



SADDLE BROOK SCHOOL DISTRICT

355 MAYHILL STREET
SADDLE BROOK, NEW JERSEY 07663

Telephone 201-843-1142
Fax 201-843-0216

DANIELLE M. SHANLEY
SUPERINTENDENT OF SCHOOLS

RAYMOND G. KARATY, CPA, PSA
BUSINESS ADMINISTRATOR/BOARD SECRETARY

September 30, 2020

Via Email (opra+request-16443-7736f6aa@requests.opramachine.com)

Silvia Dias

Re: OPRA request dated September 4, 2020

Dear Ms. Dias:

You recently requested documents from the Saddle Brook Board of Education ("Board") pursuant to the Open Public Records Act ("OPRA") on September 4, 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 September 4, 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.

Due to the scope of your request and the reopening of schools during the COVID-19 pandemic, the Board had limited staff to compile the requested document, as such, the Board requested additional time to respond, until September 30, 2020, as permitted under OPRA and A3849/S2302. See A3849/S2302; N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011); and Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010).

Your OPRA requests was as follows:

1. All purchase requests for HVAC service for the 2018-2019 and 2019-2020 school years

Enclosed, please find the requested records.

2. "As built" drawings for all HVAC systems district-wide

N.J.S.A. 47:1A-1 et seq., provides that the following information is considered confidential and is not to be disclosed pursuant to a records request: "emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein; [and] security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software." N.J.S.A. 47:1A-1.1.

In this regard, OPRA recognizes the duty of state entities to protect information that, if disclosed, could endanger public security and safety. More specifically, "as built drawings" are exempt

from disclosure where they “contain security information or procedures for a building facility which, if disclosed, would jeopardize security of the building or facility or persons therein pursuant to N.J.S.A. 47:1A-1.1.” Larry A. Kohn1 v. Township of Livingston, GRC Complaint No. 2011-330 (May 2013). This duty is enhanced with regard to New Jersey’s school children. The Legislature declared in New Jersey’s Public School Safety Law that “the safety and welfare of the public school students of this [S]tate while attending sessions of the public schools is a matter of prime concern to the citizens of this [S]tate.” N.J.S.A. 18A:17-42. The New Jersey Supreme Court has held that school districts have “[n]o greater obligation...than to protect the children in their charge from foreseeable dangers, whether those dangers arise from the careless acts or intentional transgressions of others.” L.W. v. Toms River Reg’l Schs. Bd. of Educ., 189 N.J. 381, 406 (2007).

The information you request would reveal information regarding the location of the building’s systems that if disclosed, would jeopardize the security of the building. As the information requested constitutes information which, if disclosed, would create a risk to the safety of District students, it does not constitute a government record pursuant to N.J.S.A. 47:1A-1.1. For this reason, the information requested is not subject to disclosure.

3. HVAC System Commission Report

There is no responsive document for this request at this time.

4. HVAC preventive maintenance schedule district wide

Enclosed, please find the requested records.

5. HVAC certification of the engineer responsible for the HVAC system

Enclosed, please find the requested records.

6. Any purchase orders for HVAC filters for the past two school years (2018-2019, 2019-2020) until the present day, specifically listing the MERV specifications of the filters

Enclosed, please find the requested records.

7. Superintendent’s Attestation Letter submitted to the state re reopening of schools

The District does not have a copy of the Attestation Letter because it was completed and submitted electronically to the New Jersey Department of Education. Thus, this request should be made to the New Jersey Department of Education. However, attached is a copy of the Executive County Superintendent’s approval letter regarding the District’s reopening plan.

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

Thank you.

Sincerely,



Raymond G. Karaty
Custodian of Records
RGK/ci