

SMYRNA SCHOOL DISTRICT

POLICY

Section:	1000 Community Relations	Office Responsible:	Superintendent
Policy:	1130 Freedom of Information Act		
Related Policies:	N/A	Administrative Procedure:	N/A

I. Purpose

To comply with the Freedom of Information Act

II. Authority

Delaware Code, Title 14

Delaware Department of Justice

III. Definitions

FOIA: Freedom of Information Act

FOIA Coordinator: Shall mean the person designated by the Cabinet Secretary, School district Superintendent, local government head, Chair, or equivalent executive officer of the public body to receive and process FOIA requests.

IV. Policy Statement

FOIA Coordinator

The Superintendent or the Superintendent's Designee is the District's FOIA Coordinator. The FOIA Coordinator's email address and phone number are FOIA.requests@smyrna.k12.de.us and **302-653-8585**. The FOIA Coordinator may designate other employees to assist. The FOIA Coordinator shall maintain a document tracking all FOIA requests, including:

- a. Requesting Party's contact information;
- b. The date the request is received;
- c. The District's response deadline;
- d. The date of the response, including the reasons for any extension;
- e. The names, contact information, and dates of correspondence with individuals contacted in connection with each request;
- f. The dates of review by the District employee and the names of employees conducting reviews;

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- g. Whether documents were made available;
- h. The amount of copying and/or administrative fees assessed; and
- i. The date of final disposition.

References to the FOIA Coordinator include the FOIA Coordinator's designee.

Web Portal

The District shall develop and maintain a web portal for access to:

- a. This policy;
- b. The FOIA Request Form promulgated by the Office of the Attorney General;
- c. The name and contact information of the FOIA Coordinator; and
- d. The receipt of FOIA requests via the internet

Requests

- a. All FOIA requests shall be in writing and delivered in person, by mail, fax, U.S. mail, or through the internet to the District's web portal. The request shall be as specific as possible, and shall describe the records sought in sufficient detail to enable the District to locate the records with reasonable effort.
- b. The FOIA Coordinator may request that the citizen seeking public records provide additional information to assist in locating records such as the types of records, parties to correspondence, and subject matter of the requested records. The FOIA Coordinator shall make every reasonable effort to assist in identifying the records sought.
- c. FOIA does not require the District to create records, or prepare summaries or compilations of records.
- d. If the request seeks records in the possession of, and under the control of, another public body, the FOIA Coordinator will promptly forward the request to this public body and notify the Requesting Party that the request has been forwarded. If, on the other hand, the records sought are controlled by the District, but are not within the District's possession, the District will provide an itemized written estimate of the cost of retrieving the records. The Requesting Party will then decide whether to proceed with, cancel, or modify the request.

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- e. The District will respond to a FOIA request as soon as possible, but in all events within 15 business days of receipt of the request. The response shall provide access to the records; deny access to all or part of the records, and state the reasons for the denial; or advise that additional time is needed because the request is for voluminous records, legal advice is required, or a record is in storage or archived.
- f. The District will provide emails if it is able to do so with reasonable effort. If the assistance of District information and technology personnel is necessary in order to provide emails, the District will provide the Requesting Party an itemized written estimate of the charges incurred in retrieving such records. The Requesting Party shall then decide whether to proceed with, cancel, or modify the request.
- g. Access for reviewing records shall be provided during the District's regular business hours.

Copying Fees

The cost of providing copies of paper records shall be:

- a. No charge for the first 20 pages of standard sized black and white copies (i.e. 8.5" x 11"; 8.5" x 14"; and 11" x 17"), and \$0.10 per page for each copy in excess of 20 copies (\$0.20 for two-sided).
- b. The charge for copying 18" x 22" shall be \$2.00 per page.
- c. The charge for copying 24" x 36" shall be \$3.00 per page.
- d. The charge for copying larger than 24" x 36" shall be \$1.00 per square foot.
- e. Color copies/printouts shall cost an additional \$1.00 per page for standard sized copies, and an additional \$1.50 per page for larger copies.

f. Microfilm and Microfiche Printouts

- a. There is no charge for the first 20 pages of standard sized, black and white copies from microfilm or microfiche.
- b. The charge for each page of such printouts over 20 pages is \$0.15 per page.

g. Electronically Generated Records

- a. The cost of copying records maintained in electronic format will be equal to the material costs in generating the records (i.e. the DVD, CD, or other electronic storage costs).

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Payment

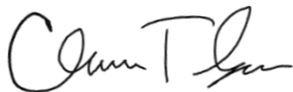
One-half of the estimated fees shall be paid before any service is performed, and the balance is payable upon completion of the service, and prior to receipt of the requested records.

Administrative Fees

- a. There will be no charge for one hour or less of staff time to process a request for records (i.e. identifying records; monitoring review of records; and generating computer records in electronic or print-out form). Administrative fees shall not include legal consultation to determine whether records are exempt from disclosure.
- b. Administrative fees shall be billed to the Requesting Party per quarter hour at the hourly rate of the lowest paid District employee capable of performing the service. Every reasonable effort shall be made to minimize administrative fees.
- c. Prior to fulfilling any request requiring a Requesting Party to incur administrative fees, the District will provide an itemized written estimate of the administrative fees. The Requesting Party will decide whether to proceed with, cancel, or modify the request.
- d. When a Requesting Party submits multiple FOIA requests, the District will attempt to avoid, or minimize, administrative fees by aggregating staff time to process such requests.

*Italics indicate Delaware Regulation Administrative Code Title 14 wording

Board Approval Acknowledged by:



Christopher Scuse, *President*
Smyrna School District Board of Education

Policy Actions

Adopted: 06/17/2015
Revised: 09/20/2017
07/06/2022
02/21/2024