
One Courthouse Lane Chelmsford, Massachusetts 01824 Tel 978.459.6320 Fax 978.452.9737

November 15, 2016

[Via Electronic Mail to infoshinesunlight@gmail.com](mailto:infoshinesunlight@gmail.com)

Re: Public Records Request

Dear Mr. Teixeira:

You have requested documents in the possession, custody or control of Dracut Public Schools pursuant to the Massachusetts Public Records Law, MASS. GEN. LAWS. ch. 66, § 10. Specifically, you requested information relating to settlement agreements relative to special education services and/or educational placements for students with disabilities entered into by Dracut Public Schools with parents and guardians of said students from January 1, 2011 through November 7, 2016. Kindly allow this correspondence to serve as Dracut Public Schools' response to your request in accordance with MASS. GEN. LAWS. ch. 4, § 7(26), MASS. GEN. LAWS. ch. 66, § 10 and MASS. REGS. CODE tit. 950, § 32.00.

In Champa v. Weston Public Schools, 473 Mass. 86 (2015), the Massachusetts Supreme Judicial Court held that settlement agreements are educational records under the Family Educational Rights and Privacy Act (FERPA) are confidential and therefore may not be disclosed because they fall within an exemption to the definition of a "public record" under MASS. GEN. LAWS. ch. 4, § 7(26)(a and c). However, the Court found that said law places an affirmative obligation on school districts to redact personally identifying information from a settlement agreement and once a settlement agreement is redacted, it becomes a public record that must be disclosed.

Thus, Dracut Public Schools will produce redacted copies of settlement agreements relative to the placement of students in out-of-district private educational institutions from January 1, 2011 through November 7, 2016 upon the receipt of payment for the cost associated with search, segregation, redaction and copying of said agreements pursuant to MASS. REGS. CODE tit. 950, § 32.06. Twenty-six (26) settlement agreements which are responsive to your request have been identified. MASS. REGS. CODE tit. 950, § 32.06(1)(c) allows Dracut Public Schools to charge a fee "based on the hourly rate of the lowest paid employee capable of performing the task may be assessed for search time and segregation time expenses, as defined by MASS. REGS. CODE tit. 950, § 32.03. In addition, a per page copying fee under

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MASS. REGS. CODE tit. 950, § 32.06(1)(b) may be assessed". Dracut Public Schools estimates it will take eight (8) hours to search, segregate and redact said agreements. The hourly rate of the lowest paid employee capable of performing the search, segregation and redaction is forty-eight and 85/100 (\$48.85) dollars. As a result, the requested documents responsive to your request will be provided to you upon your remittance of three hundred ninety and 80/100 (\$390.80) dollars by check made payable to Dracut Public Schools, to William Frangiamore, School Business Administrator, 2063 Lakeview Avenue, Dracut, Massachusetts 01826.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian T. Akashian", written in a cursive style.

Brian T. Akashian

BTA:bta

CC: Steven Stone, Superintendent of Schools