



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
201.327.0727 www.wandellschool.org Fax: 201.236.8166



November 8, 2023

VIA E-MAIL [opra+request-54781-7138d2f4@requests.opramachine.com]
Brian Hampel

Re: Open Public Records Act/Common Law Request

Dear Mr. Hampel:

The Saddle River School District ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on November 1, 2023. The seven business day deadline to respond to your Request is November 10, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

I am seeking any correspondence from the community to the Saddle River Board of Education since January 1, 2022, that advocates for establishing new middle school send/receive school agreements with districts that the Saddle River School District does not currently have new middle school send/receive agreements with.

For clarity, a "send/receive school agreement" is a contract between two or more school districts, where one district (the "sending" district) agrees to send some of its students to schools in another district (the "receiving" district), typically because the sending district does not have appropriate facilities or programs to meet the needs of those students

I want to emphasize that the subject matter of this request is sufficiently clear and not overly broad. Therefore, this request should not be denied on these grounds. I refer to the case STEVEN WRONKO VS. TOWNSHIP OF JACKSON, ET AL. (L-0679-16, OCEAN COUNTY AND STATEWIDE). In addition, I invoke the decision in *Burnett v. County of Gloucester*, 415 N.J. Super. 506 (App. Div. 2010) in further support of my request.

Common Law: Under common law, I seek access to the requested documents to ensure transparency and accountability in the spending of public funds by the Saddle River School District, and to verify that the district is complying with applicable laws and regulations regarding the community's interest and advocacy for the establishment of a middle school within the district.



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(1) To the extent that any such records contain personally identifiable information related to any individual student, please redact that personally identifiable information prior to disclosure.

(2) To the extent that any such records are exempted from disclosure under OPRA, and also unavailable under the common law right of access, please provide a complete Vaughn index of all such records, disclosing “sufficient detail to prove the requestor ‘with as much information as possible to use in presenting his case’ and to enable the ‘decision- maker’s review of governmental records to determine whether they contain privileged material.’”
Paff v. Division of Law,
412 N.J. Super. 140, 161 (App. Div. 2010).

Please be advised that your Request is invalid as overly broad. Both New Jersey courts and the GRC have upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean County College, GRC Complaint No. 2013-266 (Jan. 2016).

In Elcavage v. West Milford Township, GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: “[I]n order to specifically identify an e-mail the OPRA request must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) **identification of the sender and/or the recipient thereof.**” Requests seeking correspondence but omitting specific senders and/or recipients are invalid. See Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist., GRC Complaint No. 2018-8 (Sept. 2019); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982 (App. Div. 2015) (holding, in part, that a request for correspondence received by the public entity’s employees, agents, or City Council lacked the requisite level of specificity because it failed to provide the names of any of the entity’s employees or agents); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). As such, your Request seeking correspondence between all Board of Education members and all members of the community is not sufficient for the District to search for and identify potentially responsive records.

Please also note that your Request is further invalid as it would require the District to conduct research in order to determine which correspondence would be considered advocating for new middle school send/receive school agreements with districts that the Saddle River School District does not currently have middle school send/receive agreements with.



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To the extent that you have submitted your Request under the common law right of access, your Request is also denied as deficient for the reasons set forth above.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Sincerely,

Kaitlyn Lawler
Board Secretary