



**Boulder Valley School District**  
**File: KBA-R**  
**Adopted: January 9, 2001**  
**Revised: December 6, 2006**

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## **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 should be familiar with and follow these guidelines 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 should be directed promptly to the Director of Communications or designee *before* disclosure.

The inspection of public records should 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 should be followed:

1. The person seeking access to the record ("applicant") should 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.

3. If the public records are in active use, in storage, or otherwise not readily available at the time of the request, the applicant should be informed of that fact (in writing if so requested) and a date and hour for the inspection within a reasonable time should be set. A reasonable time should 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 should 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 should 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 should 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 should 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 \$20 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 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 should 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 should 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 should 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 should be given on a timely basis.

In providing a response to a verbal request for information, the following guidelines apply:

1. Determine what is wanted and, if possible, for what purpose. It may be possible to address the inquiry by providing a copy of a public record.
2. If the request is unclear, of a non-routine nature or may involve substantial research, you should ask that the request be placed in writing. When substantial time or research would be needed to respond to a written or verbal inquiry that cannot be answered by allowing inspection of a public record, you may decline to respond to the request or refer it to the applicable director or building principal and to the Director of Communications or designee.
3. Do not feel obligated to respond to an unexpected call or inquiry. If you feel unprepared or believe that someone else is in a better position to respond, you should say so and specify a time (within no more than 24 hours) for someone to get back to the person.
4. Limit your response to facts of which you are personally aware. If you do not have the facts or do not know the answer, politely and courteously say “I don’t know.” You may also offer to find out and get back in touch. Avoid speculation, giving opinions, or going beyond the facts known. You also may politely decline to respond to “what if” or hypothetical questions.
5. Make sure your explanation is clear. Try to determine if the person correctly understands your response.
6. Make a personal record of the inquiry and your response. If your response is in writing, keep a copy.
7. If you feel that the inquiry is unusual or is of district-wide importance, or if you are concerned or uncomfortable in any way about the inquiry, please notify the applicable director or building principal and the Director of Communications or designee of the inquiry and your response.

### **Applicable District Policies**

Listed below are District policies and regulations that may be of further assistance in considering these issues:

BAA-R, Board Operations – Board Protocol (Section 8: Communication)  
JO/JO-R, Student Records  
KA/KA-R, School-Community Relations Goals  
KB/KB-R, Public Information Program  
KBA, Public’s Right to Know  
KBB, School-Sponsored Information Media  
KBC/KBC-R, News Media Relations

KBCA/KBCA-R, News Releases

KBF, Role of Students in Public Information Program

KL/KL-R, Public Complaints

KLB/KLB-R, Public Complaints About the Curriculum or Instructional Materials or Strategies

**Legal References:**

Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 99 C.F.R. 99.1 *et seq.*

Colorado Public (Open) Records Law, C.R.S. 24-72-201 *et seq.*

**End of File: KBA-R**