

Freedom of Information Act Procedures and Guidelines and Public Written Summary

Procedure: Freedom of Information Act Requests

Effective Date: July 1, 2015

A. Appointment of FOIA Coordinator.

In accordance with section 6 of the FOIA, MCL 15.236, NEXUS ACADEMY OF ROYAL OAK has appointed a FOIA Coordinator, as well as an alternate FOIA Coordinator. The FOIA Coordinator is the School Leader or the person designated by the School Leader with the primary responsibility to accept and process requests for public records.

B. Submission of FOIA Request.

FOIA requests directed to NEXUS ACADEMY OF ROYAL OAK can be sent to:

Nexus Academy of Royal Oak
Attention: FOIA Coordinator
31333 Southfield Road, Suite 200
Beverly Hills, MI 48025
Phone: 248-593-8440
Fax: 248-593-8264
Email: NXRoyalOakFOIA@ConnectionsEducation.com
(subject line: Public Records Request)

Requests should include a name, phone number, and mailing address.

C. Immediately Forward FOIA Request.

Any employee of NEXUS ACADEMY OF ROYAL OAK who receives a written request for a public record must immediately forward that request to the FOIA Coordinator at the email written above. If a NEXUS ACADEMY OF ROYAL OAK employee receives a written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request is delivered to the spam or junk-mail folder and date and time the employee first becomes aware of the written request. The employee must forward those dates and times to the FOIA Coordinator with the written request.

D. Request Response Time.

NEXUS ACADEMY OF ROYAL OAK may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6). Due to the short statutory time period within which NEXUS ACADEMY OF ROYAL OAK must issue a

written notice in response to the FOIA request, it is imperative that there be no delay in complying with NEXUS ACADEMY OF ROYAL OAK procedures and guidelines.

E. Response to a FOIA Request.

NEXUS ACADEMY OF ROYAL OAK will provide copies of these procedures and guidelines and a summary of these procedures and guidelines with each written response or provide a link to an online version of these documents. If a request is denied, in full or in part, NEXUS ACADEMY OF ROYAL OAK will provide the requester an explanation of the basis of the denial under the FOIA, and give notice to the requester of his or her remedial rights. MCL 15.235(4)

F. Notification of FOIA Request.

Upon receipt of a FOIA request, NEXUS ACADEMY OF ROYAL OAK's FOIA Coordinator will email or, with the permission of the FOIA Coordinator's supervisor, fax the division or divisions that might possess records responsive to the FOIA request.

G. Assessment of Fees for a FOIA Request.

The FOIA permits NEXUS ACADEMY OF ROYAL OAK to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to NEXUS ACADEMY OF ROYAL OAK because of the nature of the request in the particular instance, and NEXUS ACADEMY OF ROYAL OAK specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3)

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):

- Fees will be uniform and not dependent upon the identity of the requesting person.
- No NEXUS ACADEMY OF ROYAL OAK employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
- If a requester submits an affidavit of indigency, the first \$20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
- Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of NEXUS ACADEMY OF ROYAL OAK's lowest paid employee capable of monitoring the inspection. Labor costs for monitoring an inspection will not be charged for the first hour. The hourly wage will be based on

NEXUS ACADEMY OF ROYAL OAK's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."

- If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, NEXUS ROAYL OAK will charge the statutory fee in lieu of a fee calculated using the guidelines set forth below.
- NEXUS ACADEMY OF ROYAL OAK will not charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material that will take less than one hour. If the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material will take more than one hour, a fee will be charged in accordance with this procedure pursuant to section 4 of the FOIA, MCL 15.234. The hourly wage will be based on NEXUS ACADEMY OF ROYAL OAK's payroll records for the applicable fiscal year.

Fees will be itemized using the attached detailed itemization of fees and will include:

- Labor costs for the search, location, and examination of public records will be calculated using the hourly wage of NEXUS ACADEMY OF ROYAL OAK's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on NEXUS ACADEMY OF ROYAL OAK's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
- Labor costs for the review of public records and separation and deletion of exempt from nonexempt material will be calculated using the hourly wage of NEXUS ACADEMY OF ROYAL OAK's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on NEXUS ACADEMY OF ROYAL OAK payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
- Nonpaper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by NEXUS ACADEMY OF ROYAL OAK.

- Duplication and publication costs will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. NEXUS ACADEMY OF ROYAL OAK shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.
- Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on nonpaper physical media or through electronic means, will be calculated using the hourly wage of NEXUS ACADEMY OF ROYAL OAK's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on NEXUS ACADEMY OF ROYAL OAK's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
- Actual costs of mailing using a reasonably economical and justifiable manner.

H. Deposit Requirements.

If NEXUS ACADEMY OF ROYAL OAK estimates a fee to process a FOIA request greater than \$50.00, NEXUS ACADEMY OF ROYAL OAK will require a good-faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed ½ of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by NEXUS ACADEMY OF ROYAL OAK regarding the time frame after a deposit is received that it will take NEXUS ACADEMY OF ROYAL OAK to provide the public records to the requestor. The time frame estimate is not binding upon NEXUS ACADEMY OF ROYAL OAK, but NEXUS ACADEMY OF ROYAL OAK shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

I. Appeals of Fees and Disclosure Determinations.

If NEXUS ACADEMY OF ROYAL OAK charges a fee or denies all or part of a request, the requestor may submit to School Leader a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the person designated by the School Leader to respond to written appeals.

**Written Public Summary of Nexus Academy of Royal Oak's
Freedom of Information Act Procedures and Guidelines**

A. How to submit written requests.

FOIA requests directed to Nexus Academy of Royal Oak NEXUS ACADEMY OF ROYAL OAK can be sent to:

Nexus Academy of Royal Oak
Attention: FOIA Coordinator
31333 Southfield Road, Suite 200
Beverly Hills, MI 48025
Phone: 248-593-8440
Fax: 248-593-8264
Email: NXRoyalOakFOIA@ConnectionsEducation.com
(subject line: Public Records Request)

Requests should include a name, phone number, and mailing address.

B. How to understand NEXUS ACADEMY OF ROYAL OAK's written responses to FOIA requests.

NEXUS ACADEMY OF ROYAL OAK has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, NEXUS ACADEMY OF ROYAL OAK has to respond with one of the other options.

If the request is granted or granted in part and denied in part, NEXUS ACADEMY OF ROYAL OAK can also charge a fee to process the request. There is no fee for requests that do not require NEXUS ACADEMY OF ROYAL OAK to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. NEXUS ACADEMY OF ROYAL OAK may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, NEXUS ACADEMY OF ROYAL OAK will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. NEXUS ACADEMY OF ROYAL OAK may also notify you that some of the records you have requested are available on its website.

If the request is denied, NEXUS ACADEMY OF ROYAL OAK will inform you of the basis for its denial in a written notice. Reasons NEXUS ACADEMY OF ROYAL OAK may deny a request include:

- You did not describe the records you have requested well enough and NEXUS ACADEMY OF ROYAL OAK cannot determine what you are asking for;

- NEXUS ACADEMY OF ROYAL OAK has determined that it does not have records that respond to your request in its possession; or
- The records you have requested are exempt from public disclosure.

If all or part of your request is denied, NEXUS ACADEMY OF ROYAL OAK will inform you of your right to appeal its denial to the head of NEXUS ACADEMY OF ROYAL OAK and/or to file a lawsuit against NEXUS ACADEMY OF ROYAL OAK in its written response.

C. Deposit requirements.

If NEXUS ACADEMY OF ROYAL OAK estimates a fee to process a FOIA request greater than \$50.00, NEXUS ACADEMY OF ROYAL OAK will require a good-faith deposit from you before providing the public records. The deposit shall not exceed of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by NEXUS ACADEMY OF ROYAL OAK regarding the time frame after a deposit is received that it will take NEXUS ACADEMY OF ROYAL OAK to provide the public records. The time frame estimate is not binding upon NEXUS ACADEMY OF ROYAL OAK, but NEXUS ACADEMY OF ROYAL OAK shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

D. Fee calculations.

The FOIA permits NEXUS ACADEMY OF ROYAL OAK to charge a fee to process FOIA requests using a form to give you a detailed itemization of the costs involved. NEXUS ACADEMY OF ROYAL OAK may charge for the following costs:

- the costs of labor for the search, location, and examination of public records;
- the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
- the cost of non-paper physical media;
- the cost of duplication and publication of public records;
- the costs of labor for the duplication or publication of public records;
- the actual cost of mailing public records.

E. Avenues for challenge and appeal.

If NEXUS ACADEMY OF ROYAL OAK charges a fee or denies all or part of a request, you may submit to the head of NEXUS ACADEMY OF ROYAL OAK a written appeal that specifically states the word “appeal” and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the person designated by the School Leader to respond to written appeals.

Fee Itemization

Estimated Fee

Actual Fee

<u>Fee Category</u>	<u>Unit Cost</u>	<u>Hourly Wage¹</u>	<u>Number of Units</u>	<u>Number of Hours Charged²</u>	<u>Multiplier</u>	<u>Total</u>
Category A: Labor costs directly associated with the necessary searching for, locating, and examining of public records.	N/A		N/A		N/A	
<i>Cost of fringe benefits³ for labor costs associated with Category A</i>	N/A		N/A			
Category B: 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)]	N/A		N/A		N/A	
<i>Cost of fringe benefits for labor costs associated with Category B</i>	N/A		N/A			
Category C: (for public records provided on nonpaper physical media) Actual and most reasonably economical cost of the computer disks, computer tapes, or other digital or similar media.		N/A		N/A	N/A	
Category D: (for paper copies of public records) Actual total incremental cost of necessary duplication or publication, not including labor.		N/A		N/A	N/A	
Category E: Labor costs directly as with duplication or publication, including making paper copies, making digital copies, or transferring digital public records.	N/A		N/A		N/A	
<i>Cost of fringe benefits for labor costs associated with Category E</i>	N/A		N/A			
Category F: Actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.		N/A		N/A	N/A	
Total Fee:						

¹ The "hourly wage" for the labor costs calculated pursuant to Categories A, B, and E is the hourly wage of NEXUS ACADEMY OF ROYAL OAK'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, NEXUS ACADEMY OF ROYAL OAK 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.