



# Monument Academy

## *Board of Directors Governance and Policy*

Policy Area: Governance	Policy #: 1512
Title: Open Records Requests Policy	Adopted: February 21, 2001 Revised: July 11, 2005, January 19, 2012 Revised: January 17, 2018, February 14, 2019 Revised: May 9, 2019, February 11, 2021 Revised: October 7, 2021

Office/Custodian – Education/Director of Communications

Monument Academy (MA) is committed to transparency and open government. The following process applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by MA. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record under the Colorado Open Records Act (CORA) (§ 24-72-201 to 206, C.R.S.)

This regulation helps to ensure that MA meets all constitutional and statutory duties under CORA to all stakeholders in a timely and orderly manner.

### I. Process for requesting record

1. All requests for public record(s) maintained by MA shall be specific enough to allow MA to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, MA requires that the request be made via mail, in person, or submitted via the CORA email link located on the Monument Academy website.
2. After review and determination that a request is complete and valid, all requests for public records will be forwarded immediately to the director of communications for processing.
3. MA has no duty to create a public record that does not already exist.
4. MA will make every effort to make the record available within three working days as required by (§ 24-72-203(3)(b), C.R.S. The director of communications, with approval from the COO, can issue an extension up to seven working days, if extenuating circumstances exist, as described in (§ 24-72-203(3)(b), C.R.S. To extend the response period to no more than seven working days, the director of communications will provide the requester a written explanation of “extenuating circumstances”.

A request is considered received by MA the day it is determined to be complete and valid. The three working-day response time begins the first working day following the date of that determination.

5. If the person seeking the record requests the record(s) be sent, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian received 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 fees.

Upon receive of payment of any applicable copy costs and/or other fees, or upon making payment arrangements with the person requesting the record (when applicable), the custodian of the records will either send a copy of the record by electronic mail or will make arrangements for the requestor to review the records at an MA facility. When available, the requested records will be delivered in a searchable digital format by electronic means.

6. The public will not be allowed to directly use either its own or the data processing equipment of MA when inspecting or copying public records. In every instance, the manual or electronic functions necessary to extract, collage, organize, retrieve, copy, or otherwise manipulate the information and data necessary to produce the record or allow for its inspection shall be performed by MA personnel, and appropriate fees will apply.

## II. Fees

1. The fee for copying public records will be \$.25 per page unless actual costs exceed that amount. No per page copying fee will be collected for copying a PDF.
2. No transmission fee will be charged for transmission via electronic mail.
3. If MA, in order to fulfill a specific request, processes data to generate a record in a form not used by MA, it may charge a reasonable fee not to exceed the actual cost of preparing the data and generating the record. Fulfilling such a request will be at the option of MA. The requestor will have the option to withdraw the request to prevent the expense incurred in using MA resources to create a new record.
4. If MA, in response to a substantial request, anticipates more than one hour of staff time will be required to research, retrieve, review, or produce records, it may charge a fee of \$33.58 per hour (after the first hour) for all staff time required to fulfill the request. Any costs to be charged to the requestor shall not exceed the actual cost to research, retrieve, review, and produce the records.

For requests where more than one hour of staff time will be consumed, MA will provide advanced notice and an estimate of the compliance costs to the requestor. Estimated costs must be paid in full before the production of records unless alternative arrangements have been made through the chief officer team or designee. The three working day response requirement will not include time needed to perfect the agreement on fees.

5. The chief officer team or designee may reduce or waive any fee for copies or services where:
  - a. a person demonstrates that they are indigent;
  - b. the record is being provided to another government agency, including a school.
6. Payments may be made via an online payment platform or by check at the preference of the requester.

### III. Related Documents

- A. C.R.S. § 24-72-201 *et seq.* (Colorado Open Records Act)
- B. C.R.S. § 22-44-301 *et seq.* (Public School Financial Transparency Act)

### IV. Roles and Responsibilities

- A. The Board of Directors has sole responsibility for the determination and revision of this Policy. Enforcement of this Policy is hereby delegated to the Chief Operating Officer.

### V. Points of Contact

The following positions shall serve as points of contact for the enforcement of this policy: President of the Board of Directors and the Chief Operating Officer