



Introduction

The Colorado Department of Education is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (CORA) (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner. This policy will help ensure CDE complies in all respects with CORA and meets all constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner.

This law applies to the Colorado Department of Education, including the Colorado State Board of Education. This policy applies solely to records requests where CDE or the board is the custodian of records pursuant to CORA. Other state agencies and departments may have different CORA policies.

Department procedure for handling records requests

All records requests made of CDE by mail, fax, courier, e-mail or other means shall be immediately provided to the Communications Division. All records that may be responsive to specific requests for information must be provided to the Communications Division as soon as possible.

CDE will only accept records requests made in writing or electronically via e-mail or fax. Records requests or requestors that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, CDE shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The department can issue up to a seven-working-day extension if it finds extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. A request is received by CDE the day an e-mail, fax or letter containing a request is opened. The three working-day response time begins the first working day following receipt of the request. A request received after 4:30 p.m. or any day CDE is officially closed will be considered received as of the following working day.

No employee of CDE may modify, redact or omit any records they are required to provide to the Communications Division pursuant to this policy, or his or her designee handling the request. Decisions about the applicability of CORA to particular writings will be made by the Communications Division.

When feasible, CDE will provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records (see "The format of records produced" below). When responsive records cannot be easily or cost-effectively provided electronically to a requestor, CDE will work with the requestor to schedule a time to inspect the records in person. The department is open from 8 a.m. to 5 p.m. Monday through Friday. The Communications Division may grant exceptions where the department, requestors or the records produced require special accommodations.

Office staff should never assume a document is exempt from CORA and should always consult the Communications Division before making a final determination.



Fees for document retrieval, review and copies of release of records

When a substantial request is made — requiring the production of more than 25 pages of documents or the use of more than one hour of staff time to locate or produce records — CDE may charge the requestor for all copying expenses and reasonable, actual costs associated with staff time in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the number of pages produced in response to a records request exceeds 25 pages, CDE may charge \$0.25 per page for all documents photocopied. When researching, retrieving, reviewing or producing records consumes more than one hour of staff time, CDE may charge \$20 an hour for all staff time after the first hour associated with researching, retrieving, reviewing and producing records for a requestor. CDE also may charge an hourly rate not to exceed \$30 an hour (after the first hour) when specialized document production or specialized skills are required to research, retrieve, review, locate, compile or produce records pursuant to a records request, including the use of third-party contractors. Any costs charged to a requestor shall not exceed the actual cost of producing the records, in accordance with § 24-72-205(5)(a), C.R.S., and applicable law.

For requests where CDE anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, CDE will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the Communications Division.

The format for records produced

The Colorado Open Records Act guarantees that all public records must be open for inspection by any person at reasonable times, except as provided in CORA or as otherwise specifically provided by law (§ 24-72-201, C.R.S.). CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of CDE employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon CDE, the Communications Division will determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at CDE's discretion; this may or may not mean records are provided in their native format.

CDE may require that members of the public or press only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of CDE or its staff or production of original records could jeopardize the condition of the records.

Colorado Department of Education
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