



Colorado Open Records Act Policy

October 29, 2018

The following constitutes the policy of Mountain Song Community School ("MSCS") regarding requests for inspection of "public records" ("Request") as that term is defined under the Colorado Open Records Act ("CORA"), C.R.S. @ 24-72-200.1 et seq. The provisions of this policy set forth rules for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Custodian of Records ("Custodian") or the Custodian's office, Business Manager.

All CORA requests must comply with this policy. Please be advised that the Custodian is not obligated to act upon a CORA request unless and until the request meets the requirements of this policy.

Requirements for requesting to inspect records for MSCS:

(1) All Requests must be submitted in writing to the Custodian. Requests made to any other person or office within MSCS will not be accepted.

(2) Requests may be mailed or sent via facsimile. The date the request is received by the Custodian will be considered the "date of receipt."

Requests sent via e-mail will not automatically be accepted. Due to spam filters and similar computer software, MSCS cannot guarantee that an e-mail request has been received by the Custodian. At the sole discretion of the Custodian, e-mail requests shall be deemed rejected unless and until the Custodian expressly confirms acceptance of the request. Should the Custodian accept an e-mail request, the statutory time for response will begin when the Custodian provides confirmation to the requestor. If a request is sent via e-mail to anyone other than the Custodian, or if the Custodian does not accept such an e-mail request, it will not be considered as received by MSCS.

(3) All requests for records **must** be specific as to the records sought and the relevant dates. 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 before responding.

(4) MSCS is not required by CORA to construct or create a record that does not exist. Additionally, MSCS is not required to manipulate or analyze information in a new way in order to respond to a request.

(5) Time for response to CORA requests that comply with this policy shall be as follows:

- a. The normal time for production shall be three working days, beginning on the first business day after the request is received by the custodian.
- b. Such periods 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 original three-day period.
- c. These time periods for responding to requests shall **not** apply to (a) requests that do not comply with this policy, (b) requests that are broad or burdensome such that they interfere with regular work duties, or (c) requests if the requestor has failed to pay the appropriate charges.

(6) Requests to inspect records shall not take priority over the regular work activities of Institute employees.

(7) Charges for copies of requested records shall be as follows:

- a. The normal cost for requested documents shall be \$.25 per page or, for documents in non-standard formats, the actual duplication costs.
- b. At the Custodian's prerogative, the requestor may be charged a reasonable research, retrieval and review fee based on the actual cost of responding to the request; provided, however, that the hourly rate for employee time shall not exceed \$30 per hour. There shall be no charge for the first hour of employee time. If the Custodian charges research and retrieval fees under this provision, copying shall be charged at a rate of \$.25 per page.
- c. Where the record is a result of computer output other than word processing, the requestor will be charged, unless waived or reduced by the Custodian, the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with the building and maintaining the information system.
- d. While not required, the Custodian may, at the Custodian's sole discretion, choose to manipulate or analyze information in a new way in order to respond to a request. Where the record is a result of such manipulation or analysis, the requestor will be charged, unless waived or reduced by the Custodian, the actual costs of creating the record.
- e. Unless waived by the Custodian, the requestor will be charged the cost of transmitting the records to the requestor by the United States mail or other delivery service.
- f. Payment must be received prior to the requestor receiving copies.

(8) If charges are expected to exceed \$25, the Custodian will provide the requestor with an estimate of the cost of responding prior to responding and may require a deposit. If the

requestor wishes to proceed once receiving an estimate, he or she must respond in writing. 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 response to proceed will not be counted against the time period set forth above.

(9) If a requester wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during normal working hours. Such inspection shall occur on-site and may be supervised by a MSCS representative.

(10) The Custodian has the right to deny inspection of records in accordance with the provisions listed in 24-72-201 et seq.

(11) Subsequent to the approval of this policy, if CORA is amended to modify the maximum amount of any charges described above, the policy will be applied consistent with the provisions of such amendments.

Contacting the Custodian of Records

In addition to any requirements under this policy and CORA, a request must include the requestor's name, mailing and e-mail address, and be sent to the Custodian at:

Address: 2904 W. Kiowa Street

Colorado Springs, CO 80904

Fax: 719-375-0180

Email: admin@mountainsongschool.com

LEGAL REF:

C.R.S. 24-72-200.1 et seq. (Colorado Open Records Act, (CORA))