

## **K-10 (KDB) Public's Right to Know/Freedom of Information**

The Board is a public servant, and its meetings and records shall be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The official minutes of the Board, its written policies and its financial records shall be open for inspection at the office of the superintendent by any citizen desiring to examine them during hours when the office of the superintendent is open. However, no records shall be released for inspection by the public or any unauthorized persons—either by the superintendent or any other person designated as custodian for school district records—if such disclosure would be contrary to the public interest as described in state law or otherwise prohibited by law. The district's financial information shall be posted online in accordance with the Public School Financial Transparency Act.

The Board wishes to support the right of the people to know about the programs and services of their schools and shall make reasonable efforts to disseminate information. Each principal is authorized to use all means available to keep parents/guardians and others of that particular school's community informed about the school's program and activities.

The district may charge reasonable fees for furnishing copies of such public records in accordance with the accompanying regulations.

LEGAL REFS.: C.R.S. [22-9-109](#) (*exemption from public inspection*)

C.R.S. [22-32-109](#) (1)(c) (*documents available for public inspection*)

C.R.S. [22-44-301](#) *et seq.* (*Public School Financial Transparency Act*)

C.R.S. [24-72-201](#) *et seq.* (*access to public records*)

CROSS REFS.: [BEDA](#), Notification of School Board Meetings

[BEDG](#), Minutes

[DAB\\*](#), Financial Administration

[EGAEA](#), Electronic Communication

[GBJ](#), Personnel Records and Files

[JRA/JRC](#), Student Records/Release of Information on Students

Adopted: July 30, 2014

## **K-10 (KDB) Public's Right to Know/Freedom of Information Guideline**

The following procedure applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by the district. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record.

### **Process for requesting records**

1. All requests for public record(s) maintained by the district shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made in writing.
2. The district has no duty to create a public record that does not already exist.
3. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time shall not exceed three working days, but may be extended by an additional seven working days if certain extenuating circumstances exist, in accordance with state law.

4. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs and/or other fees or upon making payment arrangements with the person requesting the record, the custodian of records will transmit a copy of the record by United States mail, other delivery service, facsimile or electronic mail. Transmission will occur as soon as practicable but no more than three business days after the district's receipt of payment, or making arrangements to receive such payment.

5. Inspection of any public record shall take place in an area designated by the district's custodian of records and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of public records.
6. If the district does not have facilities for making a copy of a record that a person has the right to inspect, the person shall be granted access to the record for the purpose of making a copy. The copy shall be made under the supervision of the

custodian of records or designee. When practical, the copy shall be made in the place where the record is kept but if it is impractical to do so, the custodian may allow arrangements for the copy to be made at another facility.

## **Fees**

1. The fee for copying public records will be \$.25 per page unless actual costs exceed that amount.
2. No transmission fee will be charged for transmission via electronic mail.
3. If the district in response to a specific request manipulates data to generate a record in a form not used by the district, it may charge a reasonable fee not to exceed the actual cost of manipulating the data and generating the record. Fulfilling such a request will be at the option of the district.
4. If a requested record is a result of computer output other than word processing, the fee for a copy will be based on recovery of the actual costs of providing the electronic service and product together with a reasonable portion of the costs associated with building and maintaining the information system. This fee may be reduced or waived by the superintendent or designee if the electronic service or product is used for a public purpose.
5. If another facility is necessary, the costs of providing them shall be paid by the person requesting the copy. The custodian may establish a reasonable schedule of times for making a copy and may charge the same fee for services rendered in supervising the copy as the custodian may charge for furnishing a copy.
6. For any request that requires more than one hour of time spent in research or retrieval of the requested records, there shall be no charge for the first hour spent, but for each hour thereafter the District shall charge a research/retrieval fee of \$30.00 per hour, which hourly rate may be increased from time to time as provided in CRS 24-72-205(6)(b).

In addition to the procedures contained in this regulation, the district may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with district staff responsibilities and district operations.

Adopted: July 30, 2014