

DETROIT PUBLIC SCHOOLS

FOIA Procedures Summary

The FOIA Procedures Summary is provided in accordance with amended Section 4 of the Michigan Freedom of Information Act (the Act) (MCL 15.231 et. seq.). Subsection 4 requires public bodies, such as Detroit Public Schools, to establish a written public summary of its procedures in order to assist the general public regarding how to submit FOIA requests and explaining how to understand responses, deposit requirements, fee calculations and avenues for appeals. MCL 15.234(4)

I. REQUEST PROCESSING

All requests to the District shall be submitted for processing to the Freedom of Information Act (FOIA) Coordinator, Fisher Building, 3011 W. Grand Blvd., Suite 1002, Detroit, MI 48202, Fax: (313) 873-4564, Email: foia.request@detroitk12.org

Requests should be as specific as possible and sufficiently describe the information or record to enable the District to identify and locate the record(s). Requestors should provide a return address, phone and email address, so that, if necessary, they can be contacted by the FOIA Coordinator for clarification of the request. Requests should be clearly identified as a "Freedom of Information Act Request". The Request for Freedom of Information Form available on the District's website <http://detroitk12.org/board/>.

II. FOIA RESPONSE

Upon receipt of a request for information, the District shall respond to the request in accordance with the FOIA. Once a written request is submitted to the FOIA Coordinator:

- a) The District has **five (5) business days to respond** to the request. Requests received by email or fax are considered received on the business day following the date of transmission.
- b) If a response cannot be provided within five (5) days, the District shall issue **one (1) ten day extension notice**. Information must be provided before the end of the extension period.

The District shall do either of the following:

- a) Grant the request – request fee in full or waive payment and produce the documents; or if fee greater than \$50.00 request good faith deposit;
- b) Deny the request – explain the basis for denial - the record is exempt or the record does not exist and explain the right to appeal or seek judicial review by circuit court with notification of right to attorney's fees, costs and possible damages; or
- c) Grant in part and deny in part – describe redacted/deleted information; or
- d) Notify requestor of the ten (10) day extension, the reason for the extension and date when the District will respond.

The District will also inform a requestor if the requested information is available on its website or inform the requestor of the pertinent website address.

III. COSTS, FEES AND GOOD FAITH DEPOSITS

In accordance with the Act, the District charges a fee for providing copies of public records. Individuals who are indigent may receive a waiver of the first \$20.00 of the fee upon verification of indigence or public assistance status.

The District shall establish fees with charges for mailing and duplication, including labor, for providing public records according to its FOIA Fee Schedule. The FOIA Fee Schedule can be found on page 8 of the Procedures Governing Freedom of Information Act Requests at <http://detroitk12.org/board/>. The following is an overview of permitted fees:

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1. Mailing: Current actual cost of first class postage
2. Copying/Duplication: starting at \$.10 per page
3. Labor: Hourly wage rate, including benefits (50%), of the lowest paid capable employee for search, examination, review, separation and deletion of exempt from non-exempt information.

Actual mailing costs will be charged. The District shall use the most economical means for making copies. Labor will be calculated in 15 minute increments. If specialized knowledge is required to search, examine, review and separate exempt from nonexempt information, then, the labor costs will be calculated using the hourly wage, and 50% of fringe benefits, of the District's lowest paid specialist, technical, management or executive class employee capable of performing the necessary tasks. Contracted labor costs shall not exceed 6 times the state minimum hourly wage.

Good Faith Deposits

If the fees required to fulfill a request are reasonably expected to exceed \$50.00, a good faith deposit of one-half of the total estimated fee is required. A requestor who has not previously paid the District for requested records will be required to pay a one hundred (100%) deposit. The District will require payment of the fee in full before releasing the requested records.

IV. DENIALS & APPEALS

A denial to a FOIA request must be issued in writing. A written denial must: a) state the basis under the Act or other statute that the records are exempt, if that is the basis for denial; b) certify the record does not exist, if that is the basis for denial; c) describe information/records redacted from disclosure where information/records are redacted; and d) provide a full explanation of the requestor's right to seek an appeal or judicial review, including the right to attorney fees.

1. Appeal of a FOIA Decision

Requestors may appeal the decision to deny a request for information by:

- a) Submitting a written appeal to the Chief Administrative Officer of the District specifically identifying request as an "Appeal" and providing the reasons why the decision should be reversed; or
- b) Seeking judicial review in circuit court.

In response to the appeal, the District shall do one of the following: i) reverse the denial; ii) uphold the denial; or iii) reverse in part and uphold in part.

2. Appeal of a FOIA Fee

Requestors may appeal the determination of the fee charged by:

- a) Submitting a written appeal to the Chief Administrative Officer of the District, specifically identifying request as an "Appeal" and how the required fee exceeds the amount permitted under the District's procedures; or
- b) Seeking judicial review in circuit court.

In response to the appeal, the District shall do one of the following: i) waive the fee; ii) reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee; or iii) uphold the fee and issue a written determination indicating the specific basis that supports the required fee.

For additional information: The DPS Policy Governing Freedom of Information Act Requests is on the District's website at <http://detroitk12.org>. DPS Procedures Governing Freedom of Information Act Requests (with the FOIA Fee Schedule) are available at <http://detroitk12.org/board>.