

# The Open Public Records Act For Schools

New Jersey Government Records Council

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# Overview

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- Part 1 – Review of OPRA in practice
- Part 2 – Exemptions/Rulings Specifically Related to Education Records
- Part 3 – Questions & Answers

Part 1:  
Review of OPRA in Practice

# What is OPRA?

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- Not Oprah the celebrity. 😊
- Open Public Records Act - N.J.S.A. 47:1A-1 et seq.
- Replaced the “Right to Know Law.”
- Increases public’s accessibility to government records (cultural change in New Jersey).
- *Broadly defines a government record.*
- Provides compliance process via the GRC and NJ Superior Court.
- Provides for penalties to anyone who knowingly and willfully violates OPRA.

# Non OPRA Requests

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- Not all records requests are OPRA requests!
- Requestor elects to invoke OPRA's provisions by submitting OPRA request form or other written request mentioning OPRA.
- OPRA does not affect common law right of access, or right of access via discovery.
- Challenges to common law requests and discovery requests must be made to NJ Superior Court, not GRC.
- GRC cannot advise on process, fees, etc. regarding common law or discovery requests.

# Discovery vs. OPRA

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- Discovery and OPRA are not the same.
- GRC cannot advise on discovery issues such as fees to be charged. Refer to Court Rules or seek guidance from County Prosecutor.
- Bart v. City of Passaic (Passaic), GRC Complaint No. 2007-162 (April 2008): Council held that Custodian's denial of OPRA request on the grounds that requestor could only obtain records via discovery is not a lawful basis for denial.
- Requestors may access same records under OPRA that could/should be accessed through discovery.

# Who Can Request Records Under OPRA?

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- Anyone!
- Although OPRA names “citizens of this State,” the Attorney General’s Office advises that OPRA does not prohibit access to residents of other states.
- A requestor may even file an OPRA request anonymously.

# What is a Government Record?

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- All government records are subject to public access unless specifically exempt under OPRA or any other law.
- **Government Record:** All records made, maintained, kept on file, or received in the course of official business.
- Expands Right to Know Law definition (records *required* to be maintained on file).
- 25 specific exemptions to disclosure (see exemptions handout).



# Who is the Custodian?

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## Custodian of a Government Record:

- Municipality - the municipal clerk or other department head if made known to the public.
- Any other public agency - the officer officially designated by formal action of that agency's director or governing body, as the case may be. N.J.S.A. 47:1A-1.1.
- GRC recognizes separate custodian for police departments when such custodian has been adequately publicized to the public.

# OPRA Requests

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- OPRA requests *should* be on the agency's official OPRA request form (Renna v. Cnty. of Union (App. Div. 2009)).
- Written requests not on an official form cannot be denied solely because they are not on the official request form.
- Written requests not on an official form must mention OPRA.
- If written request does not mention OPRA, it is not an OPRA request.

# Making an OPRA Request

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## Requestors:

- Must name specific identifiable government records.
- Be as specific as possible – identify type of record, dates, parties to correspondence, subject matter, etc.
- Requests for information or that ask questions are not valid OPRA requests.
- Method of submission – custodians can prescribe the method by which an OPRA request must be transmitted to the agency as long as it would not impose an unreasonable obstacle to the transmission of a request for a government record (i.e. fax, e-mail, etc.) Paff v. City of East Orange (App. Div. 2009).

# Receiving an OPRA Request: Non-Custodian Employees

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If an officer or employee of a public agency receives an OPRA request, they **must forward the request to the records custodian or direct the requestor to the records custodian** pursuant to N.J.S.A. 47:1A-5(h).

# Steps in Responding to an OPRA Request

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1. When is my deadline to respond?
2. Is this a valid OPRA request?
3. Do I have enough information to fulfill request?
4. Will the request require a special service charge?  
Substantial disruption of agency operations?
5. Obtain records responsive to request.
6. Do the records or portions thereof fit into any of OPRA's exemptions?
7. Redact as necessary, convert to requested medium, calculate appropriate fees.
8. Provide records via requested method of delivery, or deny with legal basis in writing.

# When Does the Clock Begin?

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- The seven (7) business day response time begins when the custodian receives the OPRA request.
- There should be another employee designated to receive/fulfill requests in custodian's absence.
- Day 1 is the day after the custodian receives the OPRA request.
- When receiving an OPRA request, custodians should calculate the statutory response time and must adhere to it.
  - *This is the most common violation of OPRA by records custodians.*

# Statutory Response Time

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- A custodian shall grant or deny access **as soon as possible, but no later than 7 business days** after the request is received. N.J.S.A. 47:1A-5(i).
- A custodian unable to comply with a request must indicate specific reason(s) in writing. N.J.S.A. 47:1A-5(g).
- A custodian must provide a response to each item requested, either:
  - Granting access;
  - Denying access;
  - Seeking clarification; or
  - Requesting an extension of time.

Failure to do so in writing within the seven (7) business days constitutes a “deemed” denial.

# Immediate Access

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- **Immediate access** ordinarily granted to budgets, bills, vouchers, contracts, and government employee salary information. N.J.S.A. 47:1A-5(e).
- Immediate means as immediately as possible – **on the spot unless** in storage, in use, or requires medium conversion. (Renna v. Cnty. of Union, GRC Complaint No. 2008-110 (March 2009)).
- If a custodian cannot provide immediate access to records for a legitimate reason, the custodian must reduce such reason to writing and request an extension of time to comply with the “immediate” statutory requirement.



# Additional Time Required

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- Custodians may seek extensions of time beyond the seven (7) business day deadline with legitimate reasons.
- Requests must be in writing, within the seven (7) business days, and provide an anticipated date upon which the records will be provided.
- Failure to grant or deny access by the extended deadline date results in a “deemed” denial. N.J.S.A. 47:1A-5(i).

# Broad and/or Unclear Requests

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- Example of an overly broad request: “Any and all records related to the construction of the new high school.”
- “Records” is too broad of a term.
- Example of a valid request: “Any and all e-mails between Jane Doe and John Smith regarding the construction of the new high school from January 1, 2009 to February 28, 2009.”
- Names specific type of record, parties to correspondence, subject and date range.

# Broad and/or Unclear Requests

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- If a request does not name specifically identifiable records or is overly broad, a custodian may deny access pursuant to the following court decisions: MAG, Bent, NJ Builders, and Schuler (GRC decision).
- A custodian is obligated to *search* his/her files to *find* the identifiable government records listed in the Complainant's OPRA request. A custodian is not required to *research* his/her files to figure out which records, if any, might be responsive to a broad and unclear OPRA request. See Donato v. Twp. of Union, GRC Complaint No. 2005-182 (February 2007).

# Broad and/or Unclear Requests

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In Burnett v. Cnty. of Gloucester, (App. Div. 2010) the requestor sought access to "[a]ny and all settlements, releases or similar documents entered into, approved or accepted from 1/1/2006 to present."

The Appellate Division concluded that the request for settlement agreements and releases without specifying the matters to which the settlements pertained did not render the request a general request for information obtained through research. The court held that, "[h]ere, it is the documents, themselves, that have been requested, and their retrieval requires a search, not research."

# Seeking Clarification

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- A custodian may seek clarification of an overly broad or unclear request.
  - Request must be in writing, within seven (7) business days.
  - Response time stops until requestor responds – Moore v. Twp. of Old Bridge, GRC Complaint No. 2005-80 (August 2005).

# Special Service Charge

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- Special service charges for “extraordinary” requests must be reasonable and based on actual direct cost. N.J.S.A. 47:1A-5(c).
- Actual direct cost means hourly rate of lowest level employee capable of fulfilling request (no fringe benefits).
  - Only warranted when:
    - Copies cannot be reproduced by ordinary copying equipment in ordinary business size.
    - Accommodating request involves an extraordinary expenditure of time and effort (also allowed for inspection).
  - Case-by-case determination - No ordinance allowed!!
  - GRC’s “14 Point Analysis” (see Handout)
    - Courier Post v. Lenape Reg’l High Sch., 360 N.J. Super. 191 (Law Div. 2002) and Fisher v. Dep’t of Law & Public Safety, Div. of Law, GRC Complaint No. 2004-55 (August 2006).

# Substantial Disruption

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- If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record(s) only after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency. N.J.S.A. 47:1A-5(g).
- This is a subjective determination based on an agency's resources available to fulfill a request.
- See Caggiano v. Borough of Stanhope, GRC Complaint No. 2006-220; Vessio v. NJ DCA, Div. of Fire Safety, GRC Complaint No. 2007-188.

# Obtain Records Responsive

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- Reasonable that Custodian does not have physical custody of all records maintained by agency.
- Custodian should document attempts to access records from other departments/personnel.
- Custodian should keep requestor informed of attempts to gain access to records.
- Custodian cannot be held responsible if another employee obstructs access as long as Custodian can prove attempts made to gain access to the records.



# OPRA's Exemptions

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- 25 specific exemptions contained in OPRA.
- If record does not fit into any exemption, it is accessible under OPRA.
- Default answer is always YES!!!

# Redactions

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Redaction means editing a record to prevent public viewing of material that should not be disclosed. Words, sentences, paragraphs, or whole pages may be subject to redaction.

Custodians should manually "black out" the information on the copy with a dark colored marker, then provide a copy of the blacked-out record to the requestor.

# Redactions Cont'd

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If full pages are to be redacted, the custodian should give the requestor a visible indication that a particular page of that record is being redacted, such as a blank sheet bearing the words "page redacted" or a written list of the specific page numbers being withheld.

If an electronic document is subject to redaction (i.e., word processing or Adobe Acrobat files), custodians should be sure to delete the material being redacted. Techniques such as "hiding" text or changing its color so it is invisible should not be used as sophisticated users can detect the changes.

**\*\* Custodians must identify the legal basis for each redaction!!**

# Redaction Example



State of New Jersey  
**Government Records Council**  
**GOVERNMENT RECORDS REQUEST FORM**  
101 South Broad Street, PO Box 819  
Trenton, NJ 08625-0819  
Phone: 866-850-0511 Fax: (609) 633-6337  
E-mail: [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us) Website: [www.nj.gov/grc](http://www.nj.gov/grc)



## Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name	Jane	MI	M	Last Name	Smith
E-mail Address	N/A				
Mailing Address	[REDACTED]				
City	[REDACTED]	State	[REDACTED]	Zip	[REDACTED]
Telephone	[REDACTED]		FAX	N/A	
Preferred Delivery:	Pick Up <input checked="" type="checkbox"/>	US Mail <input type="checkbox"/>	On-Site Inspect <input type="checkbox"/>	Fax <input type="checkbox"/>	Email <input type="checkbox"/>
<b>If you are requesting records containing personal information, please select one:</b> Under penalty of N.J.S.A. 2C:28-3, I certify that I <input type="checkbox"/> <b>HAVE</b> / <input type="checkbox"/> <b>HAVE NOT</b> been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.					
Signature	Jane Smith	Date	9/1/2010		

## Payment Information

Maximum Authorization Cost \$	5.00	
Select Payment Method		
Cash <input checked="" type="checkbox"/>	Check <input type="checkbox"/>	Money Order <input type="checkbox"/>
Fees:	Actual cost of duplication	
Delivery:	Delivery / postage fees additional depending upon delivery type.	
Extras:	Special service charge dependent upon request.	

# Medium Conversion

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- A custodian **must** permit access to government records in the medium requested. N.J.S.A. 47:1A-5(d).
- If custodian does not maintain record in medium requested, he/she **must**:
  - **Convert** the record to the medium requested, or
  - Provide a copy in some other “meaningful” medium (meaningful to the requestor).
- Custodian may impose a special charge related to conversion for:
  - Extensive use of technology and
  - Labor for programming, clerical and supervisory assistance that may be required.

# Medium Conversion Cont'd

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- If conversion is completed in-house, there is generally no charge, unless actual costs can be demonstrated or special service charge applies.
- If an outside vendor is required, seek estimate and provide requestor with estimate for approval/rejection. O'Shea v. Pine Hill Bd. Of Educ. (Camden), GRC Complaint No. 2007-192 (February 2009)
- Charge for conversion must be actual cost. See Libertarian Party of Central NJ v. Murphy, 384 N.J. Super. 136 (App. Div. 2006) – Custodian charged \$55.00 for a computer diskette.
- See also Gannett Satellite Info. Network, Inc. v. Borough of Raritan, Docket No. SOM-L-1789-09 (December 2009) – Gannett requested records in particular format not maintained by agency. Court held that Gannett must pay for any required medium conversion.

# Legislative Changes to Copying Costs

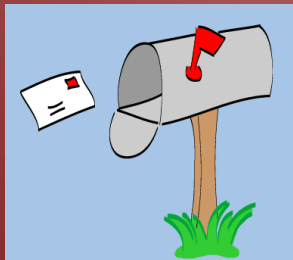
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- N.J.S.A. 47:1A-5(b) provides:
  - Flat fee of \$0.05 per page for letter sized pages and smaller;
  - Flat fee of \$0.07 per page for legal sized pages and larger;
  - Any public agency whose actual costs to produce paper copies exceed the \$0.05 and \$0.07 rates may charge the actual cost of duplication;
  - Electronic records must be provided **FREE OF CHARGE** (i.e. records sent via e-mail and fax); and
  - Must charge the actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD).

# Method of Delivery

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- A custodian must grant access to a government record by the requested method of delivery (regular mail, fax, e-mail, etc). O'Shea v. Twp. of Fredon (Sussex), GRC Complaint No. 2007-251 (April 2008).
- Charges for such delivery must reflect actual cost (until November 9<sup>th</sup> when electronic delivery becomes free of charge pursuant to OPRA amendment).
- May charge actual postage costs. Livecchia v. Borough of Mount Arlington, GRC Complaint No. 2008-80 (April 2010).





# Lawful Basis for Denial

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- Custodians must provide lawful basis for denial at the time of denial.
- This includes outright denials and redactions.
- Examples:
  - Jane Smith's payroll record is redacted pursuant to N.J.S.A. 47:1A-1.1 because social security numbers are exempt from public access.
  - Letter from John Smith, Esq. to Mary Jones dated January 4, 2010 is exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1 as attorney-client privileged material.

# Adequate Response

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A proper response to an OPRA request:

- Is in writing within seven (7) business days!!!
- Grants access, denies access, seeks clarification, or requests an extension of time (including an anticipated deadline date).
- Addresses each record requested.
- Addresses requestor's preferred method of delivery.
- Provides an account of the actual cost of duplicating the records.
- If special service charge assessed, provides estimate and gives requestor opportunity to accept or reject charge.
- Includes index that identifies the specific legal basis for a denial of access (including redactions).

Part 2:  
Exemptions/Rulings  
Specifically Related to  
Education Records

# Student Records

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- Are the following entities subject to the requirements of OPRA:
  - a. Charter schools - Yes
  - b. Private schools that contract with a Board of Education – Maybe
  - c. New Jersey school boards' associations & school professionals' associations – Currently not considered a public entity for purposes of OPRA
  - d. New Jersey Inter-Scholastic Athletic Association – Currently not considered a public entity for purposes of OPRA

# Student Records (Cont'd)

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- **Family Educational Rights & Privacy Act (“FERPA”) (20 U.S.C. §1232g) WRITTEN CONSENT REQUIRED FOR DISCLOSURE OF NON-DIRECTORY PERSONALLY IDENTIFIABLE STUDENT INFORMATION**
- FERPA requires that school districts, with certain exceptions, obtain the written consent of parents or older students prior to the disclosure of personally identifiable information from a student’s education records.
- However, the school district may disclose appropriately designated “**directory information**” without written consent, unless the parent or older student have advised the district to the contrary by “**opting-out**” of disclosure in accordance with district procedures.
- Parents or older students must “opt-out” of disclosure within a time frame established by the school district. Failure to affirmatively “opt-out” leads to the disclosure of directory information.

# What is Directory Information?

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- **Directory information**, which is information that is generally not considered harmful or an invasion of privacy if released, **can also be disclosed to outside organizations without the consent** of a parent or older student. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.
- **The following information may be designated as “directory information:”**

- |                           |   |
|---------------------------|---|
| i. Student name           | viii. Dates of attendance                                     |
| ii. Address               | ix. Grade level   |
| iii. Telephone number     | x. Participation in officially recognized activities & sports |
| iv. E-mail address        | xi. Weight and height of members of athletic teams            |
| v. Photograph             | xii. Degrees, honors, & awards received                       |
| vi. Date/place of birth   | xiii. Most recent educational agency or institution attended  |
| vii. Major field of study |   |

# Disclosure of Certain Student Information On Internet Prohibited

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- N.J.S.A. 18A:36-35: Written parental consent on a form developed by the Department of Education is required for disclosure of personally identifiable student information on school websites.
- Each school district and charter school with a website may not disclose personally identifiable information about a student without receiving prior written consent from the student's parent or guardian. "Personally identifiable information" means student names, student photos, student addresses, student e-mail addresses, student phone numbers, and location and times of class trips.

# Armed Services Recruitment in Schools

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- Directs local school districts to adopt regulations which allow military recruiters the same access to school facilities and student information directories that is provided to educational and occupational recruiters.
- In addition, federal law requires local educational agencies receiving assistance under the *Elementary and Secondary Education Act of 1965* to provide military recruiters, upon request, with students' names, addresses and telephone numbers, unless the parent or older student indicates that they don't want this information released without prior written consent.
  - a. Section 9528 of the *Elementary and Secondary Education Act* (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001*
  - b. 10 U.S.C. 503, as amended by Section 544, the *National Defense Authorization Act for Fiscal Year 2002*.



# GRC Decisions Involving Schools

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- No special treatment for school records exists in OPRA.
- Reasons for non-disclosure of school records derive from 25 statutory exemptions or other laws, regulations or statutes.

# Staff Research Papers in Lower Education

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- In Fenichel v. Ocean City Bd. Of Educ. GRC Complaint No. 2002-82 (January 2003), the custodian denied access to the complainant's request seeking "[r]esearch papers authored by school staff for projects approved by school administrators and paid for with public funds," as a personnel record. N.J.S.A. 47:1A-10.
- The Council found that the research papers were not included within the limitations of N.J.S.A. 47:1A-10, which prohibits release of information from personnel records with certain exceptions. These exceptions do not include research papers by faculty, nor was the research performed at an institution of higher learning, which is exempt from access under N.J.S.A. 47:1A-1.1.
- Records ordered disclosed with redactions to protect student names and identity of research subjects.

# Staff Research Papers in Higher Education

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- In Rosenbaum v. Rutgers Univ, GRC Complaint No. 2002-91 (January 2004), the custodian denied the complainant's request for written responses to an opinion survey questionnaire conducted by the Center of Wildlife Damage Control (Rutgers University) in 1998, claiming that the information requested was research records exempt from disclosure under OPRA.
- The Council determined that the survey responses sought by the complainant were academic research records exempt from disclosure under N.J.S.A. 47:1A-1.1, because they contained specific details of a research project conducted under the university's auspices.
  - N.J.S.A. 47:1A-1.1.
  - “a government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:
    - Pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.”

# Properly Seeking Clarification

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- In Leibel v. Manalapan-Englishtown Regional Bd. Of Educ., GRC Complaint No. 2004-51 (September 2004), the custodian denied access to the complainant's request seeking all bills pertaining to the running of the bus garage and transportation office, all documents pertaining to the maintenance of each individual bus, and all documents pertaining to the State inspection of each bus, stating that request was overbroad.
- The Council determined that the custodian did not violate OPRA by seeking clarification and that he lawfully denied access the request because the it was overly broad.

# Council's Authority to Adjudicate

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- Complainant sought copies of the New Jersey Department of Community Affairs ("DCA") approved layout plans for Edison High School: specifically, reconstruction work in 8 specific classrooms from 2000 to 2006, with stamped seals and a copy of "Form 124" from Facilities Planning (Dep't of Education and/or DCA showing district disposition with regard to this form)
- Custodian provided some, but not all, of the requested records and certified that he did not possess the records which were not provided.
- Council found that no unlawful denial of the plans had occurred because under N.J.S.A. 47:1A-7(b), the GRC did not have authority to determine what files an agency must maintain nor does it have authority over the content of a record.

# Admission Files, Test Scores and Teacher Recommendations

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- In Bava v. Bergen Cnty. Sch. Dist., GRC Complaint No. 2003-84 (January 2004), the complainants sought the admissions file, test scores, teacher recommendations, and comparison test scores for their daughter
- The custodian denied access to the teacher recommendations citing "confidentiality" as well as Dep't of Education ("DOE") regulations and denied access to the admissions test scores of other students, citing DOE regulations restricting access to "pupil records" to parents of those students.
- The Council determined that:
  - a student's teachers' recommendations are part of a student's "pupil record" pursuant to N.J.A.C. 6:3-6.1-6.3 and are not publicly accessible under OPRA.
  - Based on the information presented to the custodian regarding "comparison test scores," the custodian reasonably interpreted the term as a request for all applicants test scores and names.
  - A student's score on an admissions test is part of their "pupil record" pursuant to N.J.A.C. 6:3-6.1-6.3 and is not publicly accessible under OPRA.

# Payroll Records

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- In Burdick v. Franklin Twp. Bd. Of Educ. (Hunterdon), GRC Complaint No. 2007-74 (Interim Order dated October 31, 2007), the complainant sought “[a]ttendance records of all full time employees and all members of the administration . . . for the period of July 1, 2005 to June 30, 2006 . . .”
- The custodian denied access, citing N.J.S.A. 47:1A-10, and noting that attendance records are not kept as payroll records in the normal course of business.
- The Council, however, determined that the custodian unlawfully denied access to the attendance records because same constituted payroll records in accordance with Weimer v. Township of Middletown, GRC Complaint No. 2004-22 (August 2005). *See also Jackson v. Kean Univ.*, GRC Complaint No. 2002-98 (February 2004)(defining “payroll record” for purposes of OPRA). Therefore, the requested records should be released as a payroll record pursuant to N.J.S.A. 47:1A-10.

# Student Disciplinary Records

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- In White v. William Paterson Univ., GRC Complaint No. 2008-216 (August 2009), the complainant sought an unredacted copy of the audio recording of his disciplinary hearing.
- In accordance with its prior decision in C.W. v. William Paterson Univ., GRC Complaint No. 2003-80 (August 2009), the Council determined that the custodian lawfully denied access to the redacted portions of the recording.



# Handwritten Student Notes

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- In Sage v. Freehold Reg'l High Sch. Dist. (Monmouth), GRC Complaint No. 2010-108 (Final Decision dated November 29, 2011), the Council conducted an *in camera* review of a handwritten note responsive to the complainant's OPRA request
- The Council determined that the note was exempt as ACD material because it contained “. . . information of an alleged incident between a student and employee of the school district and was used in preparation of the school district's Final Incident Report.” Id. at 6.

# Teacher Transcripts

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- In Herron v. NJ Dep't of Educ., GRC Complaint Nos. 2011-324 (Interim Order dated December 18, 2012), the custodian provided the complainant with the requested transcripts with redactions for, among other information, grade point averages ("GPA").
- The Council conducted a balancing test on the redactions and determined that redaction of individual grades was appropriate. However, the Council determined that the custodian unlawfully denied access to the GPA under N.J.S.A. 47:1A-10. *See also* Bonanno v. Garfield Bd. of Educ., GRC Complaint No. 2006-62 (Interim Order dated July 2007) because:
  - The NJ Dep't of Education's regulations at N.J.A.C. 6A:9-16 require a teacher to confirm with certain requirements when seeking employment in the State, to include at least a cumulative GPA of 2.50. N.J.A.C. 6A:9-8.1(a)2.
  - Thus, cumulative GPAs are considered “. . . data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension. . . .”

# Ethics Forms

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- In Vargas v. NJ Dep't of Educ., GRC Complaint No. 2012-126 (April 2013), the complainant disputed redactions of street addresses on the responsive ethics forms.
- The Council conducted a balancing test and determined that the Custodian lawfully redacted the responsive records.
  - The Council reasoned that: “The Complainant is currently in possession of the information she seeks, namely, whether the school board members reside in the City of Camden. Additionally, the education law does not require school officials to include addresses of real property owned on the financial disclosure statements. N.J.S.A. 18A:12-26. Thus, the Council’s decision in Walsh v. Township of Middletown (Monmouth), GRC Complaint No. 2008-266 (Interim Order dated November 18, 2009), holding that the addresses contained on local government financial disclosure statements, is inapplicable here.” Id. at 5.

# Closed Session Minutes

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- In White v. Monmouth Reg'l Sch. Dist., GRC Complaint No. 2012-218 (Interim Order dated September 24, 2013), the Council conducted an *in camera* review of closed session minutes in which the custodian redacted student initials, student and parent names, staff member names and the name of a citizen threatening litigation.
- The Council determined that the custodian lawfully denied access to the student initials and student/parent names under FERPA and lawfully denied access to teacher names under N.J.S.A. 47:1A-10.
- The Council determined that the custodian unlawfully denied access to the citizen's name because said redaction did not fall within the attorney-client privilege as argued by the Custodian. Thus, the Council ordered disclosure of the minutes without redactions for the citizen's name.

# New & Noteworthy

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- Rodriguez v. Kean Univ., GRC Complaint No. 2013-69 (March 2014)
  - Here, the GRC reversed its prior decision in Kaplan v. Winslow Township Board of Education (Camden), Complaint No. 2009-148 (Interim Order dated June 29, 2010) by providing that custodians have the ability to refer requestors to the exact location on the internet where a responsive record can be located. Id. at 3-4.

Part 3:  
Questions & Answers

# GRC News Service

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- Sign up to receive free e-mail updates regarding OPRA, precedential cases, and new issues of *The OPRA Alert*.
- [www.nj.gov/grc/news/news](http://www.nj.gov/grc/news/news).
- Simply enter your e-mail address online.



# GRC Contact Information

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## New Jersey Government Records Council

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Trenton, NJ 08625-0819

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