

October 19, 2016

Jorge Manual Texeira

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL AT: www.shinesunlight@gmail.com

Re: Public Records Request

Dear Mr. Texeira:

On October 15, 2016, this office received a request from you for certain records under the Massachusetts Public Records law. As the Keeper of the Records for the Fitchburg Public School District, and on behalf of the District, I am responding to your request. In your correspondence, you requested the following records:

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 student with disabilities, redacted of all personally identifiable information.

The District, in good faith, estimates the following costs associated with the searching, redacting, segregating, photocopying, and refiling of such written communications to be a total cost of \$492.96.

The District will provide the requested documents or portions of those documents that are not specifically or by necessary implication exempted by statute. M.G.L. c. 4, § 7(26)(a); G.L. c. 71, §§ 34D, 34E; 20 U.S.C. §1232g; and the Individuals with Disabilities Education Act ("IDEA"). Additionally, the District will withhold those documents or portions of those documents that are exempt from disclosure because they contain material, "relating to a specifically named individual the disclosure of which may constitute an unwarranted invasion of privacy." G.L. c. 4, § 7(26)(c). More specifically, as acknowledged and agreed to in your request, the District will redact the documents responsive to your request to ensure the removal of any personally identifiable information so that the confidentiality of students is protected in a manner consistent with the above-referenced statutes and regulations as well as *Champa v. Weston Public Schools & Others*, 473 Mass. 86 (2015).

My office estimates that the costs related to your request, including the cost of searching for private settlement agreements, costs related to the segregation of those agreements and individual review of each of the educational records to ensure the maintenance of confidential student record information to be as follows: 8 hours at \$30.81 per hourly wage of Fitchburg Public Schools Support Staff search for those records totaling \$246.48. The estimated cost of redacting the personally identifiable information from the private settlement agreements, which is required in accordance with the legal exemptions above, is as follows: 8 hours at a rate of \$30.81 per hour totaling \$246.48.

The estimate above is based on the lowest hourly rate of those capable of performing the work and – as set forth in detail above – includes work to be performed by District staff, as well as

counsel. Please also note that this detailed good faith estimate does not include the per page cost of reproducing these records (\$0.05 per page) or the cost of postage should you request that the documents be mailed to you.

Please be advised that the actual cost of producing the record might vary once the Fitchburg Public Schools begins preparing the record. The District will commence gathering documents responsive to your request once the estimated fee is paid. The above estimate is due, in part, to the broad scope of your request. If you elect to narrow the scope of your request, please notify the District in writing and the District will provide you with an updated cost estimate for any such revised request.

You may appeal this decision in writing within ninety (90) days to the Supervisor of Public Records at the Office of the State Secretary, One Ashburton Place, Room 1719, Boston, Massachusetts, 02108.

Thank you for your attention to this matter.

Very truly yours,



Andre Ravenelle

Superintendent of Fitchburg Public Schools

cc: Roann Demanche, Director of Pupil Services