



OPEN RECORDS REQUEST POLICY

This policy was adopted by the Mountain Phoenix Governing Council on May 26, 2021.

Purpose

The purpose of this policy is to institute a process for making and responding to record requests submitted to Mountain Phoenix Community School (MPCS) under the Colorado Open Records Act ("CORA"). These procedures apply to all requests, submitted pursuant to C.R.S. et seq., to inspect public records in the custody or control of MPCS. Those requests must be submitted in accordance with the procedures of MPCS.

Two Important Exceptions

Two important exceptions to this general rule are requests for student records and portions of employee personnel files.

Student Records: The confidentiality rules and release procedures of academic records are protected by the Family Educational Rights and Privacy Act (FERPA) and are not subject to disclosure under CORA. To obtain student records, please refer to the school's Student Parent Handbook.

Personnel Files: CORA prohibits public schools from releasing parts of employee personnel files including, but not limited to: home addresses, telephone numbers, financial information, certain employee evaluation reports, letters of reference, and other information maintained because of the employer-employee relationship.

Records Request Procedure

1. All requests to inspect public records must be submitted in writing to the official custodian. For the purposes of these procedures, the MPCS Business Manager shall serve as the Custodian of Records. Requests made to any person other than the proper custodian will not be accepted.
2. Requests may be mailed or sent via facsimile. If a request is sent via e-mail to anyone other than the custodian (as indicated in paragraph 1 and 10), it will not be considered as received by MPCS and the statutory time for response to the request will not begin until a confirmation has been sent by the custodian. **Note:** The reason for this rule is, due to spam filters and inactive or incorrect e-mail accounts, MPCS cannot guarantee that the custodian has received an electronic mail request.
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.
4. The custodian is not required by the Open Records Act to construct or create a record that does not exist.
5. Time for response to records requests 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.
 - b. Such period 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 three-day period.
 - c. Time periods for requests received on a weekend, outside of regular MPCS business hours or holidays will be calculated deemed to have been received on the next MPCS business day. All time periods are calculated without including the date on which the custodian receives or is deemed to have received the request.
6. Requests to inspect records and/or documents will not take priority over the regular work activities of MPCS employees.

7. Charges for copies of requested records shall be as follows:
 - a. 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 the rate of \$20 per hour, to be paid prior to inspection of the records.
 - b. Copies may be furnished upon request and within a reasonable time at a cost not to exceed \$.25 per page. If an electronic file is requested, the requestor will be charged a fee for the cost of the compact disc (CD). This fee must be paid in advance.
8. At the custodian's prerogative, in lieu of the fee set forth in paragraph 7a and 7b, the requestor may be charged a reasonable retrieval fee based on the actual cost of responding, including employee time, or gathering, preparing, and copying requested documents.
9. If records are readily available, the fee may be waived or the fee may be a lesser amount per page for copies.
10. The custodian will provide the requestor with an estimate of the cost of responding and will require full payment prior to completing work associated with the request. If the requestor wishes to proceed upon receiving an estimate, he or she must respond in writing and submit payment by cash or check. 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 request to proceed will not be counted against the time period set forth above.
11. If the requestor wishes to inspect available records in advance of receiving copies, such inspection shall be by appointment only during ordinary working hours. Such inspection must be supervised by an MPCS representative and the requestor may be charged for employee time associated with such inspection.
12. Open records requests can be mailed or faxed to:

Mountain Phoenix Community School – Open Records Request
ATTN: Business Manager
4725 Miller Street
Wheat Ridge, CO 80003
Fax: 303-728-9100

Or send an email to the Business Manager, listed on the MPCS website (www.mountainphoenix.org) with your request and the words "MPCS Open Records Request" typed in the subject line.

POLICY HISTORY

Original: Approved by GC on May 26, 2021. (Changes to the MPCS website which provide user with the information to make these requests will be made to align with information in this policy).