

MONROE TOWNSHIP BOARD OF EDUCATION
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Lisa Goldstein
Custodian of Records

BY EMAIL ONLY TO: Anonymous <opra+request-58386-2011b98e@requests.opramachine.com>

May 3, 2024

Anonymous

Re: Open Public Records Act Request

Dear Anonymous:

The District is in receipt of your request for records under the Open Public Records Act. Specifically, your request sought:

- 1) Any document that describes the basis upon which Chari Chanley is permitted to violate District Policy 8321 by failing to submit evidence of her Ed.D. before allowing the title of Dr. to be appended to her name. Policy 8321 requires school district employees to provide "the District with verification from the institution of higher education of their receipt of the degree or certificate for which the letters are registered" before appending letters to their names.
- 2) Any document that describes the basis upon which a copy of Chari Chanley's Ed.D. diploma is unlawfully denied under the personnel exemption. Please note that Chari Chanley's Ed.D. does not fall under the personnel exemption if this degree is the basis for Chanley's contract re-negotiation/promotion: "In *Kovalcik v. Somerset Cty. Prosecutor's Office*, 206 N.J. 581 (2011), the Supreme Court held that this exception does not authorize disclosure of all records that "evidence an employee's educational background or even that evidence an employee's participation in educational pursuits generally." Rather, the Court held that the exception makes available only records "that would demonstrate that a government employee lacked a required credential and therefore failed to meet the minimum qualifications for the position."

In other words, if there is a certain training certificate, license, or degree that must be obtained in order to hold a government position-or to receive a raise or promotion- then the public is entitled to access documents that prove whether or not the employee meets those requirements."

- 3) Any official evidence such as transcripts or copy of a diploma, that confirms that Chari Chanley has obtained her Ed.D. from Rowan University.

Requests 1&2: Your request is denied. The District has no records responsive to this request. See *Klock v. Newark Public Schools*, GRC Complaint No. 2013-242 (July 2014) (Finding that Custodian properly denied a request where there were no responsive documents); *Pusterhofer v. N.J. Dep't of Education*, GRC Complaint No. 2005-49 (July 2005) ("The Custodian has certified that the requested record does not exist. Therefore, the requested record cannot be released and there was no unlawful denial of access").

Request 3: Your request is denied because they are personnel records. N.J.S.A. 47:1A-10 ("the personnel or pension records of any individual in the possession of a public agency ... shall not be considered a government record and shall not be made available for public access").

Sincerely,



Lisa Goldstein
OPRA Secretary/Custodian of Records

cc: Dr. Chari Robynne Chanley, Superintendent of Schools
Mr. David Disler, Esq., Porzio, Bromberg & Newman, P.C.