



**Middlesex Borough School District**  
**Business Office**  
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**ANNETTE GIORDANO**  
School Business Administrator/Board Secretary

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July 28, 2025

**VIA EMAIL: opra+request-78444-bc99af59@requests.opramachine.com**

Anon

**RE: OPRA Request dated July 14, 2025**

Dear Sir/Madam:

As custodian of records for the Middlesex Board of Education ("Board" and/or "District"), I am writing this letter in response to your request for records pursuant to the Open Public Records Act ("OPRA") submitted and received via email on Monday, July 14, 2025. As such, the seven (7) business day deadline within which the Board is to respond to your request is Thursday, July 31, 2025.<sup>1</sup>

More specifically, the Board responds to your request as set forth below:

**"The total number of students, grades prek through 12, registered to attend Middlesex Borough Public School district for the 25-26 school year."**

This request is overly broad in that the request does not identify specific records and seeks information rather than identifiable records. A proper OPRA request must identify with reasonable clarity by specifically describing those documents that are being sought. See Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 211-12, 877 A.2d 330 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 178 (App. Div.), cert. Denied, 190 N.J. 394 (2007); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 40 (App. Div. 2005). Under OPRA, one cannot submit "wholesale requests for general information to be analyzed, collated and compiled by the responding government entity." MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 868 A.2d 1067 (App. Div. 2005). (The Court found a request for "all books, records, [and] documents" related to a specific project to be improper.)

OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1; MAG Entertainment, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt." Id. at 549; *See also Bent v. Stafford Police Dep't*, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics).

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<sup>1</sup> The District is closed on Fridays throughout the summer. In addition, I was out of the office for the period of July 18, 2025 through July 25, 2025.

Further, your request seeks copies of student records and/or student information, as explained in more detail below. There are long-standing regulations governing the confidentiality of student records and limiting access to those records to a select few. See N.J.A.C. 6A:32-2.1; and -7.1 et seq. These regulations are specifically authorized by N.J.S.A. 18A:36-19 and are a corollary to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g; 34 CFR Part 99.

More specifically, N.J.A.C. 6A:32-2.1 defines "student records" as "information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained." Student records can only be provided to individuals and organizations specifically authorized by regulation to access those records. See N.J.A.C. 6A:32-7.1 and -7.5.

In addition, pursuant to guidance issued by the NJDOE, data or information which references a small number of students must not be displayed in order to protect student privacy. More specifically, the number of students for reporting is a minimum of 10 students per suppression rules applied to protect student confidentiality.

This request is overly broad in that it seeks information and not specific identifiable records. Notwithstanding, enclosed please find a report of the preliminary enrollment as of July 28, 2025 for the 2025-2026 school year, that has been redacted to protect confidential student information pursuant to N.J.S.A. 41:1A-1 and -5, N.J.A.C. 6A:32-7.1, et seq.; the Family Educational Rights & Privacy Act ("FERPA") (20 U.S.C. § 1232g; 34 CFR Part 99); and L.R. v. Camden City Pub. Sch. Dist., 238 N.J. 547 (2019).

As the document identified above is being provided to you in electronic format, there is no charge associated with your request. This correspondence, the foregoing information, and the enclosed document constitute the Board's full and complete response to your OPRA request and therefore, your OPRA request is closed.

Sincerely,



Annette Giordano  
School Business Administrator/Board Secretary