

## Public's Right to Know/Freedom of Information

The Board is a public servant, and its meetings and records shall be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute or by pertinent court rulings.

The official minutes of the Board, its written policies and its financial records shall be open for inspection at the office of the Executive Director by any citizen desiring to examine them during hours when the office of the Executive Director is open. However, no records shall be released for inspection by the public or any unauthorized persons—either by the Executive Director or any other person designated as custodian for BOCES records—if such disclosure would be contrary to the public interest as described in state law or otherwise prohibited by law. The BOCES's financial information shall be posted online in accordance with the Public School Financial Transparency Act.

*NOTE: State law permits BOCES to charge up to \$33.58 per hour for staff time spent in the research and retrieval of public records after the first hour of staff time spent. C.R.S. 24-72-205 (6)(a). This sample policy imposes the maximum hourly fee. BOCES may choose to impose a lower hourly fee, so long as the first hour is free. The hourly fee increased on July 1, 2019 and may be increased by July 1 of every five-year period thereafter, as determined by the director of research of the legislative council "in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley" or its successor index. C.R.S. 24-72-205 (6)(b). Once determined, the director of research must post the adjusted maximum hourly fee on the state legislature's website.*

In responding to a request for the BOCES's public records, the BOCES may charge a fee for staff time spent in excess of one hour for the following: researching and retrieving the requested records; conducting searches for 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 \$33.58 per hour, which may be increased from time to time as permitted by applicable state law. The BOCES may also charge other reasonable fees in responding to a request for the BOCES's public records, in accordance with the accompanying regulation.

### **EAST CENTRAL BOCES BOARD POLICY**

Adopted: June 17, 2020

LEGAL REFS.: C.R.S. 22-9-109 (exemption from public inspection)  
C.R.S. 22-32-109 (1)(c) (documents available for public inspection)  
C.R.S. 22-44-301 et seq. (Public School Financial Transparency Act)  
C.R.S. 24-72-201 et seq. (access to public records)  
C.R.S. 24-72-205 (6)(a) (must adopt policy regarding the fee for research and retrieval of public records, if the BOCES imposes such a fee; policy must be posted on website or otherwise published)

C.R.S. 24-72-205 (6)(b) (*maximum hourly fee for research and retrieval of public documents adjusted on July 1, 2019, and every five-year period thereafter*)

CROSS REFS.: BEDA, Notification of Board Meetings  
BEDG, Minutes  
DAB\*, Financial Administration  
EGAEA, Electronic Communication  
GBJ, Personnel Records and Files  
JRA/JRC, Student Records/Release of Information on Students