



PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Michigan for inspection and reproduction.

The public records of this District include any writing or other means of recording or retaining meaningful content prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees, subject to certain exemptions according to the Michigan Freedom of Information Act (FOIA).

Any person may make a written request for any public records of the District. The person may inspect, copy, or receive copies of the public record requested. The District shall respond to such requests within five (5) working days after receipt unless otherwise agreed to in accordance with the Freedom of Information Act.

An individual may purchase copies of the District's public records upon payment of a fee. No original public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties. Neither the Board nor its employees shall permit the release of the social security number of an employee, student, or other individual except as authorized by law (see Policy 8350 and AG 8350).

The Board chooses not to provide for enhanced access to any of its public records.

The Board has determined that personal and confidential information provided to and retained by the District on parents, students, staff and others will be considered exempt from disclosure pursuant to a Freedom of Information Act request, unless advised specifically by the District's legal counsel that the particular information must be released. Such personal and confidential information shall include home addresses, telephone numbers, e-mail addresses or website pages (e.g. My Space, Facebook), except as they are specifically related to the operation of the schools, or specifically authorized for release by the individual, or the parent/guardian if the individual is a minor.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The Superintendent is authorized to dispose of correspondence on a daily basis including those transmitted by means of voice mail or E-mail, providing the message does not alter existing District records.

policy

**BOARD OF EDUCATION
ISHPEMING PUBLIC SCHOOL DISTRICT NO. 1**

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The Superintendent is responsible for transmission of data contained in the single record student data base established by the Michigan Department of Education. Such transmission shall be in accordance with procedures established by Marquette-Alger Regional Educational Service Agency and the Center for Educational Performance and Information (CEN).

The Superintendent shall establish administrative guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

M.C.L.A. 15,231 et seq. M.C.L.A. 445.81 et seq. Michigan Federation of Teachers v, University of Michigan, 481 Mich. 657 (2008)

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OFFICE OF THE SUPERINTENDENT
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The District's public records, as defined under the Freedom of Information Act ("FOIA"), are available for public inspection and/or copying in accordance with the following administrative guidelines. The rights and obligation of the District and requesters under FOIA are subject to M.C.L. 15.231, et seq. Exemptions are specified in M.C.L. 15.243.

Designation of Officers

The Superintendent shall be the District Records Officer (DRO) as well as the FOIA Coordinator.

Procedures

The following procedures shall be followed in connection with requests to inspect and secure copies of School District records:

- A. Requests to inspect or secure copies of records shall be submitted to the Superintendent on Form 8310 **F1**, copies of which are available in the Office of the Superintendent.
- B. The Superintendent will determine and advise the requester, within five (5) days, whether the records specified in the request are available for inspection and copying. If a request is denied by the Superintendent, the requestor may seek to compel disclosure or make a written appeal of the denial to the Board. The Board shall act on the appeal within ten (10) days or issue a notice of extension of ten (10) days in which to make the decision.
- C. With respect to records which are determined to be available, the Superintendent will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee. The Superintendent will establish a time and date for inspection and copying of the requested records. If the records are available on the District's website, the District may refer the requester to the website location as its response to the request.

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- D, At the request of the requester, the Superintendent shall make arrangements for the record to be transmitted electronically via the medium selected by the requester, if the District has the technological capability to comply with the request. If the transmission is by an electronic record, the requester is to provide the disk at least forty-eight (48) hours in advance. If the transmission is by E-mail, the requester must provide the proper address.

- E With respect to records which are determined not to be available or when there needs to be a delay in responding to the request, the Superintendent will note the reason on Form 8310 F3 and send one (1) copy of the form to the requester as soon as possible. The District may extend the time for responding to a FOIA request by not more than ten (10) business days.

Records may be inspected only at the Office of the Superintendent or at such other place as may be designated by him/her. No record may be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.

- G. Requests by mail, fax, or E-mail for copies of available records may be addressed to the Superintendent, and will be honored upon payment of any required fee, provided the requester and the record of which a copy is requested are sufficiently identified to make compliance practicable,

- H. The District is responsible for providing records of the District but not for providing additional information that may be related to a record but is not part of a record. Nor is the District required to create a record if none is available.

- I. Personnel records are to be considered public records of the District other than those considered to be confidential by law.

Location and Time

Records shall be made available at the Superintendent's Office, during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, with the exception of the holidays when District schools are closed.

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Fees

Upon written request, copies of said records shall be provided for a fee which will be no more than the actual cost for the duplication plus any allowable costs which will be charged at an hourly rate equal to the lowest paid full-time staff member capable of retrieving, examining and/or reviewing the information being sought by the requester. The FOIA Coordinator shall be responsible for determining which type of public records requests could require a fee payment for search, examination, review, deletion, and separation of exempt from nonexempt information in the record, because the cost would create unreasonably high costs to the District. In such instances, the requester is to be informed, in advance, of the special fees and the reasons thereof.

M.C.L. 15.231, et. seq.

Revised 5/19/15

NEOLA 2015

CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD

October 20, 2015

[REQUESTOR'S NAME]
REQUESTOR'S ADDRESS]

Re: Freedom of Information Act Request Dated _____, 20__

Dear Mr./Ms. _____:

The [NAME OF PUBLIC BODY] is in receipt of your letter dated _____, 20__, 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 reason 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 violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the School District willfully and intentionally failed to comply 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 public 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 is available on the School District's website at www.ishpemingschools.com.

Very truly yours,

By: _____

[INSERT NAME]
FOIA Coordinator
Ishpeming Public School District