

BYRON CENTER PUBLIC SCHOOLS
“DISTRICT”

Michigan Freedom of Information Act

I. WRITTEN PUBLIC SUMMARY

A. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the District’s FOIA Coordinator.

- FOIA requests can be sent via U.S. Mail to:
FOIA Coordinator
Byron Center Public Schools
8542 Byron Center Avenue, S.W.
Byron Center, MI 49315
- FOIA requests sent via email should be sent to: FOIA@bcpsk12.net
- FOIA requests sent via fax should be faxed to: 616.878.3283
- A request must describe the public record in sufficient detail to enable the District to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as **Attachment A**.

A request must include the requestor’s (1) complete name (e.g., first and last), (2) mailing address, and (3) either phone number or email address. A valid mailing address must be written in compliance with United States Postal Service addressing standards. A request made by an organization, business, or other entity must include the above-listed contact information of an agent or representative. A person who qualifies as indigent under FOIA is not required to provide contact information.

A person may subscribe to future issuances of public records created, issued, or disseminated by the District *on a regular basis*, such as notices of school board meetings. A subscription is valid for up to 6 months and may be renewed by the subscriber.

In lieu of paper copies, the requestor may stipulate that the District provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The District is not required to produce non-exempt public records on non-paper physical media if the District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The District is not required to use non-paper physical media *provided by the requestor* and, to safeguard the District’s information technology infrastructure, shall not do so.

A person may request a certified copy of a public record.

B. Explanation of Written Responses

The District will respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after the District receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by the District differently depending upon how the request was delivered to the District (e.g., hand-delivery, regular mail, e-mail, facsimile).

The District will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the District will respond to the request. The District shall not issue more than 1 notice of extension for a particular request.

If a requestor asks for information that is available on the District's website, the District will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on the District's website will be made available upon request, but a fee may be charged as explained in Section II and on the detailed fee itemization form.

The District will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during the District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the District's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the District's normal operations.

If a request is denied in whole or in part, the District will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the District. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), the District will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

C. Deposit Requirements

Where the District estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars (\$50.00), the District may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (1/2) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by the District to process the request, along with a notice that the requestor must

pay the deposit within 48 calendar days after the date of the notice. The District will include with its request for good-faith deposit a best efforts estimate of the time frame within which the District will provide the requested public records. The timeframe estimate is not binding on the District but will be made in good faith and the District will strive to be reasonably accurate.

If a requestor previously requested public records from the District, and if the District made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

If the requestor fails to pay the good-faith deposit within 48 calendar days after the date of the deposit notice, and if the requestor has not appealed the deposit amount, the request will be considered abandoned and the District will no longer be required to fulfill the request.

D. Fee Calculations

The FOIA permits the District to charge six fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11 or 8-1/2 by 14 sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if the District has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about the District's fee calculations, including fee reductions for untimely responses, see Section II.D of the Procedures and Guidelines and Attachment C, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

1. **Fee Waivers.** A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the District determines 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 benefiting the general public.
2. **Discounts.** Under the following circumstances, a public record search shall be made by the District and a copy of a non-exempt public record shall be furnished without charge for the first \$20.00 of the fee:
 - a. If an individual who is entitled to information under the FOIA:
 - submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and

- that individual has not previously received discounted copies of public records from the District twice during the same calendar year.
- b. If 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, submits a request that meets all of the following requirements:
- Is made directly on behalf of the organization or its clients;
 - 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
 - Is accompanied by documentation of its designation by the state, if requested by the District.

E. Avenues for Challenge and Appeal

1. **Challenge to Record Denial.** If the District fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requesting person may submit an appeal to the District's Board of Education or may commence an action in the circuit court for the county in which the public record or one of District's offices is located. See Section II.E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.
2. **Challenge to Fee.** If the District requires a fee that requestor believes exceeds the amount permitted under the FOIA or the District's publicly available procedures and guidelines, the requesting person may commence an action in the circuit court for the county in which the public record or one of District's offices is located. See Section II.E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and

ATTACHMENT A
SAMPLE FOIA REQUEST FORM

November 26, 2019

[FOIA COORDINATOR NAME]
[FOIA COORDINATOR ADDRESS]

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 benefiting the general public.

OPTIONAL: Please furnished 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 twice during this same calendar year.

OPTIONAL: Please furnished 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 to the following future issuances of public records created, issued, or disseminated by DISTRICT on a regular basis: [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,
[REQUESTOR COMPLETE NAME]
[REQUESTOR ADDRESS]
[REQUESTOR EMAIL]
[REQUESTOR PHONE NUMBER]