

Freedom of Information Act (FOIA)

Marshall Academy supports the public's right to information regarding the affairs of Marshall Academy. This document outlines our practices and policies in regard to requests for records under the Michigan Freedom of Information Act (FOIA).

Board of Education Freedom of Information Policy

Please note that approved minutes of Marshall Academy Board of Directors meetings are made available for public review via the Board of Directors web page.

FOIA Requests

Marshall Academy is committed to complying with requests for public records in accordance with the provisions of the Michigan Freedom of Information Act (FOIA). All requests will be processed according to the requirements of FOIA and Marshall Academy policies and procedures.

FOIA requests should be made in writing and addressed to:

FOIA Coordinator
Marshall Academy
18203 Homer Rd
Marshall, MI 49068

Requests should be as specific as possible, so that Marshall Academy can identify and search for the requested document(s). The written FOIA request should be dated and signed by the requester, and include a return address. It is also helpful to provide a phone number and/or email address, so that, if necessary, the FOIA Coordinator can contact the requester to clarify a request.

FOIA Responses

In accordance with Michigan law, the requester will receive a response within five business days which will do one of the following:

- Grant the request and either provide the requested documents (and request payment in full or waive payment of the fee), or – if the request will cost Marshall Academy more than \$50 – notify the requester of the estimated fee for providing the documents and require a deposit be paid before processing the request.
- Notify the requester of a 10 business day extension to respond to the request, the reason for the extension and the date Marshall Academy will respond to the request;
- Deny the request, if the document is exempt from disclosure under FOIA or the document does not exist.

Marshall Academy may charge a fee for the actual costs of copying and mailing the documents, including the labor costs associated with copying and mailing. Currently, that fee is 25 cents per page. In addition, Marshall Academy may charge the labor cost for searching, examining, reviewing, or redacting exempt information from the documents when the FOIA request seeks several records, requires a search of numerous records or a search of

records stored in different locations or mediums, or requires review and redaction of exempt material. This fee is calculated based on the hourly rate (including benefits) of the lowest paid staff member capable of performing the search or review. Marshall Academy will waive fees for requests made in the public's interest, including requests from government officials and the media unless these requests become unreasonable, excessive or overly burdensome.

FOIA Appeals

Denial of a request by Marshall Academy FOIA Coordinator may be appealed to the Marshall Academy Board of Directors by forwarding the request with a written notice of appeal to:

Marshall Academy Board of Directors
Attention: FOIA Appeal
18203 Homer Rd
Marshall, MI 49068

ADOPTED – July 30, 2015

Freedom Of Information

Marshall Academy shall comply with the Freedom of Information Act. The Superintendent or designee shall develop administrative procedures to implement this policy.

PROCEDURE FOIA Appeals

Denial of a request by Marshall Academy FOIA Coordinator may be appealed to the Marshall Academy Board of Directors by forwarding the request with a written notice of appeal to:

Marshall Academy Board of Directors
Attention: FOIA Appeal
18203 Homer Rd
Marshall, MI 49068

PROCEDURE – Freedom of Information Act

Marshall Academy Headmaster is designated as the FOIA Coordinator. The FOIA Coordinator is responsible for accepting and processing all FOIA requests and approving denials. FOIA requests must be in writing. All FOIA requests received by Marshall Academy's employees must be forwarded to the FOIA Coordinator. The FOIA Coordinator shall inform the Headmaster of all FOIA requests received. In the event the FOIA Coordinator feel circumstances appropriate, they may contact legal counsel at their own discretion. The FOIA Coordinator will keep a file copy of all FOIA requests for one year.

Upon receipt of a written FOIA request, the FOIA Coordinator shall immediately forward notice of the request, specifically describing each public record requested to all administrator's within the School District (hereinafter "FOIA Notice"). Furthermore, the FOIA Coordinator shall include within each FOIA Notice the date in which the FOIA request is received as prescribed by the Act, as well as the date(s) in which a response is due, including both a response due within the five (5) days prescribed by the Act as well as the date in which a response is due pursuant

to the ten (10) day extension; and each administrator shall have two (2) business days to respond to the FOIA Coordinator in one of the following ways: 1) stating that the documents do not exist; 2) stating that some or all of the documents exist and by providing those documents located to the FOIA Coordinator; or 3) stating that a ten (10) day extension is required to search, review, and copy the documents requested. If an administrator requests a ten (10) day extension pursuant to the Act, the administrator shall then provide the documents located or a statement that the documents do not exist within three (3) business days prior to the final date for the response as indicated in the FOIA Notice.

The FOIA Coordinator will respond within five (5) business days to a written request for a public document or record under the Freedom of Information Act in one of the following ways:

1. Grant the request.
2. Issue a written notice to the requesting person denying the request.
3. Grant the request in part and issue a written notice to the requesting person denying the request in part.
4. Issue a notice extending for not more than ten (10) business days the period during which the FOIA Coordinator shall respond to the request.

If the FOIA Coordinator denies a request, the FOIA Coordinator will explain the reasons for denying the request, that is, either the public record is exempt from disclosure or the public record does not exist and will inform the requesting party of the right to appeal the denial to the Marshall Academy Board or seek judicial review. If the requesting person submits a written appeal to the Board, the Board will have ten (10) business days from its next regularly scheduled meeting to decide whether to reverse or uphold the denial. The Board may, under unusual circumstances, issue a notice extending for not more than ten (10) business days the time to respond to the appeal.

Marshall Academy has an interest in protecting its public records and preventing excessive and unreasonable interference with the discharge of its functions. The FOIA Coordinator may exercise discretion in responding to excessive or unreasonable requests under FOIA.

Marshall Academy may charge a fee for actual mailing costs and actual copying costs, including labor for copying, searching, examining, reviewing, deleting and separating exempt from nonexempt information. Marshall Academy labor costs will be calculated based on the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with the request. If the fee will exceed \$50, the FOIA Coordinator may request a good faith deposit of one-half of the estimated fee and process the request only after receipt of the deposit. Marshall Academy may require the requestor pay the fee in full before releasing the records requested.

The FOIA Coordinator shall prepare guidelines for charging fees consistent with the law and Marshall Academy policy and procedure. Fees shall be uniform and not dependent upon the identity of the requester. A records charge invoice could be included as part of the FOIA Coordinator's response. A fee will not be charged if Marshall Academy determines the request primarily benefits the general public. The first \$20 of the fee will not be charged if the requester submits an affidavit that he or she is on public assistance or indigent.

Guidelines for Charging Fees

If Marshall Academy charges a fee, the following guidelines for calculating the fee shall be followed:

1. The actual cost of copying the records will be charged.

2. The actual cost of mailing the record will be charged.
3. The labor cost (that is the hourly wage, including fringe benefit costs, of the lowest paid employee capable of retrieving the information) for the time spent copying and mailing the record will be charged.
4. The labor cost for the time spent searching, examining, reviewing and deleting/separating exempt from nonexempt information will be charged when the cost to respond to the FOIA request is unreasonably high. This determination will be made on a case-by-case basis considering the volume and complexity of the FOIA request, including the number of documents requested, the number of documents that must be searched to respond to the request, the location of the documents, the number of documents that must be examined to respond to the request, and the amount of information that must be redacted.
5. If a written request for a certified copy of the record is made, a certified copy of the record will be provided upon the payment of a \$10 fee for the first page and a \$1 for each additional page certified.

PROCEDURE – Freedom Of Information Act Appeal To Board

A person submitting a written request to the FOIA coordinator under the Freedom of Information Act has a right to appeal any denial of the request by the FOIA coordinator to the Marshall Academy Board. If a FOIA request is denied by the FOIA coordinator, the FOIA coordinator must send a written notice containing the reasons for denial and explain the right to submit a written appeal to the Marshall Academy Board or seek judicial review in court.

A person whose FOIA request is denied who elects to appeal the denial to the Board must submit a written appeal to the Board using the word “appeal” and stating the reasons why the denial should be reversed.

The Board, at its next regularly scheduled meeting will receive the appeal. The Board has 10 business days after receiving the appeal to reverse the denial, uphold the denial or under unusual circumstances, issue a notice extending for no more than 10 additional business days the time to respond to the appeal.

The FOIA coordinator will attend the meeting of the Board and prepared to explain the reasons for the denial of the FOIA request. The person appealing the denial may be invited to attend the Board meeting and address the Board.

The Board will reach a decision based on the requirements of the FOIA law. A FOIA coordinator’s decision will be upheld if the record does not exist or the Board elects to rely on one of the statutory exceptions. If the Board reverses the FOIA coordinator’s denial, the Board will direct the FOIA coordinator to produce the requested material. If the Board upholds the FOIA coordinator’s denial, the Board will inform the person appealing in writing that the FOIA request has been denied on appeal and inform the person of the right to seek judicial relief. If the Board reverses the denial in part and upholds the denial in part, then the Board will direct the FOIA coordinator to produce certain of the material requested and inform the person appealing that as to the material not disclosed, the person may seek judicial relief.