BERKLEY SCHOOLS

BERKLEY SCHOOL DISTRICT
Written Public Summary of the District's FOIA Procedures and Guidelines

Introduction

As a public body under the Freedom of Information Act, the District has developed procedures and guidelines to implement and assure compliance with FOIA. The District has also created the following written public summary of the specific procedures and guidelines explaining how to submit written requests to the District and how to understand the District's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

How to Submit Written Requests

FOIA requests must be submitted in writing to the District. The request can be sent by email or mail to:

Email: FOIA-requests@berkleyschools.org

Berkley School District
Attn: Gary Yee, FOIA Coordinator
14501 Talbot
Oak Park, MI 48237

Requests must sufficiently describe a public record so as to enable the District to find it. Requests should also include a contact telephone number to allow a District employee to make contact to resolve issues, clarify the scope of a request or help identify a specific document containing the information sought.

How to Understand the District's Written Responses to FOIA Requests

The District must respond to a FOIA request within five business days. In some cases, the District may extend the time period by 10 business days to fulfill a request completely. A response does not necessarily mean the records are provided within five days.

The District can grant the FOIA request, deny the request, or grant it in part and deny it in part. If the request is granted in full or in part, the District can charge a fee to process the request. Fees are calculated according to 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 a good-faith deposit before it processes a public records request.

If the request is denied, the District will provide the basis for its denial in a written notice. The District will also provide notice of an individual's rights to appeal the denial to the Board of Education and/or to file a lawsuit against the District in circuit court.

Deposit Requirements

The District will require a good faith deposit from a requestor before processing a public records request if the entire fee estimate or charge exceeds $50, based on a good-faith calculation of the total fee. The deposit will not exceed one-half of the total estimated fee as identified in a detailed fee itemization. The District's response shall also include a best efforts and good-faith nonbinding estimate regarding the time frame it will take the District to comply with FOIA in providing the public records to the requestor.

If the total amount charged in a previous records request has not been paid in full, the District may require a deposit of up to 100 percent of the estimated fee before processing a subsequent public records request.

Fee Calculations

The District may charge a fee for a public records search, for the necessary copying of a public record for inspection or for providing a copy of a public record under the District's procedures and guidelines. The fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information. Labor costs shall be estimated and charged in increments of 15 minutes in most cases, with all partial time increments rounded down.

The District shall not charge for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless the failure to charge a fee would result in unreasonably high cost to the District because of the nature of the requests in the particular instance. Under such circumstances, the District shall specifically identify the nature of the unreasonably high costs.

The first $20 of a fee will be waived if a requestor submits an affidavit of indigency. The requestor must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Avenues for Challenge and Appeal

If the District charges a fee that an individual thinks is too high, denies all or part of a public records request, the requestor may submit to the District Board of Education a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals may be sent to the email or mailing address listed above and will be forwarded to the Board of Education or the Superintendent for scheduling on the agenda of the next Board meeting. Additionally, the

requestor may pursue a fee reduction or appeal the denial by commencing a civil action in circuit court.

More Information

This is only a summary of the FOIA procedures and guidelines. For more details and information, copies of the District's FOIA Procedures and Guidelines are available at no charge at the District's central office and on the District's website: https://www.berkleyschools.org/our-district/board-of-education/freedom-of-information-act-foia.