ANDOVER
PUBLIC SCHOOLS
Massachusetts

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KEITH TAVERNA
Superintendent Of Schools

October 6, 2026

Via Electronic Mail Only
Joey@parentdataforce.com
To: Joey Ford, Parent Data Force
Re: Public Record Request – Andover Public Schools

Dear Joey Ford:

This letter is in response to your request for public records to the Andover Public Schools received on September 22, 2026. This correspondence is intended to address your specific request and production of the requested records subject to public disclosure under M.G.L. c. 66 §10.

In your request, you ask for copies of the following records:

> "[From September 18, 2021 to present], all final or executed student-related agreements resolving, compromising, settling, memorializing, or otherwise disposing of a dispute, claim, complaint, appeal, due-process matter, grievance, or other contested educational issue involving Andover Public Schools, including:
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> - Settlement agreements and settlement-and-release agreements;
> - Resolution agreements;
> - Memoranda of Understanding (MOUs);
> - Memoranda of Agreement (MOAs);
> - Mediation agreements;
> - Stipulations, consent agreements, or agreements for judgment/resolution;
> - Side agreements, side letters, or similar written agreements;
> - Amendments, addenda, extensions, or attachments that materially alter or form part of such agreements; and
> - Any other final written agreement, regardless of title, that resolves or memorializes the resolution of a student-related educational dispute.
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> This includes agreements involving **SPECIAL EDUCATION** matters, including but not limited to IDEA/G.L. c. 71B, BSEA matters, Section 504, ADA-related educational access, evaluations, eligibility, placement, services, accommodations, compensatory education, tuition or reimbursement, transportation, extended-school-year services, or other special-education rights or services.
>
> It also includes agreements involving **GENERAL EDUCATION** students or student matters, including, where applicable, student discipline or exclusion, access to educational

> programming, bullying/harassment or discrimination complaints, civil-rights complaints, educational services, enrollment, or other student-related disputes resolved through a written agreement."

In accordance with the Massachusetts Supreme Judicial Court's decision, Champa v. Town of Weston, 473 Mass. 86 (2015), the District will produce redacted copies of settlement agreements from September 18, 2021, through the present, regarding the placement of students in out-of-district private placements. To the district's knowledge, there is no other entity that may be in possession, custody, or control of the public records sought.

In Champa, the Court's decision was limited to settlement agreements pertaining to the placement of students in out-of-district private educational institutions, whereas your request seeks settlement agreements related to any "…dispute, claim, complaint, appeal, due-process matter, grievance, or other contested educational issue involving Andover Public Schools …." The Supreme Judicial Court did not address agreements which do not pertain to the placement of students in out-of-district private educational institutions. Therefore, your request seeks records beyond the Supreme Judicial Court's interpretation of permissible disclosure under the Massachusetts public record law.

The Andover Public Schools cannot provide you with copies of agreements that do not specifically pertain to a student's placement in an out-of-district private educational institution as they are outside the scope of the limited ruling in Champa and remain exempt from disclosure under the Massachusetts public record law pursuant to federal and state student and family privacy laws for the reason that they are student records. M.G.L c. 4, §7, Twenty-sixth, (a) and (c).

As recognized by the Supreme Judicial Court in Champa, the requested settlement agreements which are subject to public disclosure contain student Personally Identifiable Information (PII) which is protected by FERPA and the Massachusetts student record laws, and therefore any student PII contained within the agreements is exempt from disclosure under the public record law.[1] As custodian of the records, it is the school district's responsibility to segregate and redact the protected information from the requested agreements prior to their production. Champa also recognized that such redactions would need to be considered on a case-by-case basis. Districts must consider the request, the school and the community, and the availability to the requester of other information that indirectly identifies the student." Champa at 4. School districts must consider "not only [] the viewpoint of the public, but also from the vantage of those who are familiar with the individual." Id. at 5. Furthermore, the individual segregating the requested agreements will only know what information to redact if he or she has a full understanding of the student privacy laws and how they apply to the subject documents.

The Andover Public School District has identified approximately thirty-one (31) settlement agreements regarding the placement of students in out-of-district private placements from September 18, 2021

[1] 20 U.S.C. §1232g, as amended, 34 C.F.R. Part 99, 20 U.S.C. §1232h, 34 C.F.R. Part 98; M.G.L. c 66, §10, M.G.L. c. 71, §34, and 603 C.M.R. 23.00, et seq.

through present, which are responsive to your request. Fourteen (14) of the settlement agreements have already been redacted and are attached hereto.[2] Therefore, there exist approximately seventeen (17) unredacted settlement agreements responsive to your request. Based on a timed trial, I estimate that it will take approximately 5.17 hours to redact the 17 agreements. Current law permits the district to charge a fee "based on the hourly rate of the lowest paid employee who is capable of performing the task" 950 CMR 32.06(1)(c).[3] The law further states that municipalities with a population greater than 20,000 must provide the first two hours free.

At twenty-five dollars per hour ($25.00), the cost to you will be seventy-nine dollars and twenty-five cents ($79.25). This figure reflects the first two hours free, with a charge of $25.00 per hour for the next 3.17 hours (3.17 x 25 = 79.25). This is an estimate of actual redaction time, and it does not include the time and cost associated with reviewing district records to determine the number of agreements, pulling those agreements or consultation with the district's attorney.

Accordingly, the requested redacted agreements which are subject to public disclosure under the applicable law will be produced to you upon your remittance of $79.25. Should you still seek the redacted agreements, kindly forward a check payable to Andover Public Schools in this amount to Nicole L. Kieser, Director of Communications, Records Access Officer, Andover Public Schools, 30 Whittier Court, Andover, MA 01810.

Please note that you have the right to appeal to the supervisor of records and have the right to seek judicial review of the supervisor's decision in superior court under G.L. c. 66 §10A.



Nicole L. Kieser
Director of Communications
Records Access Officer
Andover Public Schools

[2] These fourteen agreements were previously requested, redacted, and produced pursuant to previous public records request. The estimated fee associated with this request does not include the redaction costs for these fourteen agreements.

[3] A school administrator would be the lowest paid employee who is capable of performing the redaction task. Redaction requires specific knowledge of FERPA and its regulations, state regulations, PII, and the application of that knowledge to the settlement agreements. An administrator's hourly rate exceeds $25.00. If Andover adopted the practice of employing individuals unfamiliar with student confidentiality laws to process public record requests, the district could be found in violation of federal and state privacy laws. Accordingly, an administrator complies with the Commonwealth's mandate to have the lowest paid employee who has the necessary skill required to redact records. Alternatively, the district's attorneys also possess the knowledge and skills necessary to make the redactions.