

POLICY 2810- Public Review and Inspection of Records
ADOPTED December 11, 2002

The Superintendent shall establish and publish rules for public inspection and copying of records in accord with the Michigan Freedom of Information Act, and shall serve as FOIA Coordinator for the District. Inspection of records by the public shall be limited to the regular office hours of the building or office that houses the records. Copies of records that are not exempt from disclosure will be available on request.

Legal Ref: M.C.L. 15.231 et. seq. (Freedom of Information Act)

2810.1 Fees

The Superintendent shall charge a fee to cover actual costs of providing access to and/or copies of public records in accord with law, except that disclosure to any of the following person(s) is in the public interest and shall be exempt from the first \$20.00 of fees incurred in a school fiscal year:

- a. News media organization for dissemination to the public;
- b. A member of the Board;
- c. A minor for use in a school or community organization civics project (ex. Boy Scout Citizenship merit badge), and/or
- d. Other person(s) approved by the Superintendent.

2810.2 Appeals

If a request for disclosure of record(s) is denied, procedures for appeal of the decision shall be provided along with the denial.

COOR ISD FOIA Procedure Summary

► FOIA Requests

COOR ISD is committed to complying with requests for public records in accordance with the provisions of the Michigan Freedom of Information Act (FOIA). All requests will be processed according to the requirements of FOIA and COOR ISD policies and procedures.

[Michigan Compiled Laws - Freedom of Information Act, MCL 15.231 et. seq.](#)

FOIA requests should be made in writing and addressed to:

FOIA Coordinator
COOR ISD
PO Box 827
Roscommon, MI 48653

Requests should be as specific as possible, so that COOR ISD can identify and search for the requested document(s). The written FOIA request should be dated and signed by the requester, and include a return address. It is also helpful to provide a phone number and/or email address, so that, if necessary, the FOIA Coordinator can contact the requester to clarify a request.

▶ FOIA Responses

In accordance with Michigan law, the requester will receive a response within five business days which will do one of the following:

- Grant the request and either provide the requested documents (and request payment in full or waive payment of the fee), or - if the request will cost COOR ISD more than \$50 - notify the requester of the estimated fee for providing the documents and require a deposit be paid before processing the request;
- Notify the requester of a 10 business day extension to respond to the request, the reason for the extension and the date COOR ISD will respond to the request;
- Deny the request, if the document is exempt from disclosure under FOIA or the document does not exist;
- Grant the request in part and issue a written notice to the requesting person denying the request in part, if the some of the documents are exempt from disclosure under FOIA or the documents do not exist.

COOR ISD may charge a fee for the actual costs of copying and mailing the documents, including the labor costs associated with copying and mailing. Currently, that fee is 10 cents per page. In addition, COOR ISD may charge the labor cost for searching, examining, reviewing, or redacting exempt information from the documents when the FOIA request seeks several records, requires a search of numerous records or a search of records stored in different locations or mediums, or requires review and redaction of exempt material. This fee is calculated based on the hourly rate (including benefits) of the lowest paid staff member capable of performing the search or review. COOR ISD will waive fees for requests made in the public's interest, including requests from government officials and the media unless these requests become unreasonable, excessive or overly burdensome.

▶ FOIA Appeals

Denial of a request by COOR ISD FOIA Coordinator may be appealed to the COOR ISD Board of Education by forwarding the request with a written notice of appeal to:

COOR ISD Board of Education
Attention: FOIA Appeal
PO Box 827
Roscommon, MI 48653

Freedom of Information Act (FOIA) Procedures and Guidelines

This document serves as Procedural Support to Policy 2810. The Crawford-Oscoda-Ogemaw-Roscommon (COOR) ISD supports the public's right to information regarding the affairs of COOR ISD. This document outlines our practices and policies in regard to requests for records under the Michigan Freedom of Information Act (FOIA).

COOR ISD Superintendent will serve as the FOIA Coordinator and is responsible for accepting and processing all FOIA requests and approving denials. FOIA requests must be in writing and describe a public record sufficiently to enable the District to find the public record. All FOIA requests received by District employees must be forwarded to the FOIA Coordinator. In the event the FOIA Coordinator feels circumstances appropriate, he/she may contact legal counsel at his/her own discretion. The FOIA Coordinator will keep a file copy of all FOIA requests for one year.

Upon receipt of a written FOIA request, the FOIA Coordinator may, if deemed necessary, forward notice of the request, specifically describing each public record requested to all Department Directors within the ISD (hereinafter "FOIA Notice"). In the event notice of a FOIA Notice is sent to Department Directors, the FOIA Coordinator shall include within each FOIA Notice the date in which the FOIA request is received as prescribed by the Act, as well as the date(s) in which a response is due, including both a response due within the five (5) days prescribed by the Act as well as the date in which a response is due pursuant to the ten (10) day extension. Each Department Director shall have two (2) business days to respond to the FOIA Coordinator in one of the following ways:

1. Stating that the documents do not exist within his or her department.
2. Stating that some or all of the documents exist within his or her department and provide those documents located to the FOIA Coordinator.
3. Stating that a ten (10) day extension is required to search, review, and copy the documents requested.

If a Department Director requests a ten (10) day extension pursuant to the Act, the Department Director shall then provide the documents located or a statement that the documents do not exist within three (3) business days prior to the final date for the response as indicated in the FOIA Notice.

The FOIA Coordinator will respond within five (5) business days to a written request for a public document or record under the Freedom of Information Act in one of the following ways:

1. Grant the request.
2. Issue a written notice to the requesting person denying the request.
3. Grant the request in part and issue a written notice to the requesting person denying the request in part.
4. Issue a notice extending for not more than ten (10) business days the period during which the FOIA Coordinator shall respond to the request.

If the FOIA Coordinator denies a request, the FOIA Coordinator will explain the reasons for denying the request, that is, either the public record is exempt from disclosure or the public record does not exist or such other reason as permitted by law. The FOIA Coordinator will inform the requesting party of the right to appeal the denial to the Board or seek judicial review. Notification of the right to judicial review must include notification of the right to receive

reasonable attorney fees, costs, and possible damages. If the requesting person submits a written appeal to the Board, the Board will have ten (10) business days after its next regularly scheduled meeting to decide whether to reverse or uphold the denial. The Board may, under unusual circumstances, issue a notice extending for not more than ten (10) business days the time to respond to the appeal.

Charging of Fees

The Freedom of Information Act permits a public body to charge a fee for the necessary searching and extracting of a public record for inspection or for providing a copy of a public record. If the fee will exceed \$50, the FOIA Coordinator may request a good faith deposit of one-half of the estimated fee and process the request only after receipt of the deposit. The District may require the requestor pay the fee in full before releasing the records requested.

The FOIA Coordinator shall prepare guidelines for charging fees consistent with the law and the District's policy and rule. Fees shall be uniform and not dependent upon the identity of the requester. A fee will not be charged if the District determines the request primarily benefits the general public. The decision to charge a fee shall be determined on a case-by-case basis by the Superintendent. The first \$20 of the fee will not be charged if the requester submits an affidavit that he or she is on public assistance or indigent. A records charge invoice could be included as part of the FOIA coordinator's response. The FOIA coordinator may choose not to charge a fee under \$10 for the first FOIA request from any one requestor.

Guidelines for Charging Fees

If COOR ISD charges a fee, the following guidelines for calculating the fee shall be followed:

1. Materials – Paper, media & mailing
 - a. If requestor stipulates non-paper and the district has the technological capacity to comply, it must provide non-paper. If there is a cost associated with producing such a record, the "actual and most reasonably economical cost" of the media may be charged.
 - b. If paper is provided, the "actual total incremental cost" of the copies may be charged. The district will utilize double-sided printing if economical and available
 - c. If materials are mailed, then send in a "reasonably economical and justifiable manner" No charge for expedited mail or insurance unless stipulated by requestor. A detailed itemization of charges will be provided to requestor.
2. The labor cost (that is the hourly wage, including fringe benefit costs, of the lowest paid employee capable of retrieving the information) for the time spent copying and mailing the record will be charged. Labor will be recorded in 15 minute increments, rounded down.
 - a. The labor cost for the time spent searching, examining, reviewing and deleting/separating exempt from nonexempt information will be charged when the cost to respond to the FOIA request is unreasonably high. This determination will be made on a case-by-case basis considering the volume and complexity of the FOIA request, including the number of documents requested, the number of documents that must be searched to respond to the request, the location of the

- documents, the number of documents that must be examined to respond to the request, and the amount of information that must be redacted.
- b. As a general rule, if more than one-half hour is spent on this task, then the labor cost will be charged (For example, this labor cost will not be charged if the FOIA request seeks easily identifiable and easily retrievable documents consisting of a few pages and requires minimal redactions; the labor cost will be charged if the FOIA request seeks multiple records or requires a search of numerous records, or a search of records stored in different locations or mediums, or requires review for exempt material, or requires redaction of exempt material).
 - c. The actual cost of labor of employees searching for, locating, examining, separating exempt and non-exempt material, redacting material will be computed as the hourly wage of lowest-paid employee who is capable of the work, regardless of who actually does the work. The time will be charged in 15 minute increments, rounded down.
 - d. If a non-employee separates exempt and non-exempt material or does the redaction, the maximum labor cost for those outsourced tasks will be six (6) times the state minimum wage. There will be no charge if the redacted version already exists.
 - e. In the event that overtime is expected to be necessary to complete the task of searching for, locating, examining, or separating exempt and non-exempt material, the requestor would be informed that overtime fees would be charged in order to comply with meeting the FOIA request timeframe.
 - f. A detailed itemization of the charges will be provided to the requestor.

Appeal to Board

A person submitting a written request to the FOIA coordinator under the Freedom of Information Act has a right to appeal any denial of the request by the FOIA coordinator to the Board. If a FOIA request is denied by the FOIA coordinator, the FOIA coordinator must send a written notice containing the reasons for denial and explain the right to submit a written appeal to the Board or seek judicial review in court.

A person whose FOIA request is denied and who elects to appeal the denial to the Board must submit a written appeal to the Board using the word "appeal" and stating the reasons why the denial should be reversed.

The Board will have up to ten (10) days following its next regularly scheduled monthly meeting, in order to reverse the denial; uphold the denial; or, under unusual circumstances, issue a notice extending for no more than ten (10) additional business days the time to respond to the appeal.

The FOIA coordinator will attend the meeting of the Board and be prepared to explain the reasons for the denial of the FOIA request. The person appealing the denial may be invited to attend the Board meeting and address the Board.

The Board will reach a decision based on the requirements of the FOIA law. A FOIA coordinator's decision will be upheld if the record does not exist or the Board elects to rely on one of the statutory exceptions. If the Board reverses the FOIA coordinator's denial, the Board will direct the FOIA coordinator to produce the requested material. If the Board upholds the

FOIA coordinator's denial, the Board will inform the person appealing in writing that the FOIA request has been denied on appeal and inform the person of the right to seek judicial relief. If the Board reverses the denial in part and upholds the denial in part, then the Board will direct the FOIA coordinator to produce certain of the material requested and inform the person appealing that as to the material not disclosed, the person may seek judicial relief.

FOIA Fee Itemization Form

(Effective July 1, 2015)

Component	Cost Calculations	Total
1. Labor Costs – Search, Location, and Examination of Records*	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination <div style="text-align: right;">\$ _____ per hour</div></p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) <div style="text-align: right;">_____ %</div></p> <p>Multiply the hourly wage times the fringe benefit multiplier <div style="text-align: right;">\$ _____ x 1. _____ = \$ _____</div></p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) <div style="text-align: right;">\$ _____ + _____ = \$ _____</div></p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment <div style="text-align: right;">\$ _____ / 4 = \$ _____</div></p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate <div style="text-align: right;">_____ x \$ _____ = \$ _____</div></p>	<p>\$ _____</p>
2. Employee Labor Costs – Redaction*	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction <div style="text-align: right;">\$ _____ per hour</div></p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) <div style="text-align: right;">_____ %</div></p> <p>Multiply the hourly wage times the fringe benefit multiplier</p>	

	$\text{\$} \underline{\hspace{2cm}} \times 1. \underline{\hspace{1cm}} = \text{\$} \underline{\hspace{2cm}}$ <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> $\text{\$} \underline{\hspace{2cm}} + \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$ <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> $\text{\$} \underline{\hspace{2cm}} / 4 = \text{\$} \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \text{\$} \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$	$\text{\$} \underline{\hspace{2cm}}$
2. Contracted Labor Costs – Redaction*	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted: _____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. $\text{\\$}8.15 \times 6 = \text{\\$}48.90$)</p> $\text{\$} \underline{\hspace{2cm}} \text{ per hour}$ <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> $\text{\$} \underline{\hspace{2cm}} / 4 = \text{\$} \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \text{\$} \underline{\hspace{2cm}} = \text{\$} \underline{\hspace{2cm}}$	$\text{\$} \underline{\hspace{2cm}}$
3. Non-Paper Physical Media	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives $\text{\\$} \underline{\hspace{2cm}} \times \text{number used } \underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}$</p> <p>Computer Discs $\text{\\$} \underline{\hspace{2cm}} \times \text{number used } \underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}$</p> <p>Other Media $\text{\\$} \underline{\hspace{2cm}} \times \text{number used } \underline{\hspace{2cm}} = \text{\\$} \underline{\hspace{2cm}}$</p>	$\text{\$} \underline{\hspace{2cm}}$
4. Paper Copies	<p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 1/2" x 11")</p> $\text{number of sheets } \underline{\hspace{2cm}} \times \text{\$}0. \underline{\hspace{1cm}} = \text{\$} \underline{\hspace{2cm}}$	

	<p>Legal paper (8 1/2" x 14") number of sheets ____ x \$0.____ = \$____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____ number of sheets ____ x \$____ = \$____</p> <p>Type of Paper: _____ number of sheets ____ x \$____ = \$____</p> <p>(NOTE: Must print double-sided if available and costs less.)</p>	<p>\$____</p>
<p>5. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</p>	<p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost) _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier \$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs) \$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ (____) minute increment \$_____ / 4 = \$_____</p> <p>(NOTE: May use any time increment for this category)</p>	
	<p>Number of ____ minute increments (partial time increments must be rounded down) multiplied by the permitted rate _____ x \$_____ = \$_____</p>	<p>\$_____</p>
<p>6. Mailing</p>	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p>Cost of mailing: \$_____</p> <p>Cost of least expensive form of postal delivery confirmation: \$_____</p> <p>Cost of expedited shipping or insurance only if specifically stipulated by the requestor:</p>	

	\$ _____	\$ _____
	Subtotal	\$ _____
Waivers and Reductions	<p>Subtract any Fee Waiver or Reduction: \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x ____ days late = _____% reduction (maximum reduction is 50%)</p>	-\$ _____
Deposit	Subtract any good-faith deposit received: \$ _____	-\$ _____
	Total Due	\$ _____

*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are "unreasonably high" is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.