Methuen Public Schools

Interim Superintendent
9 Branch Street, Methuen, MA 01844

Lisa A. Golobski Twomey, Ed.D.
lagolobski@methuen.k12.ma.us

(978) 722-6007
FAX: (978) 722-6002

September 30, 2026

Via Electronic Mail at joey@parentdataforce.com

Joseph Ford
Parent Data Force

Re: Public Records Request

Dear Mr. Ford:

As the Records Access Officer of Methuen Public Schools ("Methuen" or "District"), I am writing in response to your records request, dated September 23, 2026. Your request seeks the following special education or general education documents from September 18, 2021 to the present:

1. *Please provide 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 Methuen Public Schools, including:*
    - *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.*
2. *If the District already maintains an existing log, index, spreadsheet, database export, or other existing record identifying responsive student-related agreements during this period, please include that existing record as well, with student PII redacted as necessary.*

As a threshold matter, please note that the Public Records Law applies only to documents. The law does not require a government entity to answer specific questions or to create records in response to a

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public records request. Therefore, to the extent that your requests seek specific information to be provided in a specific manner, please note that no new documents will be created to respond to the requests. Please also note that when the District receives public records requests, it is required to respond to such requests consistently regardless of the relationship between the requestor and the individuals whose information may be at issue.

Records that are not in the Custody, Control, or Possession of the District

Please note, after a thorough search, the District does not have in its custody, control, or possession any documents responsive to the following: Request No. 2.

Records That are Required to be Withheld or Redacted:

To the extent that any such record exists responsive to your request, the District would be required to withhold and/or redact applicable portions of such records in accordance with exemptions M.G.L. c. 4, § 7(26)(a) and M.G.L. c. 4, § 7(26)(c).

A. *Student Records*

To the extent that any such records constitute or contain student education records, those records are protected from disclosure under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g, and its implementing regulations at 34 C.F.R. § 99, as they contain personally identifiable information ("PII") regarding a minor child enrolled in the Methuen Public Schools. Accordingly, such records, or portions thereof, are exempt from disclosure pursuant to M.G.L. c. 4, § 7(26)(a), the statutory exemption.

Under 34 C.F.R. § 99.3, PII includes, but is not limited to: the student's name, the name of the student's parent or other family members; the address of the student or student's family; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates. 34 C.F.R. § 99.3.

In *Champa v. Weston Public Schools*, the Supreme Judicial Court held that settlement agreements concerning the placement of students in out-of-district private educational institutions constituted education records under FERPA and therefore fell within exemption (a). The Court further recognized that such agreements may contain information implicating the privacy protections of exemption (c). The Court explained, however, that such agreements may be redacted to remove personally identifiable information,

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after which the remaining portions may be subject to disclosure under the Public Records Law. See *Champa v. Weston Public Schools*, 473 Mass. 86 (2015).

Accordingly, to the extent responsive records contain PII protected by FERPA, the District will redact such information as required by law. Such information may include, but is not limited to, student and family names, addresses, identifying information concerning the student's family, and other information that, alone or in combination, could permit a reasonable person in the school community to identify the student with reasonable certainty.

B. Privacy

Additionally, to the extent any such records exist responsive to your request, such records may also contain information that is exempt from disclosure pursuant to would also be exempt under M.G.L. c. 4, § 7(26)(c), which protects records whose disclosure would constitute an unwarranted invasion of personal privacy. The exemption applies where the privacy interest implicated by disclosure outweighs the public interest in disclosure. See *Champa v. Weston Public Schools*, 473 Mass. 86 (2015); *Attorney Gen. v. Assistant Comm'r of the Real Prop. Dep't of Boston*, 380 Mass. 623, 625 (1980).

In determining whether disclosure would constitute an unwarranted invasion of personal privacy, Massachusetts courts consider, among other factors, whether disclosure would cause personal embarrassment to a person of normal sensibilities; whether the materials contain intimate details of a highly personal nature; and whether the same information is available from other sources. See *People for the Ethical Treatment of Animals, Inc. v. Dep't of Agric. Res.*, 477 Mass. 280, 292 (2017), citing *Globe Newspaper Co. v. Police Comm'r of Boston*, 419 Mass. 852, 858 (1995).

In *Champa*, the Supreme Judicial Court specifically recognized that student settlement agreements may implicate exemption (c) where they link an identifiable student and family to information concerning the student's educational services and programming, disability, progress, needs, or out-of-district placement. The Court explained that such information is highly personal and that disclosure may result in embarrassment or stigma. See *Champa v. Weston Public Schools*, 473 Mass. 86 (2015).

The same privacy considerations may apply to responsive 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. Such agreements may contain sensitive information concerning identifiable minor students and their families, including information regarding a student's conduct, educational needs, disciplinary history, complaints, services, family circumstances, or other matters of a highly personal nature.

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Accordingly, the District will review responsive records and withhold or redact information where disclosure would constitute an unwarranted invasion of personal privacy under M.G.L. c. 4, § 7(26)(c). The District will make any required redactions and will disclose all reasonably segregable portions of responsive records that are not otherwise exempt from disclosure.

Fee Estimate:

With regard to your request for a waiver of fees, you state that the requested records are intended to "contribute to the public understanding of the District's use of funds and its resolution of student-related disputes." This generalized statement, without more, is insufficient to demonstrate that disclosure of the requested records is likely to contribute to the public understanding of the District's operations or activities. Accordingly, the District is unable to grant your request for a fee waiver and will assess the applicable fee for the search, review, and redaction of responsive records in accordance with M.G.L. c. 66 § 10(d).

Because responsive settlement agreements may contain personally identifiable information and other information that must be withheld or redacted pursuant to FERPA, M.G.L. c. 4 § 7(26), and/or other applicable confidentiality provisions or exemptions, the District has provided below a good-faith estimate of the time and cost required to review and redact the responsive records.

A. Search and Volume Determination

Based on the District's search and review of its records, the District identified approximately **45** potentially responsive settlement agreements and/or related agreements requiring individualized review.

B. Nature of the Responsive Emails

The responsive records are not uniform. Based on the District search and review, the agreements may include settlement agreements, resolution agreements, Memoranda of Understanding ("MOUs"), Memoranda of Agreement ("MOAs"), mediation agreements, stipulations, consent agreements, agreements for judgment or resolution, side agreements, amendments, addenda, attachments, and other final written agreements resolving or memorializing the resolution of a student-related educational dispute.

Such agreements may concern special education matters, including IEPs, evaluations, eligibility, placement, services, compensatory services, transportation, or other disputes arising under the IDEA or Section 504, as well as general education matters, including student discipline or exclusion, access to educational programming or services, bullying, harassment or discrimination complaints, civil rights complaints, enrollment, student conduct, or other student-related disputes.

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The responsive records may contain student- and family-specific information, including personally identifiable information protected under FERPA, as well as other confidential or highly personal information that may require review and redaction pursuant to M.G.L c. 4 § 7(26) and other applicable law.

C. Segregation and Redaction Rate

Each responsive agreement must be individually reviewed to determine whether it contains exempt information and, where appropriate, segregated and redacted before disclosure. Based on the District's review, the District conservatively estimates an average review and redaction time of approximately 10 minutes per agreement.

The estimate accounts for the need to review each agreement in its entirety, identify personally identifiable information and other potentially exempt information, determine whether such information may be segregated, and prepare the record for production.

D. Total Time Calculation

Applying this conservative review rate to approximately 45 responsive agreements, the District estimated approximately 7.5 hours of employee time would be required to complete the review and redaction process.

E. Application of Statutory Fee Rules

Consistent with G.L. c. 66 § 10(d)(iii), the District excluded the first two (2) hours of employee time. The remaining 5.5 hours were calculated at $25.00 per hour, which is equal to or less than the hourly rate of the lowest-paid District employee with the requisite skill to perform the search, review, and redaction of the requested records.

F. Total Fee Estimate: (7.5-2) hours x $25.00 per hour = $137.50

This estimate was calculated in good faith, reflects a conservative assessment of the time required, and does not capture the full amount of time that may ultimately be necessary to complete a line-by-line review and redaction of reach responsive agreement. The estimate is necessarily subject to adjustment if the number, length, or substantive nature of the responsive agreements differs from the district's initial assessment. The estimate was intentionally calculated conservatively and in the interest of facilitating public access to records to the greatest extent permitted by law. The District will commence gathering and redacting documents responsive to your request upon receipt of this estimated fee.

Conclusion

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The Public Records Law provides you with the right of administrative appeal to the Supervisor of Public Records, under 950 CMR 32.08(1), as well as the right to seek judicial review of any unfavorable decision by commencing a civil action in court.

Sincerely,

