



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 20, 2025 Government Records Council Meeting

Klarida Papajani
Complainant

Complaint No. 2023-160

v.

Pascack Valley Regional High
School District (Bergen)
Custodian of Record

At the May 20, 2025, public meeting, the Government Records Council (“Council”) considered the May 13, 2025, Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the Custodian did not unlawfully deny access to the disputed portions of the Complainant’s OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 20th Day of May 2025

John A. Alexy, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: May 27, 2025



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 20, 2025 Council Meeting**

**Klarida Papajani¹
Complainant**

GRC Complaint No. 2023-160

v.

**Pascack Valley Regional
High School District (Bergen)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies via e-mail of:

1. “[A]ll homework, tests, quizzes, projects, *etc.* but no[t] limited” that the Complainant’s child submitted to the Physics teacher “with his notes on each one” for the 2022-2023 school year.
2. “[A]ll missing homework, tests, *etc.* not not limited” that the Complainant’s child missed in the 2022-2023 school year.
3. Physics teacher’s class schedule for the 2022-2023 school year.

Custodian of Record: Yas Usami

Request Received by Custodian: June 21, 2023

Response Made by Custodian: June 29, 2023

GRC Complaint Received: July 11, 2023

Background³

Request and Response:

On June 21, 2023, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On June 29, 2023, the Custodian responded in writing disclosed 211 pages of records and a video explanation from the teacher of how the Pascack Valley Regional High School District’s (“District”) learning platform made it “impossible for [him] to comply” with the Complainant’s OPRA request.

¹ No legal representation listed on record.

² Represented by Rodney T. Hara, Esq., of Fogarty & Hara, Esqs. (Fair Lawn, NJ).

³ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

Klarida Papajani v. Pascack Valley Regional High School District (Bergen), 2023-160 – Findings and Recommendations of the Executive Director

Denial of Access Complaint:

On July 11, 2023, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the Custodian failed to disclose any of the teacher’s notes on tests or projects responsive to a portion OPRA request item No. 1. The Complainant further argued that the Custodian did not identify missing homework, tests, projects, *etc.*, as requested in OPRA request item No. 2.

Statement of Information:⁴

On December 27, 2023, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA request on June 21, 2023. The Custodian certified that his search included contacting the District’s technology department and other individuals that may possess responsive records. The Custodian certified that he responded in writing on June 29, 2023, disclosing 2011 pages of records and a video explanation of how the District’s learning platform limited the universe of responsive records.

The Custodian contended that there were no records sought by the Complainant that existed at the time of his response to the subject OPRA request. The Custodian cited Pusterhofer v. N.J. Dep’t of Educ., GRC Complaint No. 2005-49 (July 2005) and Paff v. Twp. of Berkeley Heights (Union), GRC Complaint No. 2007-271 (November 2008) in support of his argument.

Analysis

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

In Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010), the Council found that the custodian did not unlawfully deny access to the requested records based on the custodian’s certification that all such records were provided to the complainant. The Council held that the custodian’s certification, in addition to the lack of refuting evidence from the complainant, was sufficient to meet the custodian’s burden of proof. See also Burns v. Borough of Collingswood, GRC Complaint No. 2005-68 (September 2005); Holland v. Rowan Univ., GRC Complaint No. 2014-63, *et seq.* (March 2015).

In the instant matter, the Complainant sought records related to her child’s performance in Physics for the 2022-2023 school year. The Custodian responded in writing disclosing 211 pages of records and a video explanation of how the District’s learning platform limited the universe of responsive records. This complaint followed, wherein the Complainant contended that the

⁴ On August 4, 2023, this complaint was referred to mediation. On November 28, 2023, this complaint was referred back to the GRC for adjudication.

Klarida Papajani v. Pascack Valley Regional High School District (Bergen), 2023-160 – Findings and Recommendations of the Executive Director

Custodian failed to disclose to her teacher's notes on her child's Physics work and any missing assignments. In the SOI, the Custodian certified that he provided all records that existed.

The GRC, having reviewed the disclosed records and the teacher's video explanation of the District's learning platform, is persuaded that the Custodian disclosed all records responsive that existed. Most compelling is the teacher's explanation that the child did not give him "Edit Access" on the District's learning platform to view notes and provide written feedback.⁵ Instead, the explanation reveals that his feedback was verbal and that the child was optionally able to chronical that feedback on her own in the learning platform. Further, the Complainant failed to present any competent credible evidence to refute the Custodian's certification or the video explanation.

Accordingly, the Custodian did not unlawfully deny access to the disputed portions of the Complainant's OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis, GRC 2009-156, *et seq.*

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian did not unlawfully deny access to the disputed portions of the Complainant's OPRA request. N.J.S.A. 47:1A-6. Specifically, the Custodian certified, and the record reflects, that he provided all responsive records that existed. See Danis v. Garfield Bd. of Educ. (Bergen), GRC Complaint No. 2009-156, *et seq.* (Interim Order dated April 28, 2010).

Prepared By: Frank F. Caruso
Executive Director

May 13, 2025

⁵ Given the teacher's explanation of how the platform operates, it is likely the Complainant's child can access the same records at issue here.

Klarida Papajani v. Pascack Valley Regional High School District (Bergen), 2023-160 – Findings and Recommendations of the Executive Director