

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Anthony Juskiewicz
School Business Administrator/
Board Secretary



(908) 464-1601 x 1400
ajuskiewicz@bhpsnj.org

March 13, 2024

Via E-Mail [bhcommunitywatch1@gmail.com]
BH Community Watch

Re: Open Public Records Act Request

Dear Sir/Madam:

The Berkeley Heights Public Schools ("District") records custodian received your Open Public Records Act ("OPRA") request on March 4, 2024. The seven business day deadline to respond to your request is March 13, 2024. As such, the District is timely responding to your OPRA request in accordance with New Jersey law.

Your OPRA request seeks the following records:

(1) Please provide all reports and analysis provided to the District by:

School Transportation Consultants Ray Kuehner, Ingrid Reitano, Patrick Doyle To Any Member of the Board of Education and/or Dr. Melissa Varley and/or Anthony Juskiewicz and/or Kelly Sheehan Between 11/2023 through 03/01/2024

(2) Please provide the Rubric Analysis of the Berkeley Heights Roads that lead to categorizing roads as "hazardous" on the maps presented to the Berkeley Heights Board of Education by School Transportation Consultants Ray Kuehner, Ingrid Reitano, Patrick Doyle during the 02/26/2024 Berkeley Heights Board of Education Meeting in the possession of Any Member of the Board of Education and/or Dr. Melissa Varley and/or Anthony Juskiewicz and/or Kelly Sheehan

(3) Please provide all data supporting the statement on 02/26/2024 Transportation presentation that "Some courtesy busing areas found to be non-hazardous, unnecessary, & inconsistent" n [sic] the possession of Any Member of the Board of Education and/or Dr. Melissa Varley and/or Anthony Juskiewicz and/or Kelly Sheehan

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With respect to item 1, the District conducted a good-faith search and identified the enclosed 17 pages of records as responsive.

With respect to item 2, the District conducted a good-faith search and determined that it is not in possession of any responsive records.

With respect to item 3 please note that your request is invalid as it constitutes a request for information. Please note that 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 Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005). In MAG, the court opined, “[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 . . . 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. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein.” 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).

Accordingly, your request for data supporting a statement from the February 26, 2024 Transportation presentation constitutes a request for information in contrast from a specifically identifiable government record, and is therefore outside the scope of OPRA.

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

Very truly yours,

Anthony Juskiewicz
Business Administrator/Board Secretary

Enclosures