

PUBLIC SUMMARY OF THE DISTRICT'S FOIA PROCEDURES AND GUIDELINES

Monroe Public Schools

The following questions and answers are intended as a public summary of the procedures and guidelines instituted by the Monroe Public Schools (the "District") to comply with the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.* The District's FOIA Procedures and Guidelines are available in their entirety at [\[INSERT LINK TO ADMINISTRATIVE GUIDELINE AND FORM\]](#).

What is required in a FOIA request?

To submit a request to inspect, copy, or receive copies of a public record under FOIA, a person must submit a written request with a sufficient description of the public record. A special form is not required.

What can I request?

- Public records prepared by the District or within the District's possession that are not exempt from disclosure under Section 13 of the Michigan Freedom of Information Act (MCL 15.243).
- A subscription to future issuances of public records that are created, issued, or disseminated on a regular basis. A person can request a subscription for up to 6 months, and subscriptions are renewable.
- A certified copy of a public record.
- A public record sent to you by email or provided in another nonpaper form, as long as the District is technologically capable of doing so.

Who should the request be made to?

You should direct your FOIA requests to the District's FOIA Coordinator. The requests can be mailed, emailed, faxed, or delivered by hand. The contact information for the District's FOIA Coordinator is:

Holly Scherer
Monroe Public Schools
1275 N. Macomb St.
Monroe, MI 48162
734-265-3022
scherer@monroe.k12.mi.us

How long does the District have to respond to my FOIA request?

The District has 5 business days to respond, unless you specifically give the District permission to respond after 5 business days have passed.

What kinds of responses are possible?

In response to your FOIA request, the District may:

1. Grant the request and provide you with access to the requested records or with copies of the requested records.
2. Deny your request.
3. Grant the request in part and deny the request in part.
 - If part of your request is denied because it is exempt from disclosure under Section 13 of FOIA, you will receive a written notice describing the part of the record that was determined exempt and excluded.
4. Give you written notice extending for no more than 10 business days the time it has to respond to the request.
5. Tell you that the information you requested is available for free on the District's website, and give you the specific webpage address where the information can be found. You will not be charged a fee for records available to the public on the District's website unless you want the records provided in another format, like paper copies.

What must the District tell me if it denies my FOIA request?

If the District denies your FOIA request, the District must provide you with a written notice containing the following information:

- If applicable, an explanation that the requested record, or part of the record, is exempt from disclosure under Section 13 of FOIA, or under another statute.
- If applicable, a certificate that the public record does not exist.
- An explanation of your right to appeal the decision. The appeals process is discussed further below.
- The signature of the individual responsible for denying your request, whether it be the FOIA Coordinator or another District employee that the FOIA Coordinator has designated to respond to and process FOIA requests on his or her behalf.

- Notice of your right to receive attorneys' fees and damages, as provided under FOIA, if a court determines that the District did not comply with FOIA and the court orders the District to disclose all or part of a public record.

How do I appeal the District's decision to deny my FOIA request?

Appeal to the School Board

If your FOIA request was denied, you can appeal that decision to the District's Board of Education (the "Board"). To do so, you must submit a written appeal to the Board that specifically states the word "appeal" and gives the reasons that you think the denial should be reversed. The Board then has 10 business days to:

- Reverse the previous denial of your FOIA request and grant your request;
- Issue a written notice upholding the denial;
- Under unusual circumstances, issue a written notice extending the time for responding by no more than 10 business days.

File Action in Circuit Court

If you do not want to appeal to the Board, then you have the right under FOIA to file an action in court to require the District to disclose the public records. You have 180 days from the day your FOIA request was denied to file a civil action in Monroe County Circuit Court to require the District to disclose the public records.

Is there a fee for the public records?

As permitted by FOIA, MCL 15.234(1), the District charges a fee to cover the costs of responding to a FOIA request, except in some circumstances discussed further below.

How is the fee calculated?

The District's standard form for detailed itemization of fees will be used to calculate the fees owed for each FOIA request. The form can be found in Administrative Guideline 8310F.

The fee is calculated by adding together:

1. Labor costs of searching for, locating, and examining public records in order to fulfill a granted written request.
 - The District will not charge you for this particular cost unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the FOIA request.

- If the District does charge for you for this particular labor cost, it must specifically identify the nature of these unreasonably high costs.
 - If you are charged, the District will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance, regardless of whether that person is available or who actually performs the labor.
 - This cost is determined using the number of 15 minute increments required to perform the task.
2. Labor costs of separating and deleting information exempt from disclosure.
- The District will not charge you for this particular cost unless the failure to charge a fee would result in unreasonably high costs because of the nature of the FOIA request.
 - If the District does charge for you for this particular labor cost, it must specifically identify the nature of these unreasonably high costs.
 - If you are charged, the District will not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting the information exempt from disclosure in the particular instance, regardless of whether that person is available or who actually performs the labor.
 - This cost is determined using the number of 15 minute increments required to perform the task.
3. If the requestor asked for records in nonpaper form, the actual and most reasonably economic cost of the nonpaper physical media, whether it be computer discs, computer tapes, or other digital media.
4. For paper copies, \$0.10 per page.
5. Labor costs of making paper or digital copies, or other types of duplication or publication.
- This cost is determined using a time increment of the District's choosing and the hourly wage of the District's lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor.
6. Actual cost of mailing.

- If you requested that copies of records be mailed to you, the least expensive form of mailing with postal delivery confirmation will be used unless you have requested another form of mailing, like certified mailing or insurance.

Are there any fee waivers or reductions available?

Fee waivers/reductions are available for certain individuals and organizations. Such waivers/reductions will be noted on the District's standard form for detailed itemization of fees when calculating the fees owed for each FOIA request.

Indigency

The District will waive the first \$20.00 in fees for a FOIA request made by an individual who **receives public assistance or can prove indigency**, for up to 2 separate FOIA requests each calendar year.

To be eligible, an individual should submit an affidavit with his or her FOIA request. In the affidavit, the individual must state:

1. That he or she is indigent and receiving public assistance,
or
facts showing inability to pay the cost because of indigency;
2. He or she is not making the FOIA request for an outside party in exchange for payment or other compensation; and
3. He or she has not already received more than one waiver in that calendar year.

Michigan Protection and Advocacy Service, Inc.

The District shall comply with MCL 15.234(2)(b) and waive the first \$20.00 of the fee for each FOIA request made by the **Michigan Protection and Advocacy Service, Inc, or any successor 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, if the request meets all of the following requirements:

1. It is made directly on behalf of the organization or its clients.
2. 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.
3. It is accompanied by documentation of its designation by the state, if requested by the public body.

When do I have to pay?

Generally, you do not have to pay the fees discussed above until the District has processed your request and the public records are ready to be mailed, picked up, or otherwise distributed to you.

However, if the estimated cost for processing your FOIA request is more than \$50.00, then you will be required to pay 50% of the estimated cost before the District will begin processing your request. The estimated cost will be determined using the District's Standard Form for Detailed Itemization. You will be provided a copy of this form when you are asked to pay your deposit.

The District will also require you to pay a deposit if you previously made a FOIA request but did not pay the total amount due for processing the request. In that case, you will be required to pay a deposit of 100% of the estimated fee before the District will begin processing your request.

What if I do not agree with the amount the District says I have to pay?

If you disagree with the fee amount you are instructed to pay, you can first appeal to the Board by submitting a written appeal for a fee reduction. It should specifically state the word "appeal" and should say how the fee exceeds the amount permitted by the District's FOIA Procedures and Guidelines or by the Michigan FOIA, MCL 15.234.

If the Board denies your request for a fee reduction or does not respond within 10 business days, you can file a civil action in Monroe County Circuit Court for a fee reduction. You have 45 days from the date your request for a fee reduction was denied or the FOIA Coordinator instructed you to pay the fee to file the action.

Where can I find more information?

The District's FOIA Procedures and Guidelines are available [\[INSERT LINK\]](#).

The Freedom of Information Act can be accessed at the Michigan Legislature's website, [\[INSERT LINK\]](#).