

Alpena-Montmorency-Alcona Educational Service District

Administrative Guidelines

8310A - PUBLIC RECORDS

The District's public records, as defined under the Freedom of Information Act ("FOIA"), are available for public inspection and/or copying in accordance with the following administrative guidelines. The rights and obligation of the District and requesters under FOIA are subject to M.C.L. 15.231, et. seq. Exemptions are specified in M.C.L.A. 15.243.

Designation of Officers

The assistant superintendent shall be the District Records Officer (DRO) as well as the FOIA Coordinator.

Procedures

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

- A. Requests to inspect or secure copies of records shall be submitted to the assistant superintendent on [Form 8310 F1](#), copies of which are available in the Office of the Superintendent.
- B. The assistant superintendent will determine and advise the requester, within five (5) days, whether the records specified in the request are available for inspection and copying. If a request is denied by the assistant superintendent, the requestor may seek to compel disclosure or make a written appeal of the denial to the Board. The Board shall act on the appeal within ten (10) days or issue a notice of extension of ten (10) days in which to make the decision.
- C. With respect to records which are determined to be available, the assistant superintendent will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee. The assistant superintendent will establish a time and date for inspection and copying of the requested records. If the records are available on the District's website, the District may refer the requester to the website location as its response to the request.
- D. At the request of the requestor, the assistant superintendent shall make arrangements for the record to be transmitted electronically via the medium selected by the requestor, if the District has the technological capability to comply with the request.

- E. With respect to records which are determined not to be available or when there needs to be a delay in responding to the request, the assistant superintendent will note the reason on [Form 8310 F3](#) and send one copy of the form to the requester as soon as possible. The District may extend the time for responding to a FOIA request by not more than ten (10) business days.
- F. Records may be inspected only at the Office of the Superintendent or at such other place as may be designated by him/her. No record may be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.
- G. Requests by mail, fax, or E-mail for copies of available records may be addressed to the District Records Officer, and will be honored upon payment of any required fee, provided the requester and the record of which a copy is requested are sufficiently identified to make compliance practicable.

Location and Time

Records shall be made available at the Alpena-Montmorency-Alcona Educational Service District Administrative Building Office, during the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, with the exception of the holidays when District schools are closed.

Fees

Upon written request, copies of said records shall be provided for a fee which will be no more than the actual cost for the duplication plus any allowable costs which will be charged at an hourly rate equal to the lowest paid full-time staff member capable of retrieving, examining and/or reviewing the information being sought by the requestor. The FOIA Coordinator shall be responsible for determining which type of public records requests could require a fee payment for search, examination, review, deletion and separation of exempt from nonexempt information in the record, because the cost would create unreasonably high costs to the District. In such instances, the requestor is to be informed, in advance, of the special fees and the reasons thereof.

Such costs shall include the following:

- A. actual mailing costs
- B. the cost of duplication or publication, including labor
- C. the cost of search, examination, review, and deletion and separation of exempt and nonexempt information

Charges may be reduced or eliminated if the Board determines that a waiver or reduction of the fee is in the public interest.

Charges may be reduced for an individual who submits an affidavit stating that the individual is then receiving public assistance or stating facts showing inability to pay the cost because of indigence.

The Board shall comply with the provisions of this policy in the most economical method possible which is consistent with acceptable procedure.

Charges shall not be made for the separation of exempt and nonexempt information unless the Board specifically identifies the nature of unreasonably high costs for such separation.

Exempt Records

Exempt records shall include the following:

- A. information of a personal nature when the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy
- B. investigating records compiled for law enforcement purposes
- C. records or information specifically described as exempted from disclosure by statute
- D. information, the release of which would prevent the Board from complying with the Family Educational Rights and Privacy Act
- E. a record, or information, which is furnished by the public body originally compiling, preparing, or receiving the record, or information, to the Board, or its administrative officers, in connection with the performance of the duties of the Board, or its administrative officers, if the record was exempt from disclosure by the public body and the consideration originally giving rise to the exempt nature of the record remains applicable
- F. financial information voluntarily provided to the Board for use in developing policy, if:
 - 1. the information is submitted upon the promise of confidentiality by the Board
 - 2. the promise of confidentiality is authorized by the Superintendent or by an elected official at the time the promise is made
 - 3. a description of the information is recorded by the Board within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request

This shall not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

- G. information or records subject to the attorney-client privilege
- H. information or records subject to the physician-patient, psychologist-patient, minister, priest, or Christian Science practitioner, or other privilege recognized by Section 2165 of the Judicature Act or court rule
- I. a bid or proposal by a person to enter into a contract or agreement until the time for receipt of bids or proposals has expired
- J. appraisals of real property to be acquired by the Board until:
 - 1. an agreement is entered into
 - 2. three (3) years have elapsed since making the appraisal unless litigation relative to the acquisition has not yet terminated
- K. test questions and answers, scoring keys, and other examination instruments or data
- L. medical counseling or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation
- M. communications and notes within a public body, or between public bodies, of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action but shall not apply unless the public body shows that in the particular instances that the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure
- N. records of communication codes
- O. testing data developed by the Board to determine whether a bidder's products meet specification for purchase of those products by the Board if disclosure would reveal that only one (1) bidder has met the specifications
- P. if a record contains exempt and nonexempt material the Board, within reason, shall separate the material and make nonexempt material available

- Q. whenever possible, in the designing of records, provisions shall be made to separate exempt and nonexempt information in order that nonexempt information shall be in a form that can be copied

M.C.L. 15.231, et. seq.

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