

Appendix I

OAKRIDGE PUBLIC SCHOOLS

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@oakridgeschools.org

Oakridge Public Schools
Attn: FOIA Coordinator
275 S. Wolf Lake Road
Muskegon, MI 49442

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: www.oakridgeschools.org.

**ATTACHMENT A
SAMPLE FOIA REQUEST FORM**

[DATE]

Oakridge Public Schools
Attention: FOIA Coordinator
275 S. Wolf Lake Road
Muskegon, MI 49442

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, [to inspect] [to copy] [to obtain copies of] the following public records”

[INSERT DESCRIPTION OF RECORDS SOUGHT]

OPTIONAL: Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON-PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASHDRIVE].

OPTIONAL: Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefitting the general public.

OPTIONAL: Please furnish the requested records without charge for the first \$20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration and (C) I have not previously received discounted copies of public records from the [DISTRICT][ISD][ACADEMY] twice during this same calendar year.

OPTIONAL: Please furnish the requested records without charge for the first \$20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, or on behalf of its clients; (B) this request is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and (C) this request is accompanied by documentation of designation by the state.

OPTIONAL: I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.* to subscribe for up to six months of the following future issuances of public records created, issued, or disseminated by {DISTRICT}[ISD][ACADEMY] on a regular basis: [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,

[REQUESTOR NAME]
[REQUESTOR ADDRESS]
[REQUESTOR EMAIL]
[REQUESTOR PHONE NUMBER]



ATTACHMENT B
SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD

[DATE]

[REQUESTOR'S NAME]
[REQUESTOR'S ADDRESS]

RE: Freedom of Information Act Request Dated _____

Dear _____:

Oakridge Public Schools is in receipt of your letter dated _____, regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on {INSERT STATUTORY RECEIPT DATE}. You requested [INSERT DESCRIPTION OF RECORDS SOUGHT].

I HEREBY CERTIFY, PURSUANT TO Section 5(4)(b) of the FOIA, that your FOIA request is denied because, to the best of my knowledge, information and belief, no public records exist as of [INSERT STATUTORY RECEIPT DATE], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the School District. MCL 15.235(4)(b).

**RIGHT TO APPEAL DISCLOSURE DENIAL
AND RECOVER ATTORNEYS' FEES AND COSTS**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

- (1) Submit to the "head of the public body (the School Board)" a written appeal that specifically states the word "appeal" and identifies the reasons or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the School District arbitrarily and capriciously violates the FOIA by refusal or delay in disclosing or complying with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or

compensatory damages, punitive damages as prescribed in the FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the School District's FOIA Procedures and Guidelines available on the School District's website at www.oakridgeschools.org.

Sincerely,

Tom Livezey, Superintendent
FOIA Coordinator

ATTACHMENT C

**FOIA FEE ITEMIZATION FORM
OAKRIDGE PUBLIC SCHOOLS**

Requestor's Name _____	Date of Request _____
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_____ Estimate Fee	or	_____ Actual Fee
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Item Description	Hourly Rate ¹	Fringe Benefit % ²	Overtime Rate ³	No. of 15-minute increments ⁴	Total Charge
Locating/Retrieving Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	⁵ \$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Reviewing Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Redacting Records	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Copying/Duplicating Records ⁶	Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Contracted Labor Costs-Redaction	⁷ Hourly wage _____ x	N/A	N/A	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____
Name of contracted person or firm if applicable: _____				Subtotal Labor Costs = \$ _____	

Copying Cost for Paper Copies⁸

Letter (8½" x 11") paper at \$0.____ each ⁹	Legal (8½" x 14") paper at \$0.____ each	Size _____ paper at \$0.____ each	Size _____ paper at \$0.____ each	Total Charge
No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	\$ _____

Mailing Cost

Cost of Packaging	Postage Cost	Cost of Delivery Confirmation	Special Shipping Cost	Insurance Cost	Total Charge
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Non-paper Physical Media			
USB Flash Drives	Computer Discs	Other Digital Media	Total Charge
\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____ x number used _____ = \$ _____	\$ _____
Qualified for \$20 Reduction? If yes, subtract \$20.			(\$ _____)
TOTAL FEE = \$ _____			
If estimated fee is over \$50, the District shall charge a deposit of 50% of the estimated fee.	Amount of Deposit \$ _____	Paid?	Y/N
Subtract any good-faith deposit received.			(\$ _____)
Reduction amount due to untimely response by District: 0.5% of fee x _____ days late = _____ reduction.			(\$ _____)
TOTAL DUE= \$ _____			

¹ The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

² The District will add up to 50 percent to the applicable labor charge amount to cover or partially cover the cost of fringe benefits; 100 percent of fringe benefit costs will be added to the applicable labor charge if a requestor stipulates that requested website records must be provided in a paper format or in a specific form of electronic media. In either case, the District shall not charge more than the actual cost of fringe benefits.

³ Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor.

⁴ In general, labor cost shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See note 6 for exception.)

⁵ Divide the resulting hourly wage(s) by four to determine the charge per 15-minute increment.

⁶ Labor costs for copying/duplicating records may be estimated and charged in time increments of the District's choosing, with all partial time increments rounded down.

⁷ This amount shall not exceed an amount equal to six times the state minimum hourly wage rate, which is currently \$8.90.

⁸ The District shall utilize the most economical means available for making copies, including using double-sided printing.

⁹ The fee shall not exceed 10 cents per sheet of paper for copies made on 8½" by 14" paper.