



Boulder Valley School District

File: KDB-R

Adopted: January 9, 2001

Revised: December 6, 2006, October 15, 2013, March 22, 2016

GUIDELINES FOR RESPONDING TO PUBLIC REQUESTS FOR INFORMATION

The Board of Education recognizes and endorses the right of the public to obtain timely and accurate information concerning the School District's instructional programs, policies, actions, and overall operations. In addition to the District's Public Information Program, that keeps the public informed about the School District, it is District practice to promptly honor individual requests for information within the parameters established by state and federal laws and Board policy. Depending upon the nature of the request and whether it involves public records or information, staff members shall be familiar with and follow this regulation when responding.

Requests for Records

Unless otherwise excluded by law, all writings and documentary materials, regardless of physical form or characteristics, that are made or kept by the School District and used for District functions or involve the receipt or expenditure of public funds are considered to be public records. Public records that are not otherwise protected from disclosure shall be available for inspection during regular business hours upon request made to the custodian of the record. In general, education records involving individual students and personnel records of employees are protected from disclosure. However, there are many other specific exceptions and protections that may prohibit the disclosure of a record. Any question about whether a particular document is a public record or whether it is protected from release shall be directed promptly to the Director of Communications or designee *before* disclosure.

The inspection of public records shall not interfere with the regular performance of the record custodian's duties and responsibilities, be disruptive to the office, nor result in the disclosure of confidential information. Therefore, the following standards shall be followed:

1. The person seeking access to the record ("applicant") shall be asked to specifically describe the particular writing or document that is requested. The custodian of the record may ask that the request be made in writing. In general, there is no duty to create a public record that does not already exist.
2. If the record is not considered to be a public record, is exempt from disclosure, or if access is otherwise denied, the applicant should be informed of the reasons.

If the applicant asks for a written statement of the grounds for the denial, such statement shall be provided to the applicant and shall cite the law or regulation under which access is denied.

3. If the public records are in active use, in storage, or otherwise not readily available at the time of the request, the applicant shall be informed of that fact (in writing if so requested) and a date and hour for the inspection within a reasonable time shall be set.

A reasonable time shall not exceed three working days, but may be extended by an additional seven working days, if certain extenuating circumstances exist. If the custodian will not be able to respond within three working days, however, a supervisor, the applicable director, or building principal shall be notified so that the reason may be substantiated under the applicable provisions of the Public Records Law.

4. If the records requested include correspondence sent to or received by a board member, the Director of Communications or designee shall be notified so that the board member may be contacted prior to disclosure to determine whether the correspondence is in fact a public record.

5. Inspection of the record shall take place in an area designated by the custodian of the record, in a manner that will not be disruptive to the operations of the office, and for security purposes shall be done in the presence of the record custodian or other person regularly responsible for the maintenance of the record.

6. If more than one hour of staff time will be required to respond to the request for records, such staff time in excess of one hour shall be charged to the person seeking access at a rate of \$30 per hour. If more than one hour of staff time will be required to respond to the request for records, the person seeking access shall be notified in advance that staff time charges will be incurred and shall be provided with an opportunity to modify or rescind the request. Staff time charges shall be paid prior to inspection, copying and/or delivery of the records.

7. Where the manipulation of data is necessary to generate the record or the public record will involve computer output (other than word processing), the Director of Communications or designee should be promptly contacted before proceeding in order to determine whether the record shall be generated and, if so, to advise the applicant of the potential costs to be incurred in providing the record.

8. Copies of any public records requested shall be furnished for 25 cents per page. A receipt shall always be given when fees are collected. The copies shall be provided within a reasonable time after the copying fee is paid

Verbal Requests for Information

Staff members may receive verbal inquiries or requests for information from the media or other members of the public concerning School District matters. Generally, if a staff member receives such a request, unless it involves a routine response with information

readily available, it shall be referred to the applicable director or building principal for review and response. The staff member may also refer the request to the applicable director or principal at any time. If the staff member, however, has first-hand information or facts that are responsive to the question, and the response does not involve the disclosure of confidential information nor information obtained from confidential records, a response shall be given on a timely basis.

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

LEGAL REFS.:

20 U.S.C. 1232g; 99 C.F.R. 99.1 *et seq.* (Family Educational Rights and Privacy Act)
C.R.S. 22-9-109 (exemption from public inspection)
C.R.S. 22-32-109(1)© (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.* (Colorado Open Records Act)

CROSS REFS.:

BAA, Board Operations
JO, Student Records
KE, Public Complaints
KE-R, Public Complaints About the Curriculum or Instructional Materials or Strategies

End of File: KDB-R