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March 29, 2011

Dave Pruneau
Superintendent
Rochester Community Schools
501 W. University
Rochester, MI 48307

Re: Freedom of Information Act (P.A. 422 of 1976)

Dear Mr. Pruneau:

Pursuant to the Michigan Freedom of Information Act, we hereby request a copy of:

1. All information and communications pertaining to the district's use of Internet filtering software to block websites that fall into the category of "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Society and Culture," or any similar category at high schools in the district.
2. All information and communications related to the district's use of Internet filtering software to block the TrevorProject.org, GSANetwork.org, and GLSEN.org.
3. All information and communications regarding any requests to the school district by students, teachers, staff, administrators, or anyone else to block or unblock specific websites and the resolution of such requests.
4. Information regarding which categories of websites that was selected to be blocked pursuant to the default configuration of the Internet filtering software (i.e. the configuration in place at the time the software was initially installed).
5. Information regarding who made the decision to activate the filter for "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Society and Culture," or any similar category, when the decision was made, and any communications concerning that decision.
6. Information pertaining to the Internet filtering provider(s)' knowledge that the "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Society and Culture," or any similar category had been (or would be) enabled on the district's Internet filtering software.

7. Communications between the Internet filtering provider(s) and any representative or agent of Rochester Community Schools concerning which categories of websites has been (or would be) blocked.
8. Contracts and agreements, including service and maintenance agreements, between the Internet filtering provider(s) and any representative or agent of Rochester Community Skills.

Exempt Records

Should you decide to invoke a FOIA exemption as the basis for withholding any record responsive to this request, please include in your full or partial denial letter sufficient information for the ACLU of Michigan to appeal the denial pursuant to MCL 15.235(4)(a). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions and provide the remainder of the record to the ACLU of Michigan.

Fee Waiver Request

The ACLU of Michigan requests that you waive all fees in connection with this request as provided by MCL 15.234(1) (waiver of fee is appropriate where search for and provision of copies of the public record can be considered as primarily benefiting the general public). The ACLU is the oldest and largest organization in the country working to ensure that the civil liberties and civil rights of all people in this country are honored. It will use the documents to assist it in determining whether the Rochester Community Schools is acting in a constitutional fashion.

Willingness to Pay Fees Under Protest

While a fee waiver should be granted for the reasons set forth above, the ACLU of Michigan is seeking these records regardless of the school district's ultimate decision on the fee waiver request. The ACLU of Michigan is thus willing to pay fees in keeping with the applicable statutory and regulatory requirements, if necessary and under protest, to enable the timely delivery of the records. Fees must be limited to actual costs of labor and copying, and the means for copying must be the most economical available. MCL 15.234(1) and (3). Furthermore, fees may only be assessed based on procedures and guidelines published by the school district. *Id.* at (3). We therefore request that the school district identify the procedures and guidelines under which it assesses fees, and provide an itemized list of fees charged and the justification for them

in order to establish compliance with the statutory requirements. In addition, any payment of fees does not constitute waiver of the ACLU of Michigan's right to seek administrative or judicial review of any denial of its fee waiver request. Please contact me before undertaking any action that would result in a fee charge in excess of \$25.00.

Thank you for your attention to the above. Please send all documents to our office at 2966 Woodward Avenue, Detroit, MI 48201. Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Kaplan", written in a cursive style.

Jay Kaplan
Staff Attorney
LGBT Project
313-578--6812