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December 15, 2022

Sent Via Electronic Mail

Ms. Tracey Lester

Email: wtleston96@gmail.com

Re: Open Public Records Act (OPRA) Request to Cranford Board of Education

Please accept this correspondence in response to your request for records under New Jersey's Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et. seq., and the common law right of access. Your request was dated December 7, 2022, and was sent after the close of the regular business day. Your request was not received by the District until December 8, 2022. Your request was as follows:

Records requested on my son: Luke Lester DOB: 03/09/2009

09/2019 to 6/29/2022

I would like to request the following that should be part of my son's educational records. All counseling notes, Health records and or observations notated by Christi Carducci, Joelle Pilek, Kristen Burnfeindt, Christie Carducci and Ms. Siciliano and or recordings between them regarding my son. All IEP sessions recorded. Specifically, on 02/23/2022 or 02/24/2022. because I was advised that it was recorded.

Please also include all notes and observations made by Lori Lubieski Hutmaker, and Scott Rubin and all emails to each other and to all of the above people listed who corresponded regarding my son Luke Lester.

I would like all disciplinary and mental health records, observations, health records from Orange Avenue School dating from 09/01/2018 to 12/07/2022. Including emails regarding my son sent out via email within the district regarding my son.

I would like a copy of the video of an alleged assault on my son dated 10/26/2021 and 12/16/2021. These are reported incidents on file and should be a part of my son's educational record. These incidents occurred outside of the 7th grade entrance into school between 8:00 AM and 9:00 AM on both days. I would like all notes written on those days regarding these incidents on the dates they occurred. One note may be on file from 12/16/2021 that either MS. Lubieski Hutmaker, Steve Van Dam and Christie Carducci wrote.

I would like video footage of my son outside Steven Van Dam's office and inside the office on 03/07/2022 from 10:59 AM to 2:17 PM. I would like video footage from 03/04/2022 of my son by the 7th grade entrance near the basketball court from 10:00 AM to 12:00 Noon and video of him in the corridor crying. After my son was hit by another boy in the courtyard. On 03/04/2022, I would also like any video footage from Christie Carducci's office from 11:00 PM to 3:00 PM on 03/04/2022 as she pulled my son from class and alleged to follow him. Copies of the logbook sign in sheet from the amin office on 12/16/2021.

On 03/07/2022, I would like footage of a video in the lunchroom from 9:30 AM until 12:00 PM that shows my son sitting at a lunch table and handing a boy an apple and would like to see the whole exchange between them. On 03/16/2022, I would like the video footage of Luke Lester entering the entrance of the front of the building between 10:00 or 11:30 AM and walking down the hall. The entrance of the building at that point may show him coming in and walking done the hall and then have footage of him nearing the library. Then footage of a few boys shoving him in the hall on 03/16/2022.

I would like all documented teacher observations from 2019 to present.

I would like recording of all IEP Meetings. Specifically, on 02/23/2022 or 02/24/2022.

First, in response to your request, the District notes that the substance of this request is not an OPRA request but rather a request for student records. OPRA provides for access to “government records” which are records that have been made, maintained, or kept on file in the course of the official business of any agency or authority of the State. See, N.J.S.A. 47:1A-1.1. By definition a government record “shall not include the following information which is deemed to be confidential...information concerning student records or grievance of disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.” All of the records requested in this correspondence, if any such records exist, will be specifically related to your child, and would fall squarely within the definition of a student record.

Second, while the District certainly acknowledges that as your child’s parent you are certainly authorized to request student records related to your child, all of the records requested in this correspondence have been previously requested and, if the records were maintained by the District, previously provided to you as a part of prior student records requests.¹ Most recently, on October 13, 2022, the District responded to an extensive student records request via the Superintendent’s office. Additionally, on December 9, 2022, the District again responded to a student records request via the Director of Special Services. The substance of those record requests mirror the information requested in your OPRA request dated December 7, 2022 and received by the District on December 8, 2022. Please refer to those correspondences with respect to the District’s responses regarding records that are not maintained by the District, as well as video footage that is not maintained by the District.

¹ The District notes that with respect to paragraph one of your request, it does not employ a staff member named Kristen Burnfeindt.

The only new document requested by you in your December 2022 correspondence is a request for “copies of the logbook sign in sheet from the admin office on 12/16/2021.” We interpret this request to be for copies of the *Student Sign In/Sign Out* sheet, the *Visitor Log*, and the *Students Sent Home By Nurse* log for the Orange Avenue School (OAS) administration/main office on December 16, 2021. We do not interpret this request to be one for the *OAS-Daily Record of School Employees*. Copies of the documents responsive to your request are enclosed.

The District considers your request dated December 7, 2022, and received on December 8, 2022, as complete.

Thank you.

Sincerely,



Robert J. Carfagno
Business Administrator/Board Secretary
Records Custodian

cc: Dr. Scott Rubin, Superintendent of Schools (via electronic mail)