

ELIZABETH PUBLIC SCHOOLS
Every Child, Achieving Excellence

Olga Hugelmeyer
Superintendent of Schools

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

December 9, 2021

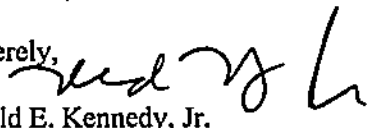
Ms. Maria E. Lorenz
opra+request-27314-d040b2af@requests.opramachine.com

Dear Ms. Lorenz:

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

1. Your request "Maximum allowable cost for an independent evaluation as determined and approved by the Board annually for 2021, 2020, 2019" is denied as the District does not maintain retrievable records that are responsive to your request.
2. Your request "Cost of tuition for out of district placement and number of students who attend each school for 2021, 2020" is denied as the District does not maintain retrievable records that are responsive to your request. Researching, compiling and creating such information falls outside the controlling authority of the Open Public Records Act. The law is settled that under OPRA government agencies "are required to disclose only 'identifiable' governmental records...[w]holesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein." *Burnett v. Cnty. Of Gloucester*, 415 N.J. Super. 506, 514 (App. Div. 2010) (quoting *MAG Entm't, LLC v. Div. of Alcoholic Bev. Control*, 375 N.J. Super. 534, 549 (App. Div. 2005)). 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.
3. Your request "Cost of transportation for out of district placement and number of students transported by each company for 2021, 2020" is denied as the District does not maintain retrievable records that are responsive to your request. Researching, compiling and creating such information falls outside the controlling authority of the Open Public Records Act. The law is settled that under OPRA government agencies "are required to disclose only 'identifiable' governmental records...[w]holesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein." *Burnett v. Cnty. Of Gloucester*, 415 N.J. Super. 506, 514 (App. Div. 2010) (quoting *MAG Entm't, LLC v. Div. of Alcoholic Bev. Control*, 375 N.J. Super. 534, 549 (App. Div. 2005)). 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.

Sincerely,



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

Office of the School Business Administrator/Board Secretary

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