

**Public's Right To Know
(Access To Public Records)**

In accordance with the intent of the Public Records Statute of Colorado, C.R.S. 24-72-201, et seq., this administrative procedure regulating public access to the official records of the district is hereby established.

- A. Public records are defined as all writings made, maintained or kept for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. This does not include working papers, confidential material or other unfinished documents.
- B. The procedure for requesting access to records classified as public records is as follows:
 - 1. Persons desiring to examine public records will make a verbal or written request for access to specific documents or writings to the Custodian of Records (the superintendent or designee at the administration building and the building principal at each school), who will determine the availability of such records at the time.
 - 2. If the Custodian of Records determines that the records requested are available, the Custodian of Records will present the records to the applicant and shall remain with the applicant until such time as the records are returned to their original location. (In no circumstance will records be available after the close of regular working hours.)
 - 3. If the Custodian of Records determines that the requested records are in storage or in active use and unavailable, he or she shall notify the applicant. The Custodian of Records will then set a time and date, within three working days at which time the requested records shall be made available to the applicant for inspection.
 - 4. If the Custodian of Records determines that the requested records are not available (he or she does not have access to them), the Custodian of Records shall notify the applicant of the reasons for the records' absence, their location, if known, and who has assumed control. This will be done in writing if requested by the applicant.
 - 5. If the Custodian of Records determines that the requested records are included within the exceptions for access listed below, and denies access to them, the applicant may request written grounds citing the law or regulation under which access is denied.

EXCEPTIONS:

- a. When access is contrary to State or Federal statutes or regulations.
- b. When access is prohibited by a court order, or by rules promulgated by the supreme court.
- c. When access is determined to be contrary to the public interest.
- d. Tests, scoring keys or other examination data.
- e. Bona fide research projects.
- f. Real estate appraisals for property acquisition until the property has been acquired.
- g. In addition, the following records may be denied to the applicants, except to persons in interest:
 - Medical, psychological, sociological or scholastic records of individuals.
 - Personnel files, except applications, proficiency ratings and compensation information.
 - Trade secrets and privileged information.
 - Student addresses and telephone numbers.
 - Letters of reference (may also be denied to the person in interest).
 - Records of sexual harassment complaints and investigations (disclosure to the person in interest is permissible to the extent that the disclosure can be made without permitting the identification, as a result of the disclosure, to any individual involved).

C. Miscellaneous Provisions

1. The Custodian of Records may make additional rules and regulations which he or she considers necessary for the protection of public records or for minimizing unnecessary interference.
2. Copies of public records will be furnished to applicants upon written request at \$1.25 per sheet unless waived by the Custodian of Records.
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 the Custodian of Records is unable to ascertain whether or not the information is public in nature, the Custodian of Records shall immediately seek the opinion of the district's legal representative in the determination.
6. Under no circumstances shall employees of the district remove public records from the several building repositories unless such removal is necessary to the performance of their official duties. In such cases, records will be recorded and properly checked out with the Custodian of Records.

Approved: January 6, 1986

Revised: January 2001

LEGAL REFS.: C.R.S. 22-32-109(1)(c)
C.R.S. 22-9-109
C.R.S. 24-72-201 et. seq.

CROSS REF.: GBJ-R, Personnel Records and Files
JRA/JRC, Student Records
BE/BEA/BEB, Board Operations