

## **PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION**

### **Introduction**

This regulation describes the guidelines and a process for responding to requests from members of the public for information or specific data. This regulation is intended to apply only to printed material released by Colorado Springs School District 11 (the District) in response to a written request from the public. It is not intended to apply to telephone inquiries where an oral response is appropriate and satisfactory to the requestor.

### **Objectives**

The District administration seeks to promote access by the public to information and data regarding the District and to ensure that all information released by the administration is valid, reliable, accurate and constructively useful. In support of this goal, the following objectives are established.

1. To provide clear, consistent and useful information for public consumption in response to requests.
2. To provide quality control of information provided in response to public requests. Information must be:
  - a. Internally consistent (reliable)
  - b. Accurate
  - c. Appropriate for expected use (valid)
  - d. In compliance with the Family Educational Rights and Privacy Act (FERPA), the Colorado Open Records Act (CORA), District policy and other relevant law.
3. To involve all appropriate department/division heads as needed in the review and approval process.

### **Procedure for Information Requests**

All written requests for information will be treated as if they were requests made under the Freedom of Information Act (FOIA) or the CORA. Requests made by phone will be handled according to the availability of the information requested. If a phone request requires preparation of a written response, the requestor will be asked to submit a written request to the Custodian of Records (Custodian) in the Records Management Center (Records). The District must respond to any CORA request within three working days, beginning on the first business day after the request is received. Such period may be extended upon determination by the custodian that extenuating circumstances exist. Such period of extension shall not normally exceed seven working days. The requestor shall be notified of the extension within the three-day period. Time periods for items received on a weekend, outside of regular business hours,

or holidays will be calculated without including the date on which the custodian receives the request.

Requests may be mailed, sent via facsimile or sent via email. If a request is sent to anyone other than the Custodian, it will not be considered received by the District and the statutory time for responding to the request will not begin until the request is received by the Custodian.

All requests for records maintained by the District must be specific as to the records sought and the relevant dates. Requests shall be specific enough to allow the District to efficiently identify the requested record and respond to the request. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated, the Custodian may require the requestor to provide a more specific request.

The District has no duty to create a public record that does not already exist.

The Custodian will provide the requestor with an estimate of the cost of responding and will require full payment prior to completing work associated with the request. If the requestor wishes to proceed upon receiving an estimate, he or she must respond in writing and submit payment by cash or check. By responding in writing, the requestor agrees to pay all fees associated with responding to the request. The time between the date of the Custodian's estimate and the receipt by the Custodian of a written request to proceed will not be counted against the time period to respond.

The Custodian may notify the person once the record is available, and 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 a 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 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.

Inspection of any public record shall take place in an area designated by the District's Custodian 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.

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 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.

If the requested information already exists in a document that has been prepared for public dissemination, the department or office receiving the request may respond to the request directly by sending out the document or relevant pages thereof. (e.g. Master contract, budget, school profiles, district calendar, and official report.) Before releasing the information the department head of the responsible department should review the information for possible misinterpretation or mis-application by the requestor. If a concern exists, then the department

head should consult with both the Custodian and the Office of Community Relations to jointly develop a strategy for releasing the information to the requestor and or the public.

### **Costs and Fees**

Charges for copies of requested records shall be as follows:

- 1) 25 cents per page. The 25 cents/page fee may also be applied to parents/guardians requesting copies of their student's records. However, such a fee cannot impair a parent's/guardian's ability to participate in their special education child's education.
- 2) \$10.00 per half hour of work to research, retrieve and prepare information. Time may be rounded up. The \$10/half-hour fee will not be charged during the first hour of time expended to respond. The \$10/half-hour fee will not be applied to parents/guardians requesting copies of their special education students' records.
- 3) Postage may be charged.
- 4) Fees may be charged for costs of electronic files (i.e. compact discs/flash drives).
- 5) In the discretion of the Custodian, the above fees may be waived or lessened.

### **Subpoena for Records**

When the District receives a subpoena for records, that should be forwarded to Records. Staff from Records will work with the appropriate persons to comply. Staff from Records will deliver documents to the Judge's Chambers.

Approved: June 1994  
Revised: January 2000  
Revised: December 2010  
Revised: May 9, 2014

LEGAL REF.: C.R.S. 24-72-201, et seq.

CROSS REF.: JRA/JRC, Student Records/Release of Information on Students  
KDB, Public's Right to Know/Freedom of Information  
The Colorado Springs School District 11 Board of Education Operating  
and Procedures Manual