

PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction pursuant to the Michigan Freedom of Information Act ("FOIA" or the "Act"). See MCL 15.231 *et seq.* Therefore, the Board establishes the following policy to implement FOIA. The Superintendent shall also establish administrative guidelines to ensure the District's proper compliance with FOIA and the intent of the policy set forth below. Together, this policy and those administrative guidelines shall be referred to as the "District's FOIA Procedures and Guidelines."

The District's FOIA Procedures and Guidelines, including this policy and the administrative guidelines, shall be publicly available on the District's website.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees, subject to certain exemptions according to FOIA or by State or Federal statute.

In accordance with FOIA, any person may make a written request for any public records of the District. If the request is granted, The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase paper copies or electronic versions (when available) of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy [8350](#) and AG [8350](#)).

The Board authorizes the Superintendent to provide, upon written request, enhanced i.e. immediate access to any public record which the District has stored in an electronic database and is not confidential or exempt from disclosure by State or Federal statute. Such a record may be provided by electronic means or a digital storage device providing the requestor has paid the fee established for such transmission.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by Wayne RESA and the Center for Educational Performance and Information (CEPI).

The District shall post on its website a public summary, written in a manner so as to be easily understood by the general public that summarizes the District's procedures and guidelines for implementing FOIA. The public summary shall be referred to as the District's Written Public Summary, and it shall include information regarding:

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8310A - PUBLIC RECORDS

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

Freedom of Information Act Coordinator's Authority

The Freedom of Information Act (FOIA) Coordinator has the authority to accept and process requests for the District's public records, approve denials of requests, and designate others to act on his/her behalf.

Procedures

The following procedures shall be followed in connection with requests to inspect and secure copies of School District records:

A. FOIA Requests

1. Requests to inspect or receive copies of the School District's public records must be made in writing to the FOIA Coordinator and must include a sufficient description of the public record to enable the District to locate the record. A form for this purpose is available, and below in these guidelines.
2. A person may make a written request to subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six (6) months, at the request of the subscriber, and shall be renewable.
3. A person may request a certified copy of a public record.
4. A request for records made by facsimile, electronic mail, or other electronic transmission will be considered received by the District one business day after the electronic transmission is made, in accordance with MCL 15.235(1).

If a written request sent by electronic mail is delivered to the District's or FOIA Coordinator's spam or junk mail folder, the request will be considered received one business day after the District first becomes aware of the written request.

5. The District shall keep a copy of all the written requests for public records on file for no less than one year.
6. A person requesting public records may request that they be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided to him/her in lieu of paper copies. Such a request will be accommodated if the District has the technological capability necessary to provide records on the particular nonpaper physical media requested in the particular instance. The charge for such a request will include the actual and most reasonable economic cost of the computer discs, computer tapes, or other digital or similar media required.

B. Responses to FOIA Requests

1. The FOIA Coordinator shall respond in writing to each request for public records within five (5) business days of receipt of the request, by doing one (1) of the following:
 - a. grant the request;
 - b. issue a written notice denying the request;
 - c. grant the request in part and issue a written notice denying the request in part; or
 - d. issue a notice extending for not more than ten (10) business days the period during which the School District shall respond substantively to the request. Any notice extending the period for the substantive to the request. Any notice extending the period for substantive response to a request must include a reason for the extension, and also advise the requestor that the substantive response will advise the person of B.1, 2, or 3.
2. In every response to a written request for public records under FOIA, the District shall provide the specific webpage address(es) where the District's FOIA Procedures and Guidelines and the District's Written Public Summary are available for public viewing.
3. Failure to respond to a request pursuant to Section B1 above constitutes the District's final determination to deny the request if either of the following applies:
 - a. The failure was willful and intentional.
 - b. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

C. Fees and Billing

As permitted by MCL 15.234(1), the District shall charge a fee to cover the costs of responding to a FOIA request, except as provided below. The District's standard form for detailed itemization of fees shall be used to determine the proper fee, which will be calculated by totaling the following costs:

1. Labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request.
 - a. The District shall not charge a fee for such costs unless failure to charge a fee would result in unreasonable high costs to the District because of the nature of the request in the particular instance, and the District specifically identifies the nature of these unreasonably high costs.
 - b. If a fee is charged in accordance with these labor costs, the District shall not charge more than the hourly wage of the District's lowest-paid employee capable of searching for, locating, and examining the public records regardless of whether that person is available or who actually performs the labor.

- c. The District shall estimate and charge for these labor costs in increments of 15 minutes, with all partial time increments rounded down.
 2. Labor costs, including necessary review, associated with the separating and deleting of exempt information from nonexempt information.
 - a. The District shall not charge a fee for such costs unless failure to charge a fee would result in unreasonable high costs to the District because of the nature of the request in the particular instance, and the District specifically identifies the nature of these unreasonably high costs.
 - b. If a fee is charged for these labor costs, the District shall not charge more than the hourly wage of the District's lowest-paid employee capable of separating and deleting exempt information from nonexempt information regardless of whether that person is available or who actually performs the labor.
 - c. The District shall estimate and charge for these labor costs in increments of 15 minutes, with all partial time increments rounded down.
 3. For public records provided to the request on nonpaper physical media, the actual and most reasonable economical cost of the computer discs, computer tapes, or other digital or similar media.
 4. For paper copies, \$0.10 per sheet of paper for copies made on 8½ by 11-inch paper or 8½ by 14-inch paper.
 5. Labor costs directly associated with duplication or publication, including making paper copies and digital copies.
 - a. The District shall not charge more than the hourly wage of the District's lowest-paid employee capable of necessary duplication nor publication, regardless of whether that person is available or who actually performs the labor.
 - b. Labor costs will be estimated and charged in time increments of the District's choosing; however, all partial time increments will be rounded down.
 6. Actual cost of mailing, by the least expensive form of postal delivery confirmation.
 - a. Unless requestor stipulates to expedited shipping or insurance.

D. Fee Reductions

1. Indigency: A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by an individual who receives public assistance or proves indigence, provided:
 - a. The individual submits an affidavit stating –
 - i. he/she is indigent and receiving specific public assistance, or, if not receiving public assistance, the individual states facts showing inability to pay the cost because of indigency;
 - ii. his/her request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
 - b. The individual has not previously received discounted copies of public records from the District, pursuant to this indigency fee reduction provision, twice in the same calendar year.

If the requestor is ineligible for a discount based on indigency, the District shall inform the requestor specifically of the reason for ineligibility in the District's written response to the individual's FOIA request.

2. Advocacy and Protection Organization: A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the developmental disabilities and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
 - a. It is made directly on behalf of the organization or its clients.
 - b. It is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, MCL 330.1931.
 - c. It is accompanied by documentation of its designation by the state, if requested by the public body.

The Michigan Protection & Advocacy Service, Inc. currently serves both of these functions.

3. The fee reductions discussed above shall be fully noted on the District's standard form for detailed itemization, which will be provided by the District in its response to an individual requesting records.
4. The District shall keep a record of fees reduced for all individuals and organizations, though such fees will not be charged except those in excess of the yearly maximum.
5. Revenue from fees paid for processing a FOIA request shall be deposited monthly in the general fund of the District.
6. These fee reduction provisions do not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

E. Deposits

1. If the estimated cost for processing an individual's FOIA request exceeds \$50.00, the FOIA Coordinator or his/her designee shall require a good faith deposit of one-half of the estimated fee before processing the request.
2. The District's request for a deposit shall include a detailed itemization, provided on the District's standard form for detailed itemization, along with a best efforts estimate by the District regarding the time required for the District to provide the public records to the requestor.
3. If the District has granted and fulfilled a written request from an individual under FOIA and has not been paid in full the total amount due pursuant to MCL 15.234(1), the District will require a deposit of up to 100% of the estimated fee before the District begins a full public record search for any subsequent written request from that individual, if all of the following apply:
 - a. The final fee for the prior written request was not more than 105% of the estimated fee.
 - b. The public records made available contained the information being sought in the prior written request and the records are still in the District's possession.

- c. The public records were made available to the individual, subject to payment, within the time frame estimate described above in Paragraph 2 and required under MCL 15.234(7).
 - d. 90 days have passed since the District notified the individual in writing that the public records were available for pickup or mailing.
 - e. The individual is unable to show proof of prior payment to the District.
 - f. The District calculates a detailed itemization, as required under MCL 15.234(4) that is the basis for the current written request's increased estimated fee deposit.
4. The District shall not require an increased estimated fee deposit from an individual as described above if any of the following apply:
- a. The individual is able to show proof of prior payment in full to the District.
 - b. The District is subsequently paid in full for the applicable prior written request.
 - c. 365 days have passed since the individual made the written request for which full payment was not remitted to the District.

F. FOIA Request Denials

1. To the extent that a request is denied in whole or in part, the FOIA Coordinator shall fully comply with each of the provisions of the FOIA that applies to such denials, including the right to initiate judicial review, and the other notices required by law.
2. The FOIA Coordinator or his/her designee who denied the FOIA request shall issue a written denial of the request, which must contain:
 - a. An explanation of the basis under FOIA or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
 - b. If all or part of a requested public record was determined exempt from disclosure under MCL 15.243, and therefore not disclosed pursuant to MCL 15.244, a description of that record or portion of a record that was separated and excluded.
 - c. A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the District, if that is the reason for denying the request or a portion of the request.
 - d. A full explanation of the requesting person's right to do either of the following:
 - i. Submit a written appeal to the Superintendent, which must specifically state that the word "appeal" and identify the reason or reasons for reversal of the disclosure denial.
 - ii. Seek judicial review of the denial.
 - e. Notice of the right to receive attorneys' fees and damages as provided by statute if, after judicial review, the court determines that

the District has not complied with the statute and orders disclosure of all or a portion of a public record.

3. The individual responsible for the denial of the request shall sign the written notice of denial.
4. Should the requested record(s) be classified as exempt but contain information which is not exempt from disclosure, the FOIA Coordinator or his/her designee shall delete the exempt material and release the remaining information for inspection or copying.

G. Requests for Inspection Only

If a request is made for the inspection of public records only, and to the extent such request is granted, such records may be inspected only at the Community Relations Office, and at a date and time established by the FOIA Coordinator. A staff member must be present throughout the inspection. No public records may be removed from the School District. If copies of the documents are requested, they will be made and provided, subject to payment of any required fees.

H. Internal and External Appeals

1. If a request to inspect or copy a record is denied by a FOIA Coordinator or his/her designee, the person making the request may appeal the decision within the District to the Board. The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons for reversal of the denial. The Board shall have 10 days to:
 - a. Reverse the FOIA Coordinator's 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.
 - d. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Board shall respond to the written appeal. The Board shall not issue more than one notice of extension for a particular written appeal.

The Board is considered to have received a written appeal on the day of the first regularly scheduled meeting of the Board following the submission of the written appeal.

2. Upon the District's final determination to deny all or a portion of a FOIA request, the requesting person may commence a civil action in circuit court to compel the District's disclosure of the public records. An individual must initiate the civil action within 180 days of the District's final determination to deny the request.

I. Requested Records Available on Website

1. If the FOIA Coordinator or his/her designee knows or has reason to know that all or a portion of information requested in a written request is available on the District's website, the FOIA Coordinator or designee will provide the specific webpage address where the information is available in its written response. The District will not charge a fee for records available to the public on its website, unless the requestor stipulates that the records be provided in a format other than through the publicly available website.

2. If a verbal request for information is for information that the FOIA Coordinator or his/her designee believes is available on the District's website, the FOIA Coordinator or designee shall, where practicable and to the best of his/her knowledge, inform the requestor about the District's pertinent website address.

J. Public Availability of District's FOIA Procedures and Guidelines and Written Public Summary

The District shall make these FOIA Procedures and Guidelines (which include the District's standard form for detailed itemization) and the District's Written Public Summary available to the public by:

1. Posting the District's FOIA Procedures and Guidelines and the District's Written Public Summary on the District's website;
2. Providing free copies of the District's FOIA Procedures and Guidelines and the District's Written Public Summary, upon request, to visitors to the District's office; and
3. Including the specific webpage address(es) where the District's FOIA Procedures and Guidelines and the District's Written Public Summary are available for public viewing in each District response to a written request for public records under FOIA.

PROCESS FOR REQUEST OF RECORDS UNDER FREEDOM OF INFORMATION ACT

The Freedom of Information Act was enacted In 1976 with the intent that "all persons are entitled to full and complete information regarding the affairs of government and official acts of those who represent them as public officials and public employees. . . The people shall be informed so that they may fully participate in the democratic process."

Request for Records Under Freedom of Information Act

Name _____ Phone _____

Address _____

Date _____ Time _____ Deposit (if estimate exceeds \$50) _____

How request is being made: Mail _____, In person _____, Other _____

Description of records requested _____

Record(s) provided by: _____

Department: _____ Date: _____

Signature of Requesting Party _____ Date: _____

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- A. How to submit written requests to the District;
- B. How to understand the District's written responses to FOIA requests;
- C. Deposit requirements;
- D. Fee Calculations; and
- E. Avenues for challenge and appeal.

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

M.C.L.A. 15.231 et seq.

M.C.L.A. 445.81 et seq.

Michigan Federation of Teachers v. University of Michigan, 481 Mich. 657 (2008)

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8310C - DENIALS OF FREEDOM OF INFORMATION ACT REQUEST

Section 5 of the Michigan Freedom of Information Act (FOIA) states that written denials, in whole or in part, for information requested under the Freedom of Information Act must include:

1. An explanation of the basis under FOIA or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
2. If all or part of a requested public record was determined exempt from disclosure under MCL 15.243, and therefore not disclosed pursuant to MCL 15.244, a description of that record or portion of a record that was separated and excluded.
3. A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the District, if that is the reason for denying the request or a portion of the request.
4. A full explanation of the requesting person's right to do either of the following:
 - a. Submit a written appeal to the Board, which must specifically state that the word "appeal" and identify the reason or reasons for reversal of the disclosure denial.
 - b. Seek judicial review of the denial.
5. Notice of the right to receive attorneys' fees and damages as provided by statute if, after judicial review, the court determines that the District has not complied with the statute and orders disclosure of all or a portion of a public record.

The following format may be used when denying a request for information under the Freedom of Information Act:

On _____, the District received your request under the Freedom of Information Act for

We regret that we must deny your request for this material for the reason(s) that:

(Be sure to give an explanation of all reasons for denying the request, including those found in Section 13 of the Freedom of Information Act, MCLA 15.243.)

If certain information contained in a public record which you have decided to disclose is being separated or deleted, the statute requires that a description of that separated or deleted information be included.

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8310E - RECORD ACCESS BY DISABLED PERSONS

At times, there will be requests by individuals who have a disability and may require special assistance or special arrangements to participate in a program or activity sponsored by the Plymouth-Canton Community Schools. In such cases, contact the superintendent or designee at 416-2700. We request that you provide a forty-eight (48) hour notice so that the proper arrangements can be made.

Individuals with disabilities who require assistance or special arrangements to participate in a program or activity sponsored by the building or a specific department, should contact the principal/supervisor. It is requested that you provide a forty-eight (48) hour notice so that the proper arrangements may be made.

If special arrangements are necessary to make information accessible to an individual with a disability, then the following procedures need to be followed:

- A. The individual will give notice to the 504/ADA Coordinator for the Plymouth-Canton Community Schools located at 454 S. Harvey Street, Plymouth, Michigan, 48170. In such cases, please contact the superintendent or designee at 416-2700.
- B. The requested information will be made available at the Board of Education Office which is located at 454 S. Harvey Street, Plymouth, Michigan. An appointment to review the requested information can be arranged during the regularly-scheduled, work hours.
- C. If the individual who has requested the information chooses not to review the requested materials at the Board office, then an accessible copy will be provided at a cost no greater than the rate of labor and paper costs charged to a nondisabled individual requesting the same information. In any case, the charge will not be greater than what is charged to the nondisabled individual.
- D. When the requested amount of material is twenty (20) or fewer pages, the request will be completed in one (1) work day. When the requested amount of material is twenty-one (21) pages or more, or the equivalent amount in some other accessible format, the request will be completed within a regularly-scheduled, work period.
- E. When the volume of information exceeds fifty (50) pages, a "good faith" deposit of twenty dollars (\$20.00) will be required before the request is completed. This amount will be considered as a portion of the final payment. When requests involve fifty (50) pages or more, notice will be given to the individual requesting such information as to expected completion date.
- F. Other costs which may include, but not limited to, postage, the labor rate on a per minute basis, based upon the rate of pay for the lowest clerical personnel, will be charged to the person making the request, if they should choose not to review the materials at the Board office.
- G. The District will consider the preferred accessible format of the individual making the request.