

PUBLIC RECORDS

It is the policy of the Board that all persons are entitled to full and complete information regarding governmental decision-making, consistent with the Michigan Freedom of Information Act (the "FOIA" or the "Act").

For purpose of these procedures and guidelines, a "public record" means: a writing prepared, owned, used, in the possession of, or retained by Academy in the performance of an official function, from the time it is created. Public record does not include computer software.

The Academy shall not disclose the confidential address of a student or of an employee who has provided proper notice of a participation card issued by the Department of the Attorney General under the Address Confidentiality Program Act.

Procedures & Guidelines:

A. GENERAL INFORMATION

1. All officers, employees, and agents of the Academy shall protect public records from loss, unauthorized alteration, mutilation, or destruction.
2. The Chief Executive Officer is hereby designated the "FOIA Coordinator" with the authority and responsibilities stated in the Act and these procedures and guidelines.
3. The FOIA Coordinator shall be responsible for accepting and processing all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (MCL 15.235).
4. These procedures and guidelines regarding time frames, appeals, and fees do not apply to public records prepared for, or disclosed pursuant to another act or statute (i.e., requests for medical records made pursuant to the Public Health Code, or requests made pursuant to the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

B. WRITTEN REQUESTS

1. All individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record. FOIA requests may be mailed to the following address:

FOIA Coordinator
KIPP Detroit Imani Academy
19321 W. Chicago
Detroit, MI 48228

An individual or entity may also make a request in person at the front office, or email a request to foia@kippdetroit.org.

2. The written request should clearly state that the request is being made for a public record(s) pursuant to the "Freedom of Information Act" or the "FOIA" and describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.

3. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records but may do so for routine requests that can be granted immediately.

4. If a written request is received directly by an Academy employee other than the FOIA Coordinator, the original shall be promptly forwarded to the FOIA Coordinator.

5. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the FOIA Coordinator until one business day after the electronic submission is made. If a request is delivered to a spam or junk mail folder, the request is not received by the FOIA Coordinator until one business day after it is discovered.

6. Upon receiving a written request for a public record pursuant to these procedures and guidelines, a person or entity has the right to inspect, copy, or receive copies of the requested public record(s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (MCL 15.243), as amended. If the exempt status of any request is questioned, legal counsel should be consulted. New public records, compilations, summaries, and/or reports of information shall not be created in response to a FOIA request.

7. Upon request for public inspection, the FOIA Coordinator, or any other designee, shall furnish a requestor a reasonable opportunity for inspection and examination of the requested public records, subject to applicable exemptions, and shall furnish

reasonable facilities for making memoranda or abstracts from its public records during regular business hours.

8. A requestor may stipulate that the public records be provided on non paper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. Notwithstanding the foregoing, such stipulation must be within the technological capabilities of the Academy.

9. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six months, at the request of the subscriber, and shall be renewable.

10. If a requested public record may be obtained on the Academy's website or webpage, the FOIA Coordinator shall notify the requestor in writing of such availability and provide the direct internet address or link to obtain such public record. If, after receiving such written notification from the FOIA Coordinator, the requestor notifies the Academy that he or she continues to want the Academy to provide a copy of the available public record, in any format, the Academy shall process such request and may impose additional labor costs as specified within Article IV below.

C. REQUEST PROCESSING

1. When the Academy receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business days after the Academy receives the request, respond to the request by one of the following:

- a. Grant the request.
- b. Issue a written notice to the requestor denying the request.
- c. Grant the request in part and issue a written notice to the requestor denying the request in part.
- d. Issue a written notice extending, for not more than ten (10) business days, the period during which the Academy shall respond to the request.

2. Any failure to respond to a written request as provided for above constitutes the Academy's determination to deny the request.

3. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A denial response should contain the following:

- a. An explanation of the basis under the Act or other statute for the determination that a public record(s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.

- b. A statement that the public record(s) do not exist under the name/description given by the requestor or by another name reasonably known to the Academy.
- c. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.
- d. A full explanation of the requestor's right to either file an appeal with the Board or seek judicial review of the denial pursuant to Section 10 of the Act (MCL 15.240).
- e. Notice that a requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that the Academy has not complied with Section 5 (MCL 15.235) of the Act and orders disclosure of all or a portion of a public record.

D. DEPOSIT & FEES

1. If the estimated cost of responding to a request exceeds \$50.00, the Academy may require a good faith deposit of 50% to be submitted before the request is processed. Once the good faith deposit is submitted, the Academy will process the request. The balance of the cost of the request must be paid before copies may be picked up, mailed, or delivered. Good faith deposits and fees charged for responding to FOIA requests may be mailed to the following address:

FOIA Coordinator
KIPP Detroit Imani Academy
19321 W. Chicago
Detroit, MI 48228

2. Fees for responding to any request shall include duplication (copying) costs and mailing costs. Duplication (copying) costs shall be set from time to time by resolution of the Board in an amount that does not exceed 10 cents per page (8½ x 11 and 8½ x 14). The Academy shall use the most economical method of duplication (*i.e.*, double-siding, etc.) and the least expensive form of postal delivery, unless a more expensive method is specifically requested by the FOIA requestor.

3. The cost of hourly labor may also be charged if the failure to do so will result in unreasonably high costs to the Academy because of the nature of the request in a particular instance. If such is the case, the Academy shall specifically identify the nature of these unreasonably high costs.

4. Labor costs shall include the cost of the search, examination, review, separation, and/or deletion of exempt information from non-exempt information in order to fulfill a request.

5. Labor costs will be calculated using the wage of the lowest paid Academy employee capable of searching for, locating, and examining the public record(s), regardless of whether that person is available or actually performs the labor. Labor costs shall be charged in increments of at least 15 minutes or more with all partial time increments rounded down. The Academy may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. If it does so, it will clearly note the percentage multiplier used to account for benefits in the detailed itemization form. Subject to the 50% limitation, the Academy shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Notwithstanding the foregoing, 100% of fringe benefit costs may be added to the applicable labor charge if a requestor is notified in writing that public records are available on the Academy's website or webpage and the requestor continues to request that the Academy provide a copy, in any format, of the available public record.

6. Overtime wages shall not be included in the calculation of labor costs unless the requestor specifically approves the use of overtime in writing, and overtime wages are clearly noted in the detailed itemization form.

7. If the Academy does not employ a person in-house who is capable of separating exempt from non-exempt information in a particular instance, as determined by the FOIA Coordinator, it may utilize an outside contractor. In those instances, the Academy shall clearly note the name of the contractor or firm on the detailed itemization form. The cost of the contractor's labor, including necessary review directly associated with separating and deleting exempt information from non-exempt information, shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

E. AVENUES FOR CHALLENGE AND APPEAL

1. If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under the Academy's procedures and guidelines or Section 4 of the Act, the requestor must submit to the Board a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under the Academy's procedures and guidelines or Section 4 of the Act. If the requestor disagrees with the Academy's final determination, the requestor may, after exhausting internal administrative remedies, commence a civil action in Circuit Court where the Academy is located for a fee reduction. The civil action must be filed within 45 days of the public body's final determination to deny a request pursuant to Section 10(1)(b) of the Act.
2. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A requestor may file an appeal with the Board or may seek judicial review

of the denial, pursuant to Section 10 of the Act (MCL 15.240). A requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that the Academy has not complied with Section 5 (MCL 15.235) of the Act and orders the disclosure of all or a portion of a public record.