



<i>New Summit Charter Academy</i>	<i>Policies and Procedures</i>
Policy Name:	Public's Right to Know - Procedure
Policy Number:	KBD-NSCA-R
Original Date:	10/15/2018
Last Reviewed:	3/12/2025
Category:	Board
Author:	Executive Director
Approval:	NSCA Board of Directors

Introduction

The following procedure applies to requests by members of the public, including parents, community members, media organizations, and other third parties, to inspect public records maintained by New Summit Charter Academy (NSCA). A person who has the right to inspect a public record also has the right to request a copy of the record.

Process for requesting records

1. All requests for public record(s) maintained by NSCA shall be specific enough to allow NSCA to identify the requested record and respond to the request efficiently. To clarify and facilitate the processing of a request to inspect and/or obtain copies of documents, NSCA requires that the request be made in writing using the online form. NSCA may not need a person to provide any form of identification to request or inspect records unless the identification is required by law to release confidential information.
2. Any NSCA staff or school/department receiving a request under the Colorado Open Records Act by mail, fax, courier, or email shall immediately forward the request to the Executive Director, who will direct the requestor to the online form. As soon as possible thereafter, staff and departments with responsive records (i.e., records that meet the definition of that which has been requested) must provide those records to NSCA's Executive Director.

Records requests made via social media are not recognized until submitted through the abovementioned means. Generally, the federal Freedom of Information Act (FOIA) does not apply to school NSCA records requests. However, NSCA will treat a records request that cites the FOIA as though it were made pursuant to the Colorado Open Records Act.

A request is considered "received" by NSCA the day it is submitted if before noon. It is considered received the next working day if received after noon. A request received after 4:30 p.m. Mountain Standard Time or any day NSCA is officially closed is considered received the following business day. NSCA shall make every effort to respond within three working days, as provided by § 24-72-203(3)(b), C.R.S. NSCA may extend its response time if it finds extenuating circumstances exist and communicates that finding to the requestor in writing as described in § 24-72-203(3)(b), C.R.S. The three-working-day response time begins the first working day after the request is acknowledged as received.

Any multiple Colorado Open Records Requests submitted by the same individual or group within a 10-working-day timeframe will be consolidated and treated as a singular request when determining the associated costs for research, retrieval, review, and production of the requested records for release.

NSCA will not be responsible for analyzing records on behalf of a requestor.

3. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time shall not exceed three working days, but by state law, it may be extended by an additional seven working days if certain extenuating circumstances exist.

4. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available 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 any portion of such costs or expenses, or if none are assessed based on the length of time needed to fulfill the request.

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 of records 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 NSCA's receipt or arranging to receive such payment.

5. If records are stored in paper format, NSCA staff will work with the requestor to schedule a time to inspect the records in person. NSCA is generally open from 8 a.m. to 4:30 p.m., Monday through Friday. NSCA may require that members of the public or press only view copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of NSCA or its staff or that the review of original records could jeopardize the condition of the records, and inspection of any public record shall take place in an area designated by NSCA's custodian of records. NSCA staff members may be assigned to monitor any public records inspection.
6. If NSCA 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 to create a copy. The copy shall be made under the supervision of the custodian of records or designee. When practical, the copy shall be made where the record is kept. Still, the custodian may allow arrangements for the copy to be made at another facility if impractical.

NSCA responsibilities

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

If NSCA stores the public record in a digital format, NSCA must provide a copy of the record unless otherwise requested by the requestor and must transmit the record by electronic mail if possible. Public records stored in a searchable format must be provided in a searchable format. Public records stored in a sortable format must be provided in a sortable format. Before transmission, a digital public record must not be converted into a non-searchable or non-sortable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:

- Producing the record in the requested format would violate the terms of a copyright or licensing agreement.
- Producing the record in the requested format would result in the release of third-party proprietary information.
- After making reasonable inquiries, the records custodian determines that:
 - It is not technologically or practically feasible to permanently remove information that NSCA is required or permitted to withhold.
 - It is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format.
 - Producing the record in a searchable or sortable format would require purchasing software or creating additional programming or functionality in existing software to remove information NSCA is required or permitted to withhold.

PROTECTION OF CONFIDENTIAL INFORMATION

NSCA staff will not assume a record is exempt from CORA and will always consult the Executive Director and/or legal counsel before determining whether or not to provide a record. Any redactions or removal of information that NSCA is legally required or allowed to withhold, pursuant to § 24-72-204, C.R.S., will not be done without approval from the Executive Director and/or review by counsel.

NSCA shall not provide any personally identifiable confidential information pursuant to state or federal law. Colorado's Student Data Transparency and Security Act protects the confidentiality of "information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by a public education entity..." (See § 22-16-101, et. seq., C.R.S.). Similarly, the federal Family Educational Rights and Privacy Act (FERPA) protects the confidentiality of students' identifiable information that is maintained in education records and includes direct identifiers, such as a student's name or identification number, indirect identifiers, such as a student's date of birth, race/ethnicity, disability status or other information which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information (See 34 CFR §99.3). When it may be possible to determine a student's personally identifiable information from a record using simple calculations, NSCA will redact the data to the extent necessary to protect student privacy. NSCA is also required to protect the confidentiality of licensed personnel evaluations in accordance with § 22-9-109, C.R.S. See below for information on potential costs that the requestor may incur.

Finally, under CORA, NSCA may deny a request for any of the reasons outlined in § 24-72-204, C.R.S. Please refer to all appropriate statute sections for a complete list of the types of records that NSCA may withhold. A general list of the types of protected records applicable to NSCA is below:

- Any investigatory files compiled for any law enforcement purpose.
- Test questions, scoring keys, and other examination data about administering a licensing examination, examination for employment, or academic examination.
- The specific details of bona fide research projects a state institution conducts.
- Electronic mail addresses are provided by a person to an agency, institution, or political subdivision of the state.
- Specific details of security arrangements or investigations.
- Medical, mental health, sociological, and scholastic achievement data on individual persons;^[1]

- Personnel files.[2]
- Letters of reference.
- Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data.
- Private persons contribute library and museum materials.
- Addresses and telephone numbers of public elementary or secondary school students.
- Library records disclose the identity of a user.
- All statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to a client by the certified public accountant, except financial statements submitted by a certified public accountant to a client and books and records prepared for the use of the client.
- Any records of sexual harassment complaints and investigations or
- Records are protected under the common law governmental or "deliberative process" privilege.

Not all emails are public records that may be requested through CORA. To be a 'public record,' an email message must be used to perform public functions or involve the receipt and expenditure of public funds.

Fees

1. The first hour of staff time researching and retrieving requested records and up to 25 printed pages is free. The fee for copying printed public records will be \$0.25 per page, more than the first 25 printed pages, which will be provided at no charge. A page is defined as one side of one page. Printing both sides of a single page is considered two pages. No per-page fee will be charged for copying digital records.
2. No transmission fee will be charged for transmission via electronic mail.
3. If a requested record results from 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 and a reasonable portion of the costs associated with building and maintaining the information system.
4. If another facility is necessary, the costs of providing them shall be paid by the person requesting the copy. The custodian may establish a reasonable schedule of times for making a copy and charge the same fee for services rendered in supervising the copy as the custodian may charge for furnishing a copy.
5. NSCA will charge actual costs associated with research and retrieval in excess of one hour, in accordance with §§ 24-72-205(5)(a) and (6)(a), C.R.S. NSCA may charge a fee for staff time spent in excess of one hour for the following: conducting searches for, researching and retrieving the requested records; reviewing records to determine whether they are responsive to the request; and identifying and separating those records that are not public and/or are privileged or confidential. Such fee shall be \$41.37 per hour, which may be increased occasionally as permitted by applicable state law. NSCA may also charge other reasonable fees in responding to a request for NSCA's public records.
6. Before producing the requested records, NSCA will provide the requestor with an estimate of production costs. If the requestor does not wish to pay the fees, NSCA can give the requestor

information on how the request can be modified to reduce or eliminate the fees. After a requestor has agreed to the production costs, NSCA will inform the requestor if any additional costs are anticipated and will not incur additional costs without the requestor's consent. After preparing the requested records, NSCA will invoice the requestor. Costs must be paid in full before records are released.

For more information, please contact the Executive Director at kim.mcclelland@newsummitcharter.org or (719)749-4010.

Revision History

Date	Revision Details	Revised By
5/20/2019	Creation	Board, Executive Director
12/04/2023		
3/12/2025	Revised	Board, Executive Director