

PUBLIC RECORDS – Administrative Guidelines

The District's public records, as defined under the Freedom of Information Act, are available for public inspection, copying, or dissemination in accordance with the following administrative guidelines and the Freedom of Information Act. Exemptions are specified in M.C.L. 15.243.

Designation of Officers

The Executive Administrative Assistant shall be the District FOIA Coordinator.

Public Summary of FOIA Procedures and Guidelines

The Superintendent shall create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the District and explaining how to understand the District's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The public summary will be posted on the District's website, and copies of the summary will be made available at no cost to the public, and shall be provided in response to a FOIA request. The District may, at the discretion of the Superintendent, provide a website link to the procedures and guidelines in lieu of providing hard copies.

Request for Information Standard Form

The District shall use a standard form for detailed itemization of any fee amount in its responses to written requests made under the Freedom of Information Act. The detailed itemization shall clearly list and explain the allowable charges for each of the six fee components described in the Fees section below.

Routine Inquiries and Verbal Requests for Information Available on the District's Website

Routine day-to-day inquiries to the District or school for information shall be handled appropriately by District staff. The procedures under this rule shall apply to requests made under the Michigan Freedom of Information Act.

Additionally, if a verbal request is made for information that the District believes is available on the District's website, the District shall, where practicable and to the best of the District representative's knowledge, provide the District's website address.

Public Records Available on the District's Website

The District will not charge a fee for any public records which, at the time of the request, are available to the general public on the District's website, unless, despite notice that the requested records are available on the District's website, the requestor still requires that the documents be provided to him/her.

The District's FOIA Coordinator shall provide written notice to the requestor that the requested public records are available on the District's website. The written response, to the degree practicable in the specific situation, shall include a specific webpage address where the requested information is available.

Requests

Requests which are not routine or are not verbal requests for information that the District believes to be generally available on the District's website, to inspect, produce, copy public records must be made in

writing (including FAX or e-mail) to the coordinator for the requested record(s) and shall sufficiently describe the record to enable the coordinator to identify and locate the record. The coordinator shall file all requests and their dispositions in his/her office and make such reports as are requested by the Superintendent or the Board. Filed requests shall be held for a period of at least one (1) year.

The requestor may request that the public records be delivered by the District electronically. The District is not required to provide electronic files if the District lack the technological capability necessary to provide the requested records on the nonpaper physical media specified in the request.

Denials

The coordinator working in conjunction with legal counsel shall examine each request to determine whether the record requested is exempt from disclosure under the Michigan Freedom of Information Act. If the coordinator in consultation with legal counsel determines that the record is exempt from disclosure, he/she shall issue a written denial of the request. Such a denial shall be made within five (5) days of receipt of the request or as otherwise provided by law including legitimate time extensions, and shall include the reason(s) for the denial and the procedures for appeal of the decision to deny the request.

Should the requested record(s) be classified as exempt but contain information that is not exempt from disclosure, the coordinator shall delete the exempt material and release the remaining information for inspection or copying.

Subscriptions

Requests for a subscription to documents or records produced regularly by the District must be accompanied by appropriate payment of estimated fees for the period of the subscription or by a credit card record to be used to charge fees on an ongoing basis. Subscriptions may run for up to six (6) months and are renewable.

Delays

If the nature of the request requires additional time to access the records or to make a determination on whether the request will be granted, the coordinator shall give written notice to the person making the request within five (5) business days of receipt of the request extending the period of response. Such an extension shall be for a maximum of ten (10) business days in accord with law.

Appeals

If a request to inspect or copy a record is denied by the coordinator, the person making the request may appeal the decision within the District by submitting the appeal to the Board of Education via the Superintendent in a writing that states the word "appeal" and details the reason(s) for requesting reversal of the denial, or commence a civil action in the Lenawee County circuit court to compel the District to disclose the public records.

Within ten (10) business days after receiving a written appeal, the Board of Education shall do one of the following: (a) reverse the disclosure denial; (b) issue a written notice to the requesting person upholding the disclosure denial; (c) reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

The Board of Education is not considered to have received a written appeal until the first regularly scheduled meeting of the Board of Education following the submission of the written appeal. The Board

shall have ten (10) days from the date of that regularly scheduled Board meeting to respond to the appeal request.

Fees

The District may charge a fee for necessary copying of a public record for inspection or for providing a copy of a public record. Subject to certain limitations, the fee shall be limited to the actual mailing costs, and to the actual incremental costs of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information. If the District estimates or charges a fee in accordance with the Freedom of Information Act, the total fee shall not exceed the sum of the following components:

- A. Labor costs for searching, locating, and examining public records;
- B. Labor costs for separating and deleting exempt information from nonexempt information;
- C. Electronic record provision costs:
- D. Paper copy costs;
- E. Labor costs for duplication or publication;
- F. Mailing costs

Labor costs will not exceed the hourly wage of the District's lowest-paid employee capable of performing the work required under each component. Labor costs will be charged in 15 minute increments, with all partial increments being rounded down. In addition to the hourly wages, the District may add up to 50% of the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization provided to the requestor. However, the percentage multiplier applied shall not exceed the actual costs of fringe benefits paid.

Photocopying charges of ten cents (\$.10) per sheet of paper, and the District shall use the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

The District shall not assess a fee for the costs of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the District, and the District specifically identifies the nature of the unreasonably high costs.

Upon receiving a request, the coordinator shall inform the person making the request of the estimated cost for processing the request using the District's standard itemization form. The coordinator may require a good faith deposit of one-half (1/2) of the estimated fee before processing the request, if the request exceeds fifty dollars (\$50) based on a good-faith estimate of the total fee.

No charge for the first twenty dollars (\$20) of a fee shall be made to an individual who proves indigency or receipt of public assistance, supported by a properly executed affidavit, or if the requestor is a nonprofit agency designated to carry out activities in support of individuals with developmental disabilities and/or mental illness, and the request is made on behalf of the organization or its clients and is made for a reason consistent with its mission. A record of fees paid shall be kept along with each request. A record of fees incurred shall be kept for any person making a request who is exempt from fees as a matter of Board policy. Revenue from copying open records shall be deposited in the general fund of the District.

Safety of Records

To ensure the safety and integrity of records, access to records shall be accorded only under the direct supervision of the coordinator or Superintendent. Inspection of record(s) by the public is limited to the regular office hours of the building or office that houses the record(s). Original school record(s) are not permitted to leave the premises except as required by law or Board policy.

Copies of records not exempt from disclosure will be furnished for the appropriate fee.

Record Listings

Employees are prohibited from giving or selling lists of any school records to any person except as authorized by law or Board policy.