

Plumsted Township School District

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Michelle Halperin-Krain
Superintendent of Schools

Sean Gately
Business Administrator/Board Secretary

May 2, 2023

Delivered via email to opra+request-41908-b0928ee1@requests.opramachine.com

Dear Mr. Henry,

The Plumsted Township Board of Education received your Open Public Records Act (OPRA) request on April 21, 2023. The official Records Custodian, Sean Gately, received your OPRA request on April 21, 2023. As such, the seven (7) business day deadline to respond to your request is May 2, 2023. This response to your request is being provided to you on the 7th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

1. How many students have transferred out form each grade since Summit program was put in place.
2. Do we have genderless bathrooms?
3. How many children identify as other than children and what do they identify as?

This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. When a request is "complex" because it fails to specifically identify the documents sought, then that request is not "encompassed" by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J.Super. 166, 180 (App. Div. 2007). A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. See Bent v. Stafford Police

Department, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Plumsted Township Board of Education to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

/s/ Sean Gately

Business Administrator/Board Secretary

**REQUEST FOR PUBLIC RECORDS
OF THE PLUMSTED TOWNSHIP BOARD OF EDUCATION
COUNTY OF OCEAN COUNTY**

Requested by: Jack Henry via opra+request-41908-b0928ee1@requests.opramachine.com

Address: _____

Phone and/or Fax: _____

Signed: _____
Date

Clearly print a brief description of the record(s) requested:

How many students have transferred out form each grade since Summit

1. program was put in place.

2. Do we have genderless bathrooms?

How many children identify as other than children and what

3. do they identify as

4. _____

*If request if denied, the reasons for denial follow:

1. _____

2. _____

3. _____

4. _____

To be completed by the Custodian of Records

Request Approved Or Denied	To be Provided by	Fees Charged
No Document Exists		
No Document Exists		
No Document Exists		

/s/ Sean Gately

May 2, 2023

Signature of Custodian

Date

This form must be completed and presented to the Office of the Board Secretary during normal business hours Monday – Friday. Fees must be paid in advance. Requested records will be made available as soon as possible but not later than seven business days after receiving the request provided that the record is currently available and not in storage or archived.

A person making a request of public records who is denied such access, may institute a proceeding to challenge the custodian's decision by filing an action in Superior Court; or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to Section 8 of P.L. 2001, c.404 (C.47:1A-7)

Letter size.....\$0.05 per page

Legal size.....\$0.07 per page