The Michigan Freedom of Information Act (FOIA), MCL 15.231-15.246, provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records, while other public records are exempt from disclosure. Dickinson-Iron ISD is a public body that must comply with the FOIA. Dickinson-Iron ISD has established administrative rules to implement the FOIA effective July 1, 2015. For purposes of these administrative rules, terms have the same meaning as defined in the FOIA. A complete copy of the FOIA is available on the Michigan Legislature’s website at www.legislature.mi.gov.

The administrative rules (which include a Detailed Itemization of Fee Amounts Form) are available on Dickinson-Iron ISD’s website at: www.diisd.org. This link or a physical copy of the administrative rules will be included in each of Dickinson-Iron ISD’s FOIA responses. Paper copies of these administrative rules are available upon request by a visitor at:

Dickinson-Iron ISD
1074 Pyle Drive
Kingsford, MI 49802
I. WRITTEN PUBLIC SUMMARY

A. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to Dickinson-Iron ISD' FOIA Coordinator.

- FOIA requests can be sent via U.S. Mail to:
  Patty Deyaert
  FOIA Coordinator
  Dickinson-Iron ISD
  1074 Pyle Drive
  Kingsford, MI 49802

- FOIA requests sent via email should be sent to: pdeyaert@diisd.org.

- FOIA requests sent via fax should be faxed to: 906.779.2669.

A request must describe the public record in sufficient detail to enable Dickinson-Iron ISD to find the requested record. A sample Request Form is appended to the administrative rules as Attachment A.

A person may subscribe to future issuances of public records created, issued, or disseminated by Dickinson-Iron ISD on a regular basis, such as notices of Dickinson-Iron ISD’ board meetings. A subscription is valid for up to six (6) months and may be renewed by the subscriber.

In lieu of paper copies, the requestor may stipulate that Dickinson-Iron ISD provide nonexempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. Dickinson-Iron ISD is not required to produce non-exempt public records on non-paper physical media if Dickinson-Iron ISD lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. Dickinson-Iron ISD is not required to use non-paper physical media provided by the requestor and, to safeguard Dickinson-Iron ISD’ information technology infrastructure, shall not do so. A person may request a certified copy of a public record.

B. Explanation of Written Responses

Dickinson-Iron ISD will respond to a written request under the FOIA within five (5) business days (excluding weekends and legal holidays) after Dickinson-Iron ISD receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by Dickinson-Iron ISD differently depending upon how the request was delivered to Dickinson-Iron ISD (e.g., hand-delivery, regular mail, e-mail, facsimile).

Dickinson-Iron ISD will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than ten (10) business days the period during which Dickinson-Iron ISD will
respond to the request. Dickinson-Iron ISD shall not issue more than one (1) notice of extension for a particular request.

If a requestor asks for information that is available on Dickinson-Iron ISD’ website, Dickinson-Iron ISD will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on Dickinson-Iron ISD’ website will be made available upon request, but a fee may be charged as explained in Section I.D of the administrative rules and on the Detailed Itemization of Fee Amounts Form as Attachment C.

Dickinson-Iron ISD will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during Dickinson-Iron ISD’ normal business hours. The FOIA Coordinator will establish guidelines regulating the manner in which records may be inspected to protect Dickinson-Iron ISD’ records from loss, alteration, mutilation, or destruction, or to prevent undue interference with Dickinson-Iron ISD’ normal operations.

If a request is denied in whole or in part, Dickinson-Iron ISD will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to Dickinson-Iron ISD. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), Dickinson-Iron ISD will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

C. Deposit Requirements

Where Dickinson-Iron ISD’ estimates that the fee authorized under the FOIA and the administrative rules for responding to a request will exceed Fifty Dollars ($50.00), Dickinson-Iron ISD may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (½) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by Dickinson-Iron ISD to process the request. Dickinson-Iron ISD will include with its request for good-faith deposit a best efforts estimate of the time frame within which Dickinson-Iron ISD will provide the requested public records. The timeframe estimate is not binding on Dickinson-Iron ISD but will be made in good faith and Dickinson-Iron ISD will strive to be reasonably accurate. If a requestor previously requested public records from Dickinson-Iron ISD, and if Dickinson-Iron ISD made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, Dickinson-Iron ISD may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

D. Fee Calculations

The FOIA permits Dickinson-Iron ISD to charge six (6) fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11 or 8-1/2 by 14 sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if Dickinson-Iron ISD
has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about Dickinson-Iron ISD' fee calculations, including fee reductions for untimely responses. See Section I.D of the administrative rules and Attachment C, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

1. **Fee Waivers.** A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if Dickinson-Iron ISD determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

2. **Discounts.** Under the following circumstances, a public record search shall be made by Dickinson-Iron ISD and a copy of a non-exempt public record shall be furnished without charge for the first $20.00 of the fee:
   
   a. If an individual who is entitled to information under the FOIA:
      
      • submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and
      
      • previously has not received discounted copies of public records from Dickinson-Iron ISD twice during the same calendar year.

   b. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, submits a request that meets all of the following requirements:
      
      • Is made directly on behalf of the organization or its clients;
      
      • Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and
      
      • Is accompanied by documentation of its designation by the state, if requested by Dickinson-Iron ISD.

E. **Avenues for Challenge and Appeal**

1. **Challenge to Record Denial.** If Dickinson-Iron ISD fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requesting person may submit an appeal to the Dickinson-Iron ISD Board of Education or may commence an action in Dickinson County Circuit Court, see Section I.E of the administrative rules for a more detailed explanation of the procedures and timelines for appealing a record denial.

2. **Challenge to Fee.** If Dickinson-Iron ISD requires a fee that requestor believes exceeds the amount permitted under the FOIA or Dickinson-Iron ISD' publicly available Administrative rules, the requesting person may commence an action in Dickinson
County Circuit Court. See Section I.E of the administrative rules for a more detailed explanation of the procedures and timelines for a fee appeal.

A. Attachments

1. Sample FOIA Request Form
2. Sample Certificate of Non-Existence of Public Record
3. Detailed Itemization of Fee Amounts Form
ATTACHMENT A
SAMPLE FOIA REQUEST FORM

[INSERT DATE]

Patty Deyaert
FOIA Coordinator
Dickinson-Iron ISD
1074 Pyle Drive
Kingsford, MI 49802

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., [to inspect][to copy][to obtain copies of] the following public records:

[INSERT DESCRIPTION OF RECORDS SOUGHT]

OPTIONAL: Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON-PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASHDRIVE].

OPTIONAL: Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

OPTIONAL: Please furnish the requested records without charge for the first $20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from Dickinson-Iron ISD twice during this same calendar year.

OPTIONAL: Please furnish the requested records without charge for the first $20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, or on behalf of its clients; (B) this request is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931; and (C) this request is accompanied by documentation of designation by the state.

OPTIONAL: I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by Dickinson-Iron ISD on a regular basis: [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,

[REQUESTOR NAME]
[REQUESTOR ADDRESS]
[REQUESTOR EMAIL]
[REQUESTOR PHONE NUMBER]
ATTACHMENT B
SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD

[REQUESTOR’S NAME]
REQUESTOR’S ADDRESS]

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

Dear Mr./Ms. ____________:

Dickinson-Iron ISD 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 Dickinson-Iron ISD. 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 Dickinson-Iron ISD Board of Education) 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 Dickinson County 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 Court determines in an action commenced under section 10 of the FOIA that Dickinson-Iron ISD arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that Dickinson-Iron ISD 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 Dickinson-Iron ISD’ administrative rules is available on Dickinson-Iron ISD’ website at www.diisd.org.
Very truly yours,

By: ____________________________

Patty Deyaert
FOIA Coordinator
Dickinson-Iron ISD
<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Unit Cost</th>
<th>Hourly Wage¹</th>
<th>Number of Units</th>
<th>Number of Hours Charged²</th>
<th>Multiplier</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category A</strong>: Labor costs directly associated with the necessary searching for, locating, and examining of public records.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Cost of fringe benefits³ for labor costs associated with Category A</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Category B</strong>: Labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information. [Name of contracted laborer/firm performing Category B labor: ______________________ (if Category B labor costs are incurred through contracting with a third party to perform labor)]</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Cost of fringe benefits for labor costs associated with Category B</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
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<tr>
<td><strong>Category C</strong>: (for public records provided on non-paper physical media) Actual and most reasonably economical cost of the computer disks, computer tapes, or other digital or similar media.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Category D</strong>: (for paper copies of public records) Actual total incremental cost of necessary duplication or publication, not including labor.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Category E</strong>: Labor costs directly as with duplication or publication, including making paper copies, making digital copies, or transferring digital public records.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Cost of fringe benefits for labor costs associated with Category E</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
</tr>
<tr>
<td><strong>Category F</strong>: Actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
</tr>
<tr>
<td><strong>Total Fee</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

¹ The "hourly wage" for the labor costs calculated pursuant to Categories A, B, and E is the hourly wage of Dickinson-Iron ISD's lowest-paid employee capable of performing the task described in each respective category, regardless of whether that person is available or who actually performs the labor.

² "Number of Hours Charged" is measured in 15 minute increments, with partial increments rounded down.

³ "Cost of Fringe Benefits" calculated pursuant to Categories A, B & E will not exceed 50% of the respective labor charges calculated pursuant to Categories A, B & E. Additionally, Dickinson-Iron ISD does not charge more than the actual cost of fringe benefits and overtime wages are not used in calculating the cost of fringe benefits unless the requestor so stipulates.