

Public Records Appeal - Amesbury Public Schools

Filed: September 23, 2026

To: Supervisor of Records <pre@sec.state.ma.us>

CC: stephen.zadavec@amesburyma.org; elizabeth.mcandrews@amesburyma.org

Subject: Public Records Appeal - Amesbury Public Schools - Sept. 21, 2026 Request / Sept. 23, 2026 Response

The following is the text of the appeal as filed by email. The original request and district response were attached to the filing and are included separately in this handoff folder.

Dear Supervisor of Records:

I am appealing the September 23, 2026 response of Amesbury Public Schools to my September 21, 2026 public records request, pursuant to G.L. c. 66, § 10A(a) and 950 CMR 32.08(1).

Attached are:

1. My September 21, 2026 written public records request; and

2. Amesbury Public Schools' September 23, 2026 written response and \$750 fee estimate.

I respectfully request review of both the District's assertion that portions of my request do not reasonably describe the records sought and the sufficiency of its fee estimate and written response.

1. The request reasonably describes identifiable categories of records, and the District's own calculations materially undercut its vagueness claim.

The request is not an open-ended demand for records merely "related to" a topic. It is limited by time period, subject matter, document type, and exclusions. It seeks final or executed written agreements that resolve, settle, compromise, memorialize, or otherwise dispose of student-related educational disputes from September 18, 2021 through the date of response. It then identifies specific examples, including settlement agreements, resolution agreements, MOUs, MOAs, mediation agreements, stipulations, side agreements, and material amendments or addenda. It expressly excludes staff/employment, vendor, procurement, construction, property, and unrelated commercial matters, and it expressly disclaims any request for student PII.

The District nevertheless states that "portions" of the request do not satisfy the reasonable-description requirement. Its discussion appears to criticize phrases such as records "relating to" a request, "other documents," or similar broad language. Those phrases do not accurately characterize my request. The catch-all language in my request is limited to other final written agreements, regardless of title, that resolve or memorialize the resolution of a student-related educational dispute.

More importantly, the District's own response demonstrates that it understood the responsive universe well enough to formulate a concrete search and production plan. Amesbury states that there are potentially hundreds of pages responsive to the request; that it would create and run a report from its recordkeeping software; search for responsive paper records; scan paper records; compile responsive material; and reproduce the records. It then estimates 30 hours of work and allocates that time as approximately 60% search, 20% compilation, and 20% reproduction.

That is difficult to reconcile with a claim that District personnel cannot determine what records are being requested. A custodian that can identify the systems and paper repositories to be searched, describe the production workflow, estimate the volume of records, and assign a 30-hour labor estimate has demonstrated substantial operational understanding of the records sought.

This distinction is important under *Friedman v. Division of Administrative Law Appeals*, 103 Mass. App. Ct. 806, 815-18 (2024). There, the Appeals Court explained that the reasonable-description inquiry asks whether a knowledgeable employee can identify and locate the responsive records with a reasonable amount of effort. The Court further explained

that a request is not necessarily unreasonable merely because production is extremely burdensome; the statute separately provides mechanisms for additional time and reasonable fees when production is large or difficult.

The District's response therefore creates an either/or problem:

Either the 30-hour estimate concerns the request as submitted, in which case the District's ability to calculate and describe the search materially undercuts its assertion that the records cannot be identified;

Or the estimate concerns only some subset of the request, in which case the response does not identify what portion the District accepted for processing, what portion it rejected as insufficiently described, or how the estimate corresponds to the accepted portion.

To the extent the District relies on Chawla, I ask that the response be evaluated in light of the published Appeals Court authority in Friedman and the actual language of my request.

2. The September 23 response does not satisfy several requirements of G.L. c. 66, § 10(b).

G.L. c. 66, § 10(b) requires a written response, when records will not be produced within the ordinary timeframe or some records will not be produced, to identify the records or categories the municipality intends to withhold and the reasons for withholding; identify records or categories it intends to produce; provide a reasonable production timeframe; and provide an itemized, good-faith fee estimate.

Amesbury states only that unspecified "portions" of the request supposedly fail the reasonable-description requirement. It does not identify which particular category or phrase it regards as defective and which categories it has accepted for production. At the same time, it states that there are potentially hundreds of responsive pages and issues a fee estimate for searching and producing "all requested records."

The response also provides no definite production timeframe. It states that work will begin after payment, but it does not identify the reasonable timeframe required by § 10(b)(vi). A general invitation to narrow by using different search terms, subject matters, record types, or dates also does not resolve the basic ambiguity created by the District's failure to identify which specific portion of the existing request it believes cannot be processed.

3. The \$750 estimate should be revised and more specifically itemized.

The District estimates 30 hours at \$25 per hour and characterizes the time as approximately 60% search, 20% compilation, and 20% reproduction. I do not dispute that Amesbury, as a municipality of 20,000 or fewer residents, may assess otherwise lawful employee-time charges from the first hour under the applicable statute and regulations. My appeal instead concerns whether the specific estimate reflects only recoverable work and is sufficiently supported.

First, Amesbury describes part of its "compilation" work as "compiling all of the information to a single file." The Secretary's Guide to the Massachusetts Public Records Law states that an RAO may not recover fees associated with record organization. I therefore ask that Amesbury be required to distinguish legally chargeable compilation from administrative organization, packaging, or assembly of records into a single file.

Second, the response repeatedly refers to review, segregation, and redaction, but the 30-hour allocation identifies only search, compilation, and reproduction. Under G.L. c. 66, § 10(d)(iii)(C) and 950 CMR 32.07, time spent segregating or redacting is chargeable only where the segregation or redaction is required by law or otherwise approved. To the extent any such time is included in the estimate, the District should identify the hours attributable to that work and the legal basis requiring it.

Third, I requested electronic production only and expressly stated that I did not authorize costs associated solely with printing electronically maintained records. Amesbury nevertheless states that it may assess an additional \$0.05-per-page charge where records are printed or copied during its internal redaction process. 950 CMR 32.07(2)(f) provides that a records access officer shall not assess a copying fee for electronic copies. I therefore ask the Supervisor to determine that Amesbury may not convert an internal printing/redaction workflow into a paper-copy fee where the responsive records are ultimately requested and delivered electronically. This does not prevent Amesbury from recovering otherwise lawful employee time actually necessary to scan paper originals into electronic form.

4. The District did not address the requested public-interest fee waiver or reduction.

My original request expressly sought 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 public expenditures and the resolution of student-related educational disputes. I recognize that waiver or reduction is discretionary, but the September 23 response does not state whether the request was considered or denied. I ask that the District at least address that request as part of any revised response and fee estimate.

Requested relief

I respectfully request that the Supervisor:

- find that the request reasonably describes the identified categories of final/executed student-related resolution agreements, or alternatively require Amesbury to identify with specificity the exact language or categories it contends are insufficiently described while processing the remainder;
- order Amesbury to issue a revised response that clearly identifies the categories it intends to produce and any categories it intends to withhold or decline to process, with the specific basis for each;
- require Amesbury to provide the production timeframe required by G.L. c. 66, § 10(b)(vi);
- require a revised, sufficiently itemized fee estimate that separates recoverable search/compilation/reproduction work from nonrecoverable record organization and separately identifies any segregation/redaction time and its legal basis;
- confirm that no per-page copying fee may be assessed for records produced electronically merely because Amesbury elects to print or copy records as an internal processing step; and
- direct the District to proceed with responsive production, including rolling production where practicable, once any lawful fee is determined.

I reserve the right to supplement this appeal if Amesbury later asserts exemptions or withholding grounds not contained in its September 23 response.

Thank you for your review. Please confirm receipt of this appeal.

Sincerely,

Joey Ford

Parent Data Force

Joey@parentdataforce.com

Authorities referenced: G.L. c. 66, §§ 10 and 10A; 950 CMR 32.07 and 32.08; Friedman v. Division of Administrative Law Appeals, 103 Mass. App. Ct. 806 (2024); Champa v. Weston Public Schools, 473 Mass. 86 (2015).