

Freedom of Information Act

8310 - 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.

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.

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 the Macomb Intermediate School District and the Center for Educational Performance and Information (CEPI).

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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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 **Assistant Superintendent of Human Resources** 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 District Records Officer on Form 8310 F1, copies of which are available in the Office of the District Records Officer.
- B. The District Records Officer 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 District Records Officer, 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 District Records Officer 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 District Records Officer 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.
- D. At the request of the requestor, District Records Officer 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.
- 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 District Records Officer 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.

- F. Records may be inspected only at the Office of the District Records Officer 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 District Records Officer, and will be honored upon payment of any required fee, provided the requestor 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. (See AG [8320](#).)

Location and Time

Records shall be made available at the District Records Officer'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.

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.

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