

# Effort to keep records open intensifies

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## What is FOIA?

Created in 1977, Michigan's Freedom of Information Act sets requirements for the disclosure of public records by all "public bodies" in the state. Public bodies include any government agency, department, division, bureau, board, commission, council, authority or employee. The open records law applies to documents in photocopied, printed or digital forms, or any other means of recording or retaining meaningful content. This includes e-mail and other electronic correspondence, including text messages.

Off-limits material includes personal information (such as credit card numbers), open investigative records, information subject to attorney-client privilege, and pending public bids to enter into contracts.

Every month, Kathryn Keersmaekers combs through 70 pages with copies of more than 500 checks Jackson Public Schools has written to vendors, contractors and employees for reimbursements.

As treasurer of the Jackson School Board, Keersmaekers said it is her job to keep an eye on the district's \$65 million annual spending — check by check. Even Superintendent Dan Evans' job-related meal expenses are reviewed.

"I don't think there's anything here that should be hidden," she said. "These are public funds."

Keersmaekers doesn't have any special access because of her status as a board member. In fact, the reams of double-sided reports she gets are available to anyone making a request under the Michigan Freedom of Information Act.

Some open-government advocates would like to mandate that the reports are made available in a digital format, a move that could assist watchdogs like Keersmaekers, and average citizens.

Today marks the beginning of Sunshine Week, a nationwide effort by media organizations, researchers and interest groups to keep government open at all levels.

In the spirit of Sunshine Week, the Mackinac Center for Public Policy announced an initiative last week asking

Michigan's 552 public school districts to make checks written by public agencies viewable by anyone online.

"We want to open up these financial books to whatever degree we can," said Ken Braun, policy analyst for the Mackinac Center.

Rep. Kim Meltzer, a Republican from Macomb County, introduced legislation in August that would require school districts to

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## Open government aim of Sunshine Week

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post comprehensive spending information.

Keersmaekers said digitizing would save paper.

"But if it's an additional cost to the district, then it's not worth doing," she said.

Since 2006, the Jackson County Intermediate School District has been posting an annual report detailing administrative compensation figures, lawyer and lobbying costs, competitive and no-bid contract costs and other information.

The disclosure, available at [www.jcisd.org](http://www.jcisd.org), is part of Public Act 413, a law made in 2004 in response to a spending scandal at the Oakland County Intermediate School District.

Meltzer's bill would expand the ISD's disclosure requirements to all public school districts and charter school academies.

A Jackson County ISD official said it takes lot of staff time and resources to comply with the law.

"It makes all of the ISDs look a whole lot more honest," said Tommy Cameron,

communications coordinator. "However, it's just another unfunded mandate."

Advocates for open records say the compiling costs should be a moot point because school districts already compile reports for school boards.

"They're just looking for an excuse to oppose it. They just don't want to do it," said Dawn Phillips Hertz, general counsel for the Michigan Press Association. "We've tried letting them watch the store and it hasn't worked."

Meltzer's bill would require the disclosure of service contracts that exceed \$100,000, or \$25,000 for contracts that were not competitively bid. Details about administrative spending on vehicles and travel exceeding \$3,000 also would be disclosed on a district's Web site, according to Meltzer's legislation, House Bill 5083.

Meltzer said making expenses more easily accessible would give citizens a useful tool for monitoring school boards, which she said have a tendency to "rubber-stamp" spending requests by administrators.

"I can't imagine a school board not wanting this legislation, or even the teachers. Teachers want more money in their schools," said Meltzer, of Clinton Township.

Across Michigan, the Mackinac Center has found a school district that is publishing its check register online.

Montrose Community Schools in northern Genesee County began doing so a year ago after a former payroll supervisor was prosecuted for embezzling \$1.2 million from the district from 1997 to 2005, said Superintendent Mark Kleinhans.

"I just think it's a neat idea so that anyone could go on and look at all of the checks that have been printed and sent out," Kleinhans said. "It really helps with moving the district towards transparency."

### Digital reports

In some cases, the biggest hurdle to using the Internet to shine light on the expenses of public school and other local units of government is technology itself.

As a test in anticipation of Sunshine Week, the Jackson Citizen Patriot filed FOIA requests with 43 local units of government — including villages, townships, the city of Jackson and Jackson County

— seeking copies of budgets from their last fiscal year. The requests, sent by mail or fax, asked for documentation in a digital format, if available.

Twenty-seven of the 43 governmental units in Jackson County provided a copy of the budget in a digital format.

Others sent the information on paper.

Under Michigan law, governmental units must respond within five business days and may ask for a 10-day extension. According to the Michigan Attorney General's Office, failure to comply with the law may result in a \$500 fine.

Jackson Public Schools, the county's largest public school system, does not have spending reports available on its Web site.

Deputy Superintendent Bill Hannon said any new online reporting of expenses would add to the administration's workload.

"We do a lot of reports and that's fine," Hannon said. "But when you do that, you want to make sure the information is accurate."

— Have you ever had difficulty obtaining information from the government? Log on to [Chad Livengood's blog](http://ChadLivengood.com) at [blog.mlive.com/taking\\_notes](http://blog.mlive.com/taking_notes) to comment on an issue.

## FOIA stories

Stories the Citizen Patriot has reported in the past year using Michigan's Freedom of Information Act:

■ Jan. 20 article about public school teacher sick time.

■ Jan. 11 article detailing former Assistant City Manager Richard Marsh's resignation and severance.

■ Nov. 25 article about Jackson City Police Department crime reports being reclassified.

■ Nov. 11 article about a "last chance" agreement Napoleon High School teacher Don Baxter signed in response to allegations of sexually harassing female students for a second time.

■ Nov. 1 article about MySpace.com messages a Jackson Public Schools substitute teacher/middle school girls basketball coach sent to a female student. He was fired.

■ Video from the Oct. 12 football game brawl between Jackson High School and Lansing Everett was obtained through FOIA and posted on the Citizen Patriot's Web site, [mlive.com/citpat](http://mlive.com/citpat).

■ Oct. 18 article about Jackson Public School's self-report to the Department of Education over an alleged Michigan Educational Assessment Program test security breach.

■ Aug. 7 article detailing a reporter on the operations of Jackson County's incinerator. Some county officials sought to keep it private for months, but the Citizen Patriot and a group of citizens persisted in their requests that the report be made public.

■ Sept. 12 article about a disciplinary report of a former Jackson Police Department detectives.

■ July 22 article detailing state Department of Agriculture inspection reports of the former Jackson County Animal Shelter.

■ May 7 article detailing how school election costs have doubled since 2005.

■ April 29 articles detailing how Jackson Community College placed \$30,000 of public money from a food-service contract into an account known as the Steele fund, a discretionary account used by President Daniel Phelan for travel and entertainment expenses for himself and board members, among other purposes.