

COMMUNITY RELATIONS

Disclosure of Public Records – FOIA Requests

In accordance with the Michigan Freedom of Information Act, a public body may make reasonable rules to permit inspection, examination and copying of public records by the general public. To facilitate implementation of the Act, the following policy is adopted by the board of education of the Okemos Public Schools.

The superintendent of schools or designee serves as the Freedom of Information Officer for the Okemos Public Schools and is responsible for ensuring compliance with the Freedom of Information Act and responding to requests for information.

1. All requests for documents shall be forwarded to the Freedom of Information Officer upon receipt.
2. The Freedom of Information Officer shall determine whether the information requested is a public record subject to disclosure.
 - 2.1 The school district is not required to compile or summarize public records nor to create a new public record except as required in Section 11 of the Act and to the extent required for furnishing copies or edited copies that separate exempt from non-exempt items of an already existing public record.
 - 2.2 The school district will comply with laws and policies regarding dissemination of directory information. Information designated as “directory information” may be disclosed, unless a parent and/or legal guardian or eligible student has provided written notice to the school that directory information about the student may not be disclosed. However, the Freedom of Information Act requires school districts to exempt directory information from disclosure that is requested for the purpose of surveys, marketing, or solicitation, unless the school district determines the use is consistent with the educational mission of the schools.
 - 2.3 A requestor may be required to sign an affidavit stating that directory information will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.
3. Within five (5) business days of the receipt of the request for information, the Freedom of Information Officer shall respond in writing to the request by: (1) granting the request; (2) denying the request in whole or in part because the records are exempt from disclosure or do not exist in the form of a public record or (3) inform the requestor that the school district is extending the response time by ten (10) business days. No more than one ten-day extension shall be taken.

4. If the request has been denied in whole or in part, the Freedom of Information Officer shall provide notification of the right to seek judicial review of the denial.
5. A requestor shall be required to reimburse the school district for the costs incurred in granting the Freedom of Information Act request if the cost to respond to the request exceeds \$50.00. Information about charging, calculating, and appealing fees is contained in the school district's written procedures and guidelines, public summary, and cost itemization documents, copies of which are available at www.okemoschools.net or the Superintendent's Office.
6. A good faith deposit may be required from the requestor if the estimated cost to respond to the request exceeds \$50.
7. The Freedom of Information Officer shall, upon request, establish a reasonable time, place and manner for the requestor to inspect, examine, make memoranda or abstracts from the school district's public records. The time for inspection and examination of such records shall be during the usual business hours of the school district.
 - 7.1 The school district may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference in the discharge of its function.
 - 7.2 The school district shall protect public records from loss, unauthorized alteration, mutilation or destruction.
 - 7.3 The requestor has a right to subscribe to future issuance of records that are created, issued or disseminated on a regular basis for a period of six months, after which the requestor may seek renewal of the subscription.
 - 7.4 Upon written request, the Freedom of Information Officer shall furnish a certified copy of the public record.

8. The board will provide for indigent requests as provided by law and in accordance with the written procedures and guidelines and the public summary.

The Freedom of Information Officer shall maintain a Freedom of Information Act request file that will contain the name and address of the person making the request, date of receipt, the public record or records requested, disposition of the request (granted or denied), and the amount of fee charged. A copy of all written requests will be kept for at least one year.

Reference:

Freedom of Information Act, *MCL 15.231, et. seq.*

No Child Left Behind Act 2002

Board Policy 5125: Student Records

Policy

Adopted: 01-04-88

Amended: 06-22-15

Reviewed:

RIGHT TO APPEAL DISCLOSURE DENIAL

If the school district makes a final determination to deny a portion of a Freedom of Information request, the requestor may submit to the board of education president a written appeal specifically stating the word “appeal” and identifying the reason for reversal of the disclosure denial.

RIGHT TO SEEK COURT REVIEW OF DENIAL

If the school district makes a final determination to deny a Freedom of Information request or a portion thereof, the requestor may commence an action in the circuit court to compel disclosure of the public records. If the court determines that the public records are not exempt from disclosure, the court shall order the school district to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The court shall determine the matter de novo and the burden is on the school district to sustain its denial. Failure to comply with an order of the court may be punished as contempt of court. 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 this section, 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. In an action commenced pursuant to this section, if the circuit court finds that the school district has arbitrarily and capriciously violated this Act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record.

Reference:
Freedom of Information Act, *MCL 15.231, et. seq.*
No Child Left Behind Act 2002