

Regarding item 5, please be advised that to the extent that you have not identified a specific record, we deem your request to be overly broad. Please see *MAG Entertainment, LLC v. Division of Alcohol Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005). The custodian is not required to research files to determine which records, if any, might be responsive to a broad and unclear OPRA request.

Regarding item 6, your request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166, 180 (App. Div. 2007).

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Wall Township Board of Education to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08625, be-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Brian J. Smyth
Records Custodian

BJS/dc