

PROCEDURESFreedom of Information Act (FOIA) Summary

I. PURPOSE

To establish Procedures for responding to requests from the general public to inspect and/or obtain copies of the records of the School District of the City of Wyandotte, Michigan.

II. PROCEDURES AND PRINCIPALS

The Board believes all persons are entitled to full and complete information regarding the affairs of the School District of the City of Wyandotte, Michigan and the official acts of those who represent them as elected officials and public employees.

These Procedures shall be implemented as set forth and in compliance with State and Federal statutes, including Public Act No. 442 of the Michigan Public Acts of 1976, the "*Freedom of Information Act*".

An opportunity to inspect the records of the School District of the City of Wyandotte and/or receive copies of the records will be provided upon oral or written request from any person or group of persons. Every effort will be expended to provide public access to appropriate records in a manner conducive to good public relations.

Records specifically described in Section 13 of P.A. 442 shall be exempt from disclosure. Such records include, but are not limited to:

- Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- Records or information specifically described and exempted from disclosure by statute.
- A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.
- Appraisals of real property to be acquired by the public body until
 - i. an agreement is entered into; or
 - ii. three years has elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this Act outweighs the public interest in nondisclosure.

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- 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.
- 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 Procedures or action. Instances where this exemption shall not apply are specifically described in P.A. 442, Section 13(n).
- Information, the release of which would prevent the public body from complying with the Federal Family Educational Rights and Privacy Act of 1974.
- Information or records subject to the attorney-client privilege, the physician-patient privilege, or the psychologist-patient privilege.

The Superintendent, with advice of legal counsel, shall prepare a listing for public use of the most common records which are

- i. open to public scrutiny;
- ii. exempt from public scrutiny; and
- iii. records whose disclosure is subject to question.

III. UNITS INVOLVED

All School District of the City of Wyandotte units.

IV. FORMS

The following forms shall be used to implement requests for disclosure of school records:

- Freedom of Information Act (FOIA)
- Charges for FOIA Request
- FOIA Fee Itemization
- Denial of FOIA Request (including list of Exemptions from Disclosure)

V. PROCEDURE

- A. All requests to inspect the records of the School District of the City of Wyandotte shall be made to the Superintendent orally or in writing. Pertinent information or correspondence regarding the request shall be included. Requests shall sufficiently describe the record to enable school officials to identify and find the record. Separate requests shall be made for each record desired and separate forms shall be filed with the Superintendent. If a request is made over the phone, the person receiving the request will inform the person making the request of the guidelines for determining charges for providing records.

Nothing in these Procedures shall imply that routine, day-to-day inquiries to the School District for information must be subject to these Procedures.

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- B. The Superintendent shall maintain a log of requests received, showing the nature and date of the request, determination of disposition and date, and date and manner of final response to the request.
- C. Immediately, but not more than five (5) business days after the request has been made, unless a single extension of not more than ten (10) business days has been issued or a waiver of time limits has been agreed to in writing by the requesting person, the Superintendent shall render one of the following responses:
 - 1. Grant the request. The Freedom of Information Act (FOIA) Form, shall be sent to the Superintendent for response as directed on the form.
 - 2. Issue a written notice using Denial of FOIA Request Form, to the requesting person denying the request. A denial of the request shall be signed by the Superintendent and state the reason for the denial, including an explanation of the requesting person's right to seek judicial review of the decision. Failure to properly respond to the request constitutes a denial and allows the requester to initiate court action to compel disclosure. Denial may be for:
 - i. the record does not exist;
 - ii. it cannot be identified from the description on the request, or
 - iii. the record is exempt.
 - 3. Grant the request in part and issue a written notice to the requesting person denying such request in part. Material which is partially exempt and partially subject to disclosure shall be separated or deleted and the non-exempt material offered for inspection. A general description of the separated or deleted information shall be provided to the requesting person.
- D. Upon receipt of Freedom of Information Act (FOIA) Form, by the person maintaining the requested record, the request shall be filled in one or more of the following ways:
 - 1. Providing reasonable opportunity and facilities for inspecting and taking notes from the records for the requesting person. Original records shall not be removed from the area provided for inspection and note taking.
 - 2. Providing copies of the records if so requested. If a fee is charged, the copy of the record shall not be released until the fee has been received or the person making the request demonstrates an inability to pay by showing receipt of public assistance.
 - 3. Honoring requests for records which are issued on a regular basis (such as minutes of board meetings) on a six-month renewable subscription basis. A listing of the requester's name, address, record subscribed to, charge, and expiration date of the subscription shall be maintained by the person issuing the record.
 - 4. Determining the actual cost of mailing, duplication, search and/or compiling the record. No charge for the first \$20.00 of a fee may be made to an individual who proves indigence or receipt of public assistance. State

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guidelines for determining free and reduced cost meals to families shall be used as guidelines to determine indigence. At the discretion of the Superintendent, charges may be waived if providing the service free is in the public interest.

- E. If a fee is charged, the Superintendent's Office will complete the FOIA Fee Itemization Form. NOTE: In computing labor charges, the lowest hourly rate of full-time clerical employees must be used.
- F. The Superintendent's Office shall accept the payment for the services rendered and issue a receipt for the same, or in those few instances where deferred payment is indicated, prepare an invoice and forward it to the requesting person.
- G. Copies of these Procedures and Forms shall be posted on the School District's Website.