SPR Appeal — Westwood Public Schools — Sept. 29, 2026

Dear Supervisor of Records:

I appeal *Westwood Public Schools' September 29, 2026 response and $520 fee estimate* concerning my September 23, 2026 public-records request for final or executed student-related settlement and resolution agreements. This appeal is brought pursuant to *G.L. c. 66, § 10A(a)* and *950 C.M.R. 32.08(1)*.

Westwood's entire fee calculation is: *School Department — 13.00 estimated hours — $40.00 per hour — $520.00.* It supplies no responsive-record count, page count, task breakdown, calculation of how the 13 hours were derived, description of what work will be performed, or legal basis for the labor categories included.

1. The $40 hourly rate exceeds the municipal cap absent prior approval by the Supervisor.

G.L. c. 66, § 10(d)(iii)(A) and 950 C.M.R. 32.07(2)(m)(3) generally cap municipal labor charges at *$25 per hour*. A municipality may exceed $25 only if the Supervisor approves a petition under G.L. c. 66, § 10(d)(iv) and 950 C.M.R. 32.06(4)(g)-(h).

Westwood has not furnished me with any petition seeking permission to charge $40 per hour or any determination approving such a rate. Indeed, Westwood's own September 23 acknowledgment expressly told me that the hourly rate *"'shall not exceed twenty-five dollars ($25.00) per hour.'"* The

September 29 fee estimate then charges $40 per hour without explanation.

Unless Westwood can identify a valid Supervisor determination authorizing the higher rate for this request, the $40 rate is not permissible.

2. The estimate is not an itemized, good-faith estimate under G.L. c. 66, § 10(b)(viii).

The statute requires an *itemized, good-faith estimate*. Westwood provides only a single undifferentiated 13-hour block labeled "School."

It does not state:

- how many potentially responsive records have been located;
- how many pages or files are expected;
- how the 13-hour figure was calculated;
- how much time is attributed to search/retrieval;
- how much time is attributed to compilation;
- how much time is attributed to responsiveness review;
- how much time is attributed to segregation or redaction;
- how much time is attributed to reproduction, scanning, or electronic preparation;
- which employee or class of employee will perform each task; or
- how the claimed hourly rate relates to the lowest-paid employee capable of performing the work.

A bare statement of total hours multiplied by a rate does not give the requester or the Supervisor a meaningful way to evaluate whether the

estimate is reasonable, necessary, or legally chargeable.

3. Westwood provides no objective record-volume basis for the 13-hour estimate.

Unlike an estimate tied to a known number of files, pages, custodians, repositories, or anticipated minutes per record, Westwood identifies no responsive-record universe at all. The response does not say whether 5 records, 50 records, or 500 records are believed responsive.

Without a record count or another objective measure of volume, there is no disclosed factual basis from which 13 hours can be reproduced or evaluated.

My original request specifically asked that any anticipated fee identify *"the actual tasks, time, rate, and factual basis for each component."* Westwood supplied none of those components beyond total time and total rate.

4. Westwood does not separate chargeable search/compilation work from segregation and redaction.

G.L. c. 66, § 10(d)(iii)(C) and 950 C.M.R. 32.07(2)(m)(4) prohibit a municipality from assessing segregation/redaction time unless that work is required by law or approved by the Supervisor.

My request expressly disclaims student PII and recognizes that legally required student-identifying information may be redacted. Some student-record redaction may therefore be chargeable if it is actually required by law. But Westwood's estimate does not say whether any part of the 13 hours is redaction, what information it expects to redact, what law

requires the redaction, or how much time is assigned to that work.

By combining every possible task into an unexplained 13-hour total, the response prevents any determination of which work is legally chargeable.

5. If Westwood seeks to charge for the first two hours, its response omits the population information required by 950 C.M.R. 32.07(2)(m)(2).

The *2020 decennial Census reports a population of 16,266 for Westwood*. A municipality of 20,000 persons or fewer may assess the first two hours in the circumstances permitted by the regulation, but the regulation expressly places the burden on the municipal RAO to provide the population-data information in responses in which it seeks to assess those fees.

The September 29 estimate appears to bill all 13 hours, yet it provides no decennial-Census population information at all. Accordingly, the present estimate does not satisfy the regulation governing assessment of those initial hours.

6. Westwood does not identify the public records or categories of records it intends to produce.

G.L. c. 66, § 10(b)(v) requires the written response to identify the public records or categories of public records the municipality intends to produce. Westwood's response merely states that it has "estimated the effort involved to comply." It does not identify any category of responsive agreements, state whether responsive settlement/resolution agreements have been located, or address whether the requested existing log/index exists.

7. Westwood provides no production timeframe.

G.L. c. 66, § 10(b)(vi) requires a reasonable timeframe for production when the municipality is not furnishing the records within the ordinary response period. For a municipality, the statutory timeframe ordinarily may not exceed 25 business days from initial receipt absent voluntary agreement or other authorized relief.

Westwood provides no completion date or timeframe. It says only that the request is "on hold" pending payment and that it will "start the process of creating the response" once payment is received. That does not tell me when the records will actually be produced.

8. Westwood does not provide the burden explanation or narrowing assistance contemplated by G.L. c. 66, § 10(b)(v) and (vii).

If Westwood believes the magnitude or difficulty of the request prevents timely production, the response should explain why and, where a reasonable modification could make production more efficient or affordable, suggest that modification or offer assistance in narrowing the request.

The response gives no description of the repositories to be searched, number of custodians, anticipated volume, unusual technical burden, or other facts explaining why 13 hours are necessary. It also proposes no narrower alternative at all, despite my original request expressly inviting a specific modification if one would materially reduce cost or burden.

9. The response omits the required appeal-rights notice.

G.L. c. 66, § 10(b)(ix) requires a response assessing a fee to inform the requester of the right to appeal to the Supervisor of Records and the right to seek judicial review in Superior Court.

Westwood's September 29 fee notice contains no such notice.

10. Westwood does not address the requested public-interest fee waiver or reduction.

My September 23 request expressly requested waiver or reduction under G.L. c. 66, § 10(d)(v), explaining that the request is noncommercial and intended to contribute to public understanding of the District's use of public funds and resolution of student-related educational disputes.

I recognize that waiver or reduction is discretionary, but the September 29 response gives no indication that Westwood considered the request at all.

11. The open-ended reservation of unspecified additional costs is not a substitute for a compliant estimate.

Westwood states that the "actual cost" may vary and that it may charge additional costs before producing the records. If Westwood later determines that additional fees are necessary, any further charge should be supported by a revised, itemized, good-faith estimate that identifies the additional tasks, time, lawful rate, and factual basis. The present estimate cannot support unspecified future charges.

12. The request should remain open while this timely appeal is pending.

Because the lawfulness and sufficiency of the demanded prepayment are being

timely challenged, I ask that request #2026-0280 remain open and that Westwood not treat nonpayment of the disputed $520 estimate while this appeal is pending as withdrawal or abandonment.

REQUESTED RELIEF

I respectfully ask the Supervisor to find the September 29 response and $520 estimate noncompliant and require Westwood to issue a revised response that:

- uses no hourly rate above $25 unless Westwood first establishes a valid Supervisor determination approving a higher rate for this request;
- provides the population information required by 950 C.M.R. 32.07(2)(m)(2) if it seeks to assess the first two hours;
- identifies the current number of potentially responsive records and/or another objective volume measure;
- separately itemizes search/retrieval, compilation, legally chargeable segregation/redaction, reproduction/scanning, electronic preparation, and any other claimed work;
- explains the factual calculation supporting the estimated time for each task;
- identifies the lawful hourly rate for each task and the basis for concluding it is the rate of the lowest-paid employee capable of performing the work;
- identifies each category of redaction for which fees are claimed and

the legal basis making that redaction chargeable;

- identifies the records or categories of records Westwood intends to produce, including whether the requested existing log/index exists;

- provides the reasonable production timeframe required by G.L. c. 66, § 10(b)(vi);

- provides any required burden explanation and reasonable narrowing assistance;

- includes the appeal-rights notice required by G.L. c. 66, § 10(b)(ix);

- addresses the requested public-interest fee waiver or reduction; and

- keeps request #2026-0280 open while this appeal is pending.

For completeness, I have attached:

1. my September 23, 2026 original request;

2. Westwood's September 23 acknowledgment, including its own statement that the hourly rate shall not exceed $25; and

3. Westwood's September 29 $520 fee estimate.

The municipal RAO and School Department contact are copied on this appeal.

Thank you for your review. Please confirm receipt.

Sincerely,

Joey Ford