

SPR Appeal — East Bridgewater Public Schools — Sept. 28, 2026

Dear Supervisor of Records:

This submission serves as both (1) an appeal under G.L. c. 66, § 10A(a)

<<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10A>>

from East Bridgewater Public Schools' September 28, 2026 response to my September 18, 2026 public-records request, and (2) my opposition to East Bridgewater's fee and time petition filed with your office on September 28, 2026.

The underlying request seeks final or executed student-related settlement and resolution agreements from September 18, 2021 through the date of response. It expressly excludes employment matters and unrelated commercial agreements; expressly states that I am *not requesting student PII*; authorizes lawful redaction of student identifiers; requests electronic and rolling production; and requests a public-interest fee waiver or reduction.

East Bridgewater states that it has identified approximately *six responsive documents*. It claims *five hours of search time at \$25 per hour*, estimates another *three hours of review at \$75 per hour*, seeks a total fee of *\$350*, and asks for an additional *30 business days*.

I am not challenging East Bridgewater's position that the special two-hour no-charge rule for municipalities over 20,000 does not apply to it. My objections concern the lack of request-specific support for the \$75 rate, the lack of itemization for the search and review work, the attempt to rely

on counsel's obligations to other district clients as a principal basis for delay, and the absence of facts showing why six identified documents require a 30-business-day extension.

1. East Bridgewater has not shown that all three hours of review require a \$75 attorney rate.

I recognize that G.L. c. 66, § 10(f)

<<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66/Section10>>

permits necessary vendors, including outside legal counsel, to count as employee time for purposes of the Public Records Law. The issue is therefore not whether counsel can ever be used. The issue is whether East Bridgewater has shown that counsel is *necessary for the work for which it seeks the rate above \$25*, as required by § 10(d)(iv).

The District's response says the Office of District Counsel is needed to determine whether attorney-client privilege requires portions of the records to be redacted. Its petition also says that only counsel can determine the application of the student-record confidentiality exception. Those are not the same task.

My request already authorizes redaction of student names, identifying parent/guardian names, addresses, contact information, student identification numbers, dates of birth, and other protected identifiers.

The petition does not explain why those routine PII determinations must be performed by counsel on every page rather than by a lower-paid qualified

District employee, with counsel reserved for any discrete privilege or genuinely difficult legal issue.

The petition also says the District is *not seeking authorization to charge for such redactions* because the redactions are required by law, yet the \$225 component is described as three hours at \$75 per hour to *review all six documents and segregate and potentially redact* exempt information.

The petition does not separate routine PII review/redaction from attorney-client privilege analysis or identify how much of the three-hour block actually requires counsel. That lack of separation makes it impossible to evaluate whether the requested \$75 rate is necessary for the work being charged.

2. The \$350 estimate is not sufficiently itemized or supported.

East Bridgewater says it has already spent *five hours searching* and that the search yielded approximately six documents. Neither the response nor the petition identifies what consumed those five hours: no custodians, repositories, file systems, search locations, search terms, date filters, or other search steps are described. Five hours may or may not ultimately be reasonable, but the present filing does not provide enough information to evaluate it.

The review estimate has a separate problem. East Bridgewater says it will review the records at *one minute per page* and estimates *three hours*.

Three hours equals 180 minutes, so the estimate necessarily assumes

approximately *180 pages*. Yet neither the response nor the petition discloses the approximate page count. If the District knows enough to calculate review time by the page, the page count should be stated directly rather than left for the requester and the Supervisor to reverse-engineer. A revised estimate should identify the approximate page count, explain the five hours of search time, identify who performed or will perform each task, and separate search, routine PII review/redaction, segregation, and any actual privilege analysis.

3. The initial response raises compliance concerns under § 10(b), which matters because a fee petition depends on a compliant initial response.

SPR Bulletin 03-17

<<https://www.sec.state.ma.us/divisions/public-records/prepra/significant-interest/SPR-Bulletin-03-17-Petitions-B>>
states that a fee petition cannot be approved if the RAO did not provide an initial response consistent with G.L. c. 66, § 10(b)(i)-(ix).

East Bridgewater says the approximately six documents may be *redacted or withheld*, but the response does not clearly distinguish the records or portions it intends to produce from those it intends to withhold. Section 10(b)(iv)-(v) requires identification of the records, categories, or portions intended to be withheld and those intended to be produced, together with the basis for withholding and the burden necessitating additional time.

The response also does not give a definite production timeframe under §

10(b)(vi). It says only that the District will seek an additional 30 business days from the Supervisor. And although it says the fee "may be reduced" if I narrow the time period, it does not identify what narrowing would materially reduce the claimed five-hour search or three-hour review.

4. The East Bridgewater and Natick petitions contain identical distinctive language and errors, which supports closer scrutiny of whether East Bridgewater's filing is genuinely request-specific.

I am *not* asserting that I know counsel used an internal template, and I am not suggesting that use of a template would itself be improper. The comparison is based only on the two public filings.

East Bridgewater and Natick filed separate fee/time petitions on September 28, 2026. Despite materially different responsive universes - East Bridgewater identifies approximately six documents, while Natick identifies approximately 300 pages - the petitions contain the same distinctive language and errors, including:

- "To produce these records south in the request..."
 - "Each page of the invoices sought in the request must be reviewed..."
- even though neither underlying request seeks invoices;
- the same approximately \$270 attorney rate and requested \$75 rate;
 - the same rationale that counsel must handle similar Parent Data Force requests for multiple school-district clients; and
 - the same request for an additional 30 business days.

I have attached a focused comparison as Attachment 4 and Natick's actual petition as Attachment 5 so the Supervisor can verify the similarities directly.

The significance is narrow but important: Bulletin 03-17 instructs RAOs to provide request-specific facts and states that the lack of information applying the statutory factors to the **specific request at issue** is grounds to deny a petition. The identical nonresponsive wording and cross-district rationale support requiring East Bridgewater to justify its own petition with East Bridgewater-specific facts rather than generalized counsel workload.

5. Both petitions expressly rely on counsel's obligations to other district clients, but that cross-district workload does not by itself establish good cause for East Bridgewater's maximum extension.

This point is not an inference from similar wording. East Bridgewater's petition expressly states that Parent Data Force made an identical request to numerous districts; that legal counsel must complete redactions for **"each of the districts it represents"*; that counsel cannot review the responsive documents of **"all its clients"* within 10 business days; and that its attorneys must respond to similar requests for **"other districts."*

Natick's petition contains the same paragraph.

I recognize that outside counsel may be a necessary vendor and that a vendor's actual availability can be relevant to a municipality's capacity.

But the fact that counsel serves other municipalities does not automatically establish good cause under § 10(c) for East Bridgewater. The statute requires the Supervisor to examine the magnitude or difficulty of the request, the need to search and segregate, the scope of redaction, the municipality's capacity and normal operations, efforts already undertaken, and the public interest in expeditious disclosure.

East Bridgewater identifies neither the other district clients nor even their number; provides no record volumes, deadlines, or estimated hours for those matters; and does not explain how those outside obligations make approximately three hours of East Bridgewater review impossible within the ordinary municipal timeframe. If the District continues to rely on other-client workload, it should provide enough nonprivileged, request-specific information for the Supervisor to test that assertion.

Client identities need not be disclosed if anonymized workload information would adequately establish the claimed burden.

6. Six identified documents and three estimated review hours do not, on the present record, justify an additional 30 business days.

The District has already located the responsive universe and describes it as approximately six documents. Its own estimate assigns only three hours to review. Yet it seeks an additional 30 business days.

The petition does not explain why the records cannot be reviewed and released in batches, why any readily releasable agreement cannot be

produced before disputed portions are resolved, or why approximately three hours of estimated review translates into another six weeks of delay. My original request expressly asked for rolling production.

Section 10(c) allows an extension only upon a showing of good cause, and Bulletin 03-17 directs RAOs to provide request-specific information concerning capacity, work already undertaken, redaction burden, and the public interest in expeditious disclosure. The present petition does not supply that level of East Bridgewater-specific detail.

7. The petition does not meaningfully apply the statutory public-interest factors.

My request expressly states that it is noncommercial and intended to contribute to public understanding of the District's use of public funds and its resolution of student-related educational disputes. Section 10(d)(iv)(1) requires the Supervisor, when considering a higher-fee petition, to consider the public interest served by limiting the cost of access. Section 10(c)(vi) separately requires consideration of the public interest served by expeditious disclosure.

East Bridgewater quotes the fee statute but does not meaningfully apply those public-interest considerations to this request. Its response also does not substantively address my request for a waiver or reduction under § 10(d)(v). I ask that the public-interest factors be weighed against the requested increased rate and maximum extension, and that any revised

response address the fee-waiver request directly.

8. Tantasqua is a limited comparator showing that the statewide nature of the project is not itself proof of East Bridgewater-specific burden.

Tantasqua Regional School District received substantially the same form of request on September 23, 2026 and responded on September 25, 2026: ""Please find attached the information requested. Thank you.""* The response included a substantial PDF production and did not state a fee demand or request additional response time. A corrected production was later provided after a redaction issue was raised; I rely on Tantasqua only for the timing and absence of a fee/time demand, not for the quality of the initial redactions.

I recognize that different districts can have different record volumes and different legitimate burdens. Tantasqua therefore is not offered to establish what East Bridgewater's exact production time must be. It is offered for the narrower point that the existence of similar requests to multiple independent custodians is not, standing alone, evidence of an East Bridgewater-specific undue burden.

Requested relief

I respectfully request that the Supervisor:

1. deny East Bridgewater's request to charge \$75 per hour for the undifferentiated three-hour review block because the District has not shown that all of that work requires counsel or a rate above \$25;
2. deny the current \$350 estimate or require a revised, genuinely

itemized good-faith estimate that explains the five search hours, states the approximate page count, identifies the person/vendor performing each task, and separates routine PII work from actual privilege analysis;

3. deny the requested 30-business-day extension, or substantially reduce it and require a defined rolling-production schedule based on East Bridgewater-specific facts;

4. if East Bridgewater continues to rely on counsel's obligations to other district clients, require enough nonprivileged information concerning the number, volume, deadlines, and hours of those competing matters to evaluate whether they actually create an East Bridgewater burden;

5. require East Bridgewater to clarify what records or portions it intends to produce and withhold and provide a definite production timeframe consistent with § 10(b);

6. weigh the public-interest factors required by §§ 10(c) and 10(d)(iv), and require the District to address the public-interest fee-waiver request in any revised estimate; and

7. direct prompt production of any readily releasable records or segregable portions while any genuinely disputed privilege or confidentiality issues are addressed separately.

Attachments

1. Original East Bridgewater public-records request - September 18, 2026;

2. East Bridgewater response / fee estimate - September 28, 2026;

3. East Bridgewater fee and time petition - September 28, 2026;
4. Comparison of East Bridgewater and Natick petitions - identical shared-counsel language and errors;
5. Natick fee and time petition - September 28, 2026 source document; and
6. Tantasqua comparator - same form request and prompt production.

Thank you for your review.

Sincerely,

Joey Ford