



# EASTHAMPTON PUBLIC SCHOOLS

## EASTHAMPTON MUNICIPAL BUILDING

50 Payson Avenue, 2<sup>nd</sup> Floor

Easthampton, MA 01027

(413) 529-1500 TEL

(413) 529-1567 FAX

www.epsd.us

Via Email

October 24, 2016

Jorge Manuel Teixeira,  
infoshinesunlight@gmail.com

### **Re: Public Records Request to Easthampton Public Schools**

Dear Mr. Teixeira,

Via an email from the above-referenced address, received on October 17, 2016 and addressed to “Superintendent”, you requested “settlement agreements entered into by your School District with parents and guardians, from January 1, 2011 through today, relative to the provision of special education services and/or educational placement(s) for students with disabilities, redacted of all personally identifying information.”

Your public records request appears similar to the request at issue in Champa v. Weston Pub. Sch., 473 Mass. 86 (2015). In that case, the Supreme Judicial Court held that settlement agreements regarding placement of students with disabilities in out-of-district private educational institutions qualify as “education records” under the Family Educational Rights and Privacy Act (FERPA), and that such settlement agreements also contain information that relates to specifically named individuals, the disclosure of which may qualify as an unwarranted invasion of personal privacy. Therefore, settlement agreements fall within two different exemptions to the public records law. M.G.L. c. 4, § 7, Twenty-sixth(a),(c). However, the Supreme Judicial Court also concluded that settlement agreements may be redacted to remove personally identifiable information, after which they become subject to disclosure under the public records law. Id., 473 Mass. at 87.

In accordance with the Champa decision, **Easthampton Public Schools** will provide you with redacted versions of all settlement agreements in the District’s possession, custody, and control dating from January 2011 to October 2016, upon payment of a reasonable fee (as estimated below). In accordance with Champa and FERPA, the District will redact all personally identifiable information from each agreement, including all references to the individual student’s services, programming, disability, progress, and needs. 34 C.F.R. §§ 99.3, 99.31(b)(1); Champa, 473 Mass. at 97 (finding that information about the child’s services, programming, disability, progress, and needs is “highly personal” such that disclosure would constitute an unwarranted invasion of personal privacy.) The financial terms, if any, contained in the agreements will not be redacted. Champa, 473 Mass. at 97.

Pursuant to 950 CMR 32.06(1), the District requests that you pay a reasonable reproduction fee of **\$178.50**. This fee includes 10 (ten) hours of staff time spent searching, segregating, and redacting the records based on an hourly rate of \$17.85. Checks can be made payable to the Easthampton Public Schools and mailed to the attention of Superintendent Nancy Follansbee.

The District reserves its right not begin the process of searching, segregating, and redacting the requested records until it has received payment of the above estimated fee. Along with the fee, please provide a postal mailing address to which the District may send the requested records.

Thank you for your attention.