

# Lawsuit filed against City BOE

## Former Clifton councilwoman files OPRA suit

By Maggie Katz  
Staff Writer

CLIFTON – A former councilwoman has filed a civil lawsuit against the Clifton Board of Education regarding a rejected Open Public Records Request (OPRA) seeking settlement agreements it reached with various parties.

The lawsuit filed on April 29 by Mary Sadrakula against the BOE and its custodian of records Karen Perkins alleges documents requested under OPRA were wrongly denied. The requested documents are settlement agreements entered into by the BOE, which the district's business office stated were denied due to being special education student records, according to the district's response letter addressed to Sadrakula.

OPRA is a state law which gives the public more access to government records maintained by public agencies within the

SEE SUIT, PAGE 4

### SUIT

FROM PAGE 1

state. School districts, along with state and local governing agencies, are considered public and custodians of government records. Any resident of the state may request public records from the respective agency which must deliver a response within seven business days.

The original OPRA request filed by Sadrakula on Feb. 24 requested

several types of records including those pertaining to complaints filed against the BOE in the past year and settlement agreements entered into by the BOE in the past two years.

The BOE requested a two-week time extension to provide settlement agreements Sadrakula requested, which were then provided on March 18.

However, several of the records responsive to her request were denied for student record confidentiality reasons, according to the

district's written response, which was forwarded to *Clifton Journal* along with other paperwork filed to the state superior court by Sadrakula's lawyer, Walter Luers, Esq.

According to Title 6A:32-7.5, which the BOE cited in its response according to submitted documents, various school personnel, authorized agencies and state government are allowed access to the records. The statute makes no mention of private citizen requests, but mentions the individuals must

also adhere to state statute, Family Education Right and Privacy Act (FERPA) and OPRA law.

Sadrakula's verified complaint states she has a "common law right of access to receive the settlement agreements" and the BOE has "no legitimate interest in maintaining the secrecy of these documents."

Luers said the issue of settlement agreement disclosure is currently a "hot issue" and the BOE should have disclosed the document with redactions of personal information, rather than answering with a denial.

"Our position is that special education settlement agreements – they get disclosed. You may have to redact personal information such as full names and home

addresses... but you still get the agreements."

He said settlement agreements may include dollar amounts to be paid for fees or agreements to hire consultants.

"They're meaningful. They can have meaningful terms."

A court date is currently scheduled for June 24, which may change dependent on scheduling conflicts. The BOE must file opposition papers by June 10 and Sadrakula must reply by June 17.

Clifton BOE general counsel Yaacov Brisman of Cleary, Giacobbe, Alfieri & Jacobs could not be reached prior to *Clifton Journal's* press deadline.

Email: [katz@northjersey.com](mailto:katz@northjersey.com)