Parent Data Force — Opposition to Quincy Public Schools Fee/Time Petition and Sectio

Dear Supervisor Arthur and Public Records Division:

Please treat this email as both (1) my opposition to Quincy Public Schools' fee and time petition in SPR26/4087 and (2) my petition for a determination under G.L. c. 66, § 10A(a) concerning Quincy's September 29, 2026 response and $450 fee estimate.

I am attaching Quincy's September 29 direct response and its separately filed fee/time petition. Both reproduce the substance of my September 18 request, and the original request remains in the underlying email record.

1. The request was drafted to avoid the very confidentiality problem Quincy now relies upon.

The request seeks final or executed student-related settlement, resolution, MOU/MOA, mediation, and similar agreements from September 18, 2021 forward. It expressly excludes staff/employment matters and expressly states that I am not requesting student PII. It specifically authorizes redaction of names, addresses, student identifiers, dates of birth, and other identifying information. It also cites Champa v. Weston Public Schools, 473 Mass. 86 (2015), and asks for segregable, non-exempt portions rather than unredacted student records.

Thus, there is no dispute that legally protected student identifiers may be removed. The dispute is whether Quincy has shown that every page must be reviewed by outside counsel at $75 per hour, and whether six estimated hours of remaining review justify a maximum 30-business-day extension.

2. Quincy has not made an individualized showing that attorney review at $75 per hour is necessary for all 375 pages.

Quincy's petition says that settlement agreements are "typically documents that the District has negotiated with its attorneys," and from that premise concludes that attorneys must review the documents. That does not establish that the executed agreements themselves contain attorney-client privileged communications.

Massachusetts attorney-client privilege protects confidential communications made for the purpose of obtaining or providing legal services. See Massachusetts Guide to Evidence § 502. The mere fact that counsel participated in negotiating a final agreement does not transform the agreement itself into a confidential attorney-client communication. A final agreement is, by its nature, communicated to the other contracting party. If Quincy believes that a particular responsive document contains some discrete privileged material, it may identify and support that claim. But a generalized possibility of privilege does not establish that outside counsel is the lowest-paid person with the necessary skill to review every page.

The petition itself contains unusually strong evidence that the $75 rationale was not tailored to

this request. In the middle of its calculation, Quincy states:

"Each page of the invoices sought in the request must be reviewed to determine which exemption or privilege applies."

I did not request invoices. I requested final student settlement and resolution agreements. That language appears to belong to a different type of public-records request and substantially undercuts Quincy's claim that this petition is an actual, request-specific, good-faith showing that a $75 attorney rate is necessary here.

3. Student-record redaction does not, by itself, establish the need for outside counsel.

Quincy's substantive response principally relies on FERPA, 603 CMR 23.00, and Exemption (a) to justify removing student-identifying information. Those protections can require redaction, and my request expressly anticipated them. But Quincy has not explained why ordinary student-PII redaction cannot be performed by qualified District staff at the ordinary municipal rate, with counsel consulted only if an actual legal question arises.

This is especially important because Quincy estimates only about one minute per page for approximately 375 pages. If the task truly requires page-by-page legal analysis of attorney-client privilege so specialized that only $270/hour counsel can perform it, the one-minute-per-page estimate is difficult to reconcile with that characterization. Conversely, if one minute per page is sufficient, the task appears much closer to routine identification and redaction of student PII.

At minimum, the fee should be tiered: routine PII review/redaction by the lowest-paid qualified District employee, and attorney review only for specifically identified pages or issues that genuinely require legal analysis.

4. The $450 estimate is not sufficiently supported by a task-specific factual breakdown.

Quincy says it has already spent six hours searching and has identified approximately 375 responsive pages. It then charges $150 for those six search hours and estimates another six hours of review, less the two free hours, at the requested $75 rate.

But the response does not explain what the six search hours consisted of: which repositories or custodians were searched, what tasks were performed, how the time was allocated, or even how many responsive agreements are represented by the approximately 375 pages. A page count is useful, but it does not itself explain why the work required six search hours or why all remaining pages require attorney review.

G.L. c. 66, § 10(b)(viii) requires an itemized, good-faith estimate. Section 10(d)(iii) ties recoverable employee time to the lowest-paid person with the necessary skill, and § 10(d)(iv) permits a rate above $25 only upon the additional findings required by that subsection.

Quincy's current explanation does not establish those findings for all of the work claimed.

5. Quincy did not provide the meaningful narrowing assistance required by § 10(b)(vii).

My request expressly asked Quincy to identify a specific modification if one would materially reduce cost while preserving the substance of the request. Quincy's response merely says the estimate "may be reduced" if I narrow the time period. It does not propose a particular date range, identify which years account for most of the records, identify any category that is unusually burdensome, or offer another concrete modification based on Quincy's knowledge of its own records.

A generic statement that a requester can ask for less is not the same as using the custodian's knowledge of the records to suggest a reasonable, useful modification.

6. The requested 30-business-day extension is disproportionate to Quincy's own remaining-work estimate.

Quincy says the search has already been performed, approximately 375 pages have been identified, and the remaining review is estimated at about six hours. Yet Quincy requests an additional 30 business days primarily because its outside counsel represents other districts that received similar requests.

I recognize that counsel workload may be relevant to practical capacity, but it does not by itself establish good cause for the maximum municipal extension. G.L. c. 66, § 10(c) directs the Supervisor to consider the need to search, collect, segregate, or examine the records; the scope of legally required redaction; the municipality's capacity; efforts already undertaken; and the public interest served by expeditious disclosure. Here, the search is reportedly complete and the estimated remaining work is six hours.

I also expressly requested rolling production. Quincy does not explain why agreements that can be reviewed sooner cannot be produced in batches while any genuinely difficult records are reviewed later. A shorter extension coupled with rolling production would better fit the facts stated by Quincy itself.

7. Quincy's response is vague as to withholding and production.

The September 29 response says responsive records will need to be "redacted or withheld" under Exemption (a), but it does not identify which records, categories, or portions Quincy actually intends to withhold in full, or explain why segregation would be impossible for any such record. See G.L. c. 66, § 10(b)(iv). The response simultaneously acknowledges Champa's requirement that settlement agreements be disclosed after appropriate removal of identifying information.

If Quincy intends only to redact PII and produce the agreements, it should say so clearly. If it

intends to withhold any agreement in full, it should identify the record or category and provide the specific factual and legal basis required by § 10(b)(iv).

8. The statutory public-interest factor strongly favors limiting the requested fee.

This request is noncommercial. It is part of Parent Data Force's effort to compare how Massachusetts school districts use public funds and resolve student-related educational disputes, and to disseminate that information for public understanding. Under G.L. c. 66, § 10(d)(iv)(1), the Supervisor shall consider the public interest served by limiting the cost of public access when deciding whether to authorize an increased rate. I also renew my request that Quincy waive or substantially reduce any permissible fee under § 10(d)(v).

Requested relief

1. Deny Quincy's request for blanket authorization to charge $75 per hour for review of all approximately 375 pages; 2. Alternatively, limit any elevated attorney rate to discrete records or portions for which Quincy makes a specific showing that actual attorney-client privilege analysis is necessary, while requiring routine student-PII review/redaction to be performed by the lowest-paid qualified employee at the otherwise applicable rate; 3. Require Quincy to issue a revised, genuinely itemized estimate identifying the responsive record categories or number of agreements, the search and review tasks, time allocated to each task, the role performing each task, and the factual basis for the claimed time and rate; 4. Deny the requested 30-business-day extension or substantially shorten it in light of Quincy's representation that the search is complete and only about six hours of review remains; 5. Require rolling production of agreements as review is completed and a definite production date; 6. Determine that Quincy's September 29 response is insufficient to the extent it fails to identify with specificity any full-record withholding, provide a sufficiently individualized fee justification, or offer meaningful assistance to modify the request under § 10(b)(vii); and 7. Consider the strong noncommercial public-interest purpose of this request when ruling on the fee petition.

I reserve the right to appeal any substantive redactions or withholdings after Quincy actually produces the responsive records.

Thank you for your review.

Sincerely, Joey Ford