

**ANN ARBOR PUBLIC SCHOOLS**  
**FREEDOM OF INFORMATION ACT**

**WRITTEN SUMMARY**

Pursuant to Section 4 of the Michigan Freedom of Information Act, [MCL 15.234](#), (the “FOIA” or the “Act”) the Ann Arbor Public Schools, (the “District”), issues this written public summary of the following:

**How to Submit Written Requests to the District**

The District requires individuals or entities to submit FOIA requests in writing. FOIA requests may be mailed to the following address:

FOIA Coordinator  
Ann Arbor Public Schools  
2555 South State Street Ann  
Arbor, MI 48104

An individual or entity may also make a request in person at the Human Resource Services Office, or submit an electronic request at <https://a2schools.justfoia.com/publicportal/home/newrequest> or fax a request to 734-997-1046. Please review the following checklist to ensure a timely and accurate response to a request:

- a. Requests must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address. [MCL 15.233\(1\)](#)
- b. Make sure the correspondence is addressed to the “FOIA Coordinator” and includes the proper address and/or fax number.
- c. Clearly state that the request is being made for a public record(s) pursuant to the “Freedom of Information Act” or the “FOIA.”
- d. Describe the public record(s) requested in sufficient detail so that it can be more easily identified and located.
- e. Describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.
- f. Clearly state the manner in which you prefer the Ann Arbor Public Schools to provide the public records, such as: paper copies, non-paper physical media, email, etc. (please note, all requests must be within the technological capabilities of the District).
- g. You can stipulate that public records be provided on non-paper, physical media, electronically mailed, or otherwise electronically provided in lieu of paper copies. If the requested public records are available on the District’s website and the response includes the website address, then any request for paper format or other form, such as electronic form, may result in additional charges.

## **How to Understand the District's Written Responses**

When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator, or his or her designee, shall, in not more than five (5) business days after the District receives the request, respond to the request in one of the following ways:

- a. Grant the request.
- b. Issue a written notice to the requestor denying the request.
- c. Grant the request in part and issue a written notice to the requestor denying the request in part.
- d. Issue a written notice extending, for not more than ten (10) business days, the period during which the District shall respond to the request.

Requests received electronically are deemed to have been received on the following business day.

If the District grants a request, whether in full or in part, the District may charge a fee to process the request. Fees are calculated in accordance with the District's FOIA procedures and guidelines and documented in a detailed fee itemization form. The fee must be paid before a public record is made available and, in some cases, the District will require the requestor to submit a good-faith deposit before it processes the request. After the requestor pays any deposit and final balance due, the District will produce all non-exempt records in its possession that fall within the scope of the request. The District may also notify the requestor that some or all of the requested records are available on its website.

If a request is denied, the District will inform the requestor of the basis for its denial in a written response. If all or part of the request is denied, the District shall inform the requestor of his or her right to appeal the denial to the Superintendent or designee, and/or file a civil action against the District in circuit court.

## **Deposit Requirements**

If the estimated cost of responding to a request exceeds \$50.00, the District may require a good faith deposit to be submitted before the request is processed. The deposit will not exceed 50% of the total estimated fee as identified in a detailed fee itemization form. The District's response shall include a best efforts estimate of how long it will take to process the request following receipt of the deposit. The cost and timeframe for producing records are good faith estimates, not guarantees, and are not binding on the District.

Once the good faith deposit is submitted, the District will process the request. The balance of the cost of the request must be paid before copies may be picked up, mailed, or delivered. Good faith deposits and fees charged for responding to FOIA requests may be mailed to the following address:

FOIA Coordinator  
Ann Arbor Public Schools  
2555 South State Street Ann  
Arbor, MI 48104

The District may require a one-hundred percent deposit from a requestor who has not previously paid a fulfilled FOIA request before processing a subsequent public records request.

## **Fee Calculations**

The FOIA authorizes the District to charge a fee to process a FOIA request if failure to charge a fee would result in unreasonably high costs to the District because of the nature of the request in the particular instance, and the District specifically identifies the nature of the unreasonably high costs. The District may charge a fee for the following costs associated with processing a FOIA request:

- The cost of labor for the search, location, and examination of public records;
- The costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
- The cost of non-paper physical media;
- The cost of duplication and publication of public records;
- The costs of labor for the duplication or publication of public records;
- The actual cost of mailing public records.

Labor costs shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

The District shall search for and furnish a copy of a public record without charge for the first \$20.00 of the fee for a request made by (1) an individual who submits an affidavit of indigency and (a) is receiving specific public assistance; or (b) states facts demonstrating an inability to pay because of indigency; or (2) a nonprofit organization as outlined in MCL 15.234(2)(b).

For more information regarding fee calculations, please review the attached Fee Itemization Form, which provides a line-by-line summary and explanation of the fees that the District may charge in response to a request, pursuant to Section 4 of the Act [MCL 15.234\(1\)](#).

## **Avenues for Challenge and Appeal**

If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under the District's procedures and guidelines or Section 4 of the Act, the requestor may:

- a. Submit to the Superintendent or designee a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under the District's procedures and guidelines or Section 4 of the Act; or
- b. Commence a civil action in the Circuit Court where the District is located for a fee reduction. The civil action must be filed within 45 days after receiving notice of the required fee or a determination of an appeal to the Superintendent or designee.

Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A requestor may:

- a. Submit to the Superintendent or designee a written appeal which specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.; or

- b. Commence a civil action in the Circuit Court where the District is located to compel the disclosure of a public record. The civil action must be filed within 180 days after the District's final determination to deny a request. If the requestor prevails in the civil action, the court will award the requestor reasonable attorneys' fees, costs, and disbursements. If the requestor prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. If the court determines that the District acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award the requestor punitive damages in the amount of \$1,000.00.