

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2020-026**

January 21, 2020

VIA ELECTRONIC MAIL

Mr. Singh

RE: FOIA Appeal 2020-026

Dear Mr. Singh:

This letter responds to the administrative appeal you have submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). Here, you are challenging the response provided by the District of Columbia Public Schools (“DCPS”) to your request for public records.

On November 6, 2019, DCPS received your request for a high school transcript for Delonte Ford. On that same day, DCPS denied your request, informing you that: (1) education records are exempt from release through the FOIA process and directing you to DCPS’ FOIA and Open Government website for additional information; (2) it appears that the last school attended was a public charter school and DCPS does not maintain records for public charter schools, and recommending that you contact the DC Public Charter School Board for additional information; and (3) because your request also mentioned possible attendance at Ballou STAY, you should contact Ballou STAY directly to obtain a transcript or other education records that might exist.

On November 12, 2019, this Office received your appeal. In your appeal, you argue, essentially, that DCPS failed to acknowledge whether the records existed. We notified DCPS of your appeal, and the agency responded on November 19, 2019.¹ In its response, DCPS reaffirmed the arguments made in its November 6, 2019 denial letter. Additionally, DCPS advised that “[i]t appears that Delonte Ford is the same person as Delonte Singh, who filed the FOIA request and subsequent appeal in conjunction with ERM Foundation.” Accordingly, we accept DCPS’s representations that it does not have public records responsive to your request.²

Based on the foregoing, we affirm DCPS’ decision. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the

¹ A copy of DCPS’s response is attached.

² It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” *Id.* at § 2-532(a).

District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Eboni J. Govan, FOIA Advisor, DCPS (via email)