

WALL TOWNSHIP PUBLIC SCHOOLS
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY
PO Box 1199
Wall, New Jersey 07719-1199

Brian J. Smyth
Business Administrator / Board Secretary

Phone: 732-556-2016
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April 27, 2017

Dena Augustyn

Re: OPRA 17-075

Dear Ms. Augustyn,

The Wall Township Board of Education received your Open Public Records Act (OPRA) request on April 6, 2017 and supplemental Open Public Records Act (OPRA) on April 18, 2017.

Your OPRA request sought access to the following:

OPRA of April 6, 2016:

"A. All current insurance policy(ies) which provides coverage to the Wall Township Public School District, in whole or in part, for the defense and settlement of claims, including but not limited to fees associated with representing the District in a lawsuit and payment of prevailing party fees awarded to an adverse party.

B. All settlement agreements related to formally initiated disputes between Wall Township Public School District, and parents of students (i.e., pursuant to a mediation request, due process petition, or judicial or administrative complaint) related to the provision of special education services that were executed in the past five (5) years, where the counterparties were parents (or a single parent) of a child or children for whom special education services were or are either provided or sought (personally identifiable information redacted).

C. A copy of all contracts with receiving schools (i.e. private schools or public schools) that accept students from Wall Township at Wall Township's expense that have been effective within the past five (5) years. That is, if a contract was executed longer than five (5) years ago, but was effective within the past five years, it is intended to be included in this request.

D. All records of communications, (a) sent to or received by Heather Pizzuro, Case Manager, or (b) sent to or received by Carol Duffy, Supervisor of Special Education, including but not limited to, emails, letters, notes of phone conversations, and any other documentation of communication maintained by the District (i) requesting home instruction by a parent for a student, (ii) responding to a parental request for home instruction, or (iii) discussing a parental request for home instruction that was dated from the start of the 2014/2015 school year until today. In particular, this includes (but is not limited to) communications (such as emails) that were "cc'ed" or "bcc'ed" to Ms. Pizzuro or Ms. Duffy. We do not request or demand the use of search terms in searching electronic records. However, if you certify that you have disclosed all emails and electronic information containing the term "home instruction," we will accept that production as sufficient.

E. All records of communications, including but not limited to, emails, letters, notes of phone conversations, and any other communication recorded and maintained regarding home instruction sent

by, addressed to, or received by Carol Duffy, Supervisor of Special Education, for the past two (2) years, beginning at the start of the 2014/2015 school year.

F. All records of communications, including but not limited to, emails, letters, notes of phone conversations and any other communication recorded and maintained which was a request for home instruction, made within the past three (3) years, and all responses to such requests.

G. All invoices submitted for the provision of home instruction for the past two (2) years, beginning at the start of the 2014/2015 school year.

H. All checks written in response to invoices submitted for the provision of home instruction for the past two (2) years, beginning at the start of the 2014/2015 school year.

Supplemental OPRA of April 18, 2017:

A. All records, including but not limited to published and online advertisements, email and written correspondence, notes from meetings, phone calls, and interviews, which are advertisements to obtain a biology home instructor for M.A. in the past two (2) years, beginning with the 2015-16 school year.

B. All records of communication between any member of the Wall Township School District and any representative of the Monmouth Ocean Educational Services Commission ("MOESC"), including but not limited to emails, letters, notes of phone conversations, and any other communication recorded and maintained which are related to provision of a biology home instructor for M.A. during the 2016-17 school year."

In response to your April 6, 2017 OPRA request:

Item A., attached please find Wall Township Public School district's Insurance Policies for the 2016-17 school year: Casualty Policy 16-17; School Leaders 16-17 Professional Policy; Wall BOE 16-17 Member Dec page; and Wall BOE 16-17 School Leaders Dec.

Item B., attached please find OPRA 17-075 Settlement Agreements, which includes settlement agreements between Wall Township Public School District, and parents of students for the 2012-13, 2013-14, 2014-15, 2015-16, and the 2016-17 school years. In accordance with your request, we have redacted any personal identifiable information.

Item C., attached please find OPRA 17-075 OOD Tuition Contracts 2016-17, that includes contracts with receiving schools that accept students from Wall Township at Wall Township's expense for the 2016-17 school year. In accordance with your request, we have redacted any personal identifiable information. Your request for school years 2012-13, 2013-14, 2014-15, and the 2015-16 are in storage and still require redaction and therefore require additional time to provide. We therefore request an extension as permitted under NJSA 47:1A-5.i. until, Friday, May 12, 2017, to provide the remainder of the requested records under this item.

Items D. and E., require additional time to provide due to the amount of records to be reviewed for the purpose of redacting personal identifiable information in accordance with your request, or to redact due to attorney client privilege. A search of archived emails from the start of the 2014-15 school year to date responsive to your requests under D and E total more than 1,948 emails and therefore, as permitted under NJSA 47:1A-5.i., we request an extension until May 12, 2017 to provide these records.

Item F, your request is overly broad and fails to identify with reasonable clarity the specific government records sought, as is required by Bent v. Stafford Police Department, 381 NJ Super 30,37 (App. Div. 2005). Please know that a search of email correspondence alone, with the search criteria "home instruction", from the start of the 2014-15 school year to date, identified more than 57,000 emails.

Items G., and H., in response to your request for invoices and checks for the provision of home instruction for the past two (2) years, beginning at the start of the 2014-2015 school year, your request will require additional time due to the records being in storage and require redaction of personal identifiable information in accordance with your request.. At this time we anticipate having these records available on or before Friday, May 5, 2017.

In response to your April 18, 2017 supplemental OPRA request:

Items A., and B., unless there is a Release of Student Records for "M.A." by the parent or legal guardian, the district is unable to comply with your request. Any release of information, specifically applying to "M.A." would violate that student's right to confidentiality. See Pupil Records Statute (P.R.S.) under N.J.S.A. 18A.

These records, totaling 369 pages, are being transmitted to you via e-mail, as per your request. Pursuant to N.J.S.A. 47:1A-5.b., the cost associated with this request is \$0.00.

If your request for access to a government record has been denied or unfiled within the seven (7) business days required by law, you have a right to challenge the decision by the Wall 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,



Brian J. Smyth
Business Administrator

BJS/dc

Cc: Cheryl Dyer, Superintendent