





From:  **Maureen MacFarlane** Friday, September 23, 2016 11:54:33 AM 
legalricoh@cpsd.us
Subject: Public Records Request of September 15, 2016
To:  28219-45569498@requests.muckrock.com

Attachments:  20160923084705327.pdf / Uploaded File (124K)

Please see attached response to your public records request dated September 15, 2016.

Maureen A. MacFarlane
Legal Counsel
Cambridge Public Schools
159 Thorndike Street
Cambridge, MA 02141
Phone: 617-349-6425
Facsimile: 617-349-6499
Email: MMacFarlane@cpsd.us

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----- Original Message -----

From: legalricoh@cpsd.us Friday, September 23, 2016 8:47:05 AM
Subject: Message from "legalricohmpc4503"
To: Maureen MacFarlane
Attachments: 20160923084705327.pdf Uploaded File 124K

This E-mail was sent from "legalricohmpc4503" (MP C4503).

Scan Date: 09.23.2016 08:47:05 (-0400)
Queries to: legalricoh@cpsd.us



CAMBRIDGE PUBLIC SCHOOLS
Office of Legal Counsel

September 23, 2016

JPat Brown
MuckRock
Dept. MR 28219
411A Highland Avenue
Somerville, MA 02144-2516

RE: Public Records Request dated September 15, 2016

Dear Sir/Madam:

Your email of September 15, 2016 sent to the attention of the central administrative offices of the Cambridge Public Schools, requesting copies of any email messages and/or attachments sent or received on any official Cambridge Public Schools email account between January 1, 2016 and the present that concern or make mention of any of the following topics: (i) the November 2016 ballot question regarding charter school policy, a/k/a Question 2; (ii) "Great Schools Massachusetts"; (iii) "Save Our Public Schools"; (iv) Boston Education Justice Alliance" (BEJA); (v) "Massachusetts Education Justice Alliance" (MEJA); (vi) "Massachusetts Jobs with Justice"; and (vii) Citizens for Public Schools, has been directed to the attention of this office for response.

With respect to your request for waiver of fees pursuant to 950 C.M.R. 32.06(5), please be advised that it is the practice of the school district not to waive applicable copying, search time and segregation time fees associated with public records requests (unless the number of pages provided and the search and segregation time are minimal). Such charges are expressly permitted by the public records statute, M.G.L.c. 66, §10, and its regulations, and function to reimburse the public entity for actual costs incurred in responding to a public records request.

Although you correctly note in your letter that the regulations provide that the custodian of the public records may waive such charges, the school district does not believe a practice of waiving such charges would be appropriate. The school district receives a number of public records requests from private citizens and organization each year. Such requests often can require school district staff to devote substantial amounts of time locating, segregating and preparing public records for production. The school district also incurs substantial photocopying and/or other reproduction costs in connection with its

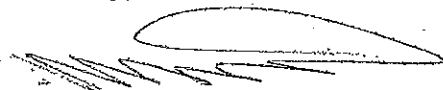
JPat Brown
MuckRock
September 23, 2016
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response to public records requests. Nor would it be fair for the school district to waive costs for some individuals or organizations and not for others. Thus, while you are correct that the regulations encourage waiver where disclosure would benefit the public interest, the school district does not believe it would be appropriate or desirable to make a determination as to which of the requests received are in the public interest and which are not. For the reasons above and in the interest of fairness to all users of public records, the school district declines to waive the costs associated with your public records request. Note, however, that in declining to waive the fees, the school district is not making a determination regarding whether or not your specific request for public records is in the public interest.

In light of the foregoing, the Cambridge Public Schools hereby provides a good faith estimate, pursuant to 950 C.M.R. 32.06(2), of the cost of searching for and segregating responsive emails from Cambridge Public Schools email accounts in response to your request of September 15, 2016. The school district estimates the cost to be \$17,533.75 (seventeen thousand five hundred thirty-three dollars and seventy-five cents). The cost is comprised of approximately three hundred twenty five hours (325) hours for search and segregation costs at the rate of \$53.95 (fifty-three dollars and ninety-five cents) per hour. Please be advised that this is only an estimate and the actual costs associated with your public records request can only be determined after the search and document preparation is actually completed.

Please provide a check payable to the City of Cambridge, in the amount of \$17,533.75 (seventeen thousand five hundred thirty-three dollars and seventy-five cents). This check should be mailed to the attention of the Cambridge Public Schools, Office of Legal Counsel, 159 Thorndike, Cambridge, Massachusetts 02141. Upon receipt of this check, the process of review, segregation and redaction of responsive documentation will be undertaken. In the event that the estimate is greater than the actual cost of the review and segregation, the overage will be refunded. In the event that the cost of the review is underestimated, the review will be stopped at the point when the estimate has been reached, a further estimate will be performed, and upon payment of the additional estimate, the review will continue.

Sincerely,



Maureen A. MacFarlane
Legal Counsel