

**ADVISORY BULLETIN:**

**CORA Requests**

ORA Requests

Colorado Charter School Institute

September 26, 2023

The following is a short overview of a School’s responsibilities when responding to Colorado Open Records Act (CORA) requests pursuant to C.R.S. 24-72-201, *et seq*. Because every Colorado charter school is subject to CORA, each CSI School should adopt a CORA policy (sample included below) in order to assist the School in responding to CORA requests.

This advisory bulletin provides a brief overview of CORA, and includes a review of updates made to the law during the 2023 legislative session with the passage of [Senate Bill 23-286](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_286_enr.pdf). **The document is not intended to provide legal advice in any way**. Schools are encouraged to have all policies reviewed by legal counsel and CSI prior to adoption, and schools should contact their attorney before responding to CORA requests.

# Purpose

A CORA request is a tool for the public to obtain public documents. Under the law, public institutions—including charter schools—must make their public records open for inspection by any person within a reasonable time, with some exceptions.

# Exceptions

Many records maintained by charter schools are not available for inspection. The exclusions are provided in the act (*see* C.R.S. 24-72-202 through 204), but some examples include private, personally identifying information about students and their families, proprietary information, specialized details of security arrangements or investigations, and other records required by federal or state law to remain confidential and/or not subject to disclosure. Personnel records are typically not subject to disclosure. However, certain aspects like employment applications of past or current employees, employment agreements, compensation (including expense allowances and benefits), and any amount paid or benefit provided connected to termination of employment must be disclosed if properly requested.

Additionally, even when documents can be disclosed upon request, schools are permitted to manipulate or redact information that is excludable to ensure that the exempted information cannot be seen. Pursuant to [Senate Bill 23-286](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_286_enr.pdf), a school can redact electronic mail addresses, telephone numbers or home addresses from documents on the grounds that disclosure to the applicant would be contrary to the public interest.

# Custodian Designation

Schools should designate a “custodian of records.” The custodian will generally be the individual responding to CORA requests, in consultation with legal counsel. The custodian should be trained in CORA and how to respond to CORA requests. School administration must make the name, contact information, and address of the custodian of records readily available to the public. This information should be posted on a school’s website and included in the CORA policy.

# Responding to CORA Requests

## Scope of the Request

The burden is on the requester to make a proper CORA request. CORA does not require a school to find records not housed at the school or to undertake a special search to locate requested documents. Sometimes the records that the requester wants do not exist and a school is under no obligation to create records to respond to a CORA request. (Note: Altering an existing public record to redact information not subject to disclosure does not constitute the creation of a new record.)

CORA requests can be time-consuming. It may be advantageous to be proactive in communicating with individuals seeking information to avoid unnecessary or overly burdensome CORA requests. It is appropriate to ask a CORA requester to limit or identify specific items requested to avoid a “fishing expedition.”

## Timeline

CORA states that responses to requests must be provided within3 working days or less, starting on the first business day after the request is received. This period can be extended by the school in extenuating circumstances, which are specified in statute. (See C.R.S. 24-72-203(3)(b)). The period of extension cannot exceed 7 working days. The requester must be notified by the custodian in writing of this extension within the original 3-day period.

If the records requested are not subject to disclosure, the school should respond within the original 3-day time period or the time period for extenuating circumstances, along with the reasons the information is not subject to disclosure. The school may also request that the requester clarify its original request or specifically identify the information sought. This request for clarification must happen within the 3-day response period. The school can specify that the request is not “received” until the requester responds to the clarification inquiry. The 3-day period would then start the next business day after the clarification from the requester is received.

## Inspection of Records

A requester may inspect the records in person in advance of receiving copies. The custodian can schedule a time for inspection within three working days of receiving the request and should have a school representative present to monitor the investigation of records.

## Processing Fees

A school may charge a fee for copying and printing documents. This fee cannot be more than $0.25 per standard page. However, [Senate Bill 23-286](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_286_enr.pdf) prohibits schools from charging a per-page fee for records that are shared electronically.

The school may also charge a reasonable fee for the time spent researching, retrieving, and manipulating documents. The cost cannot exceed $30 an hour; however, the first hour of retrieval or research for documents must be free.

Pursuant to [Senate Bill 23-286](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_286_enr.pdf), a school must accept a credit card or electronic payment for records if the school accepts electronic payments for anything else.

## Preparation of Records

The school may manipulate current records to create a new record in response to a request. The cost of this manipulation can include an hourly fee that applies in the same manner as the research or retrieval of records. Manipulation of requested information can include reviewing documents for protected information and removing or redacting that information.

Pursuant to [Senate Bill 23-286](https://leg.colorado.gov/sites/default/files/documents/2023A/bills/2023a_286_enr.pdf), a public record stored in a digital format should be provided to a requestor via email, or by another mutually-agreed upon method when the size of the record prevents transmission via email. The document should be provided in a searchable or sortable format unless it is not technologically or practically feasible to do so or if it is not feasible to permanently remove any information that is excluded from the request without the use of additional software or programming.

Reminder: Always alert your school legal counsel every time you receive a CORA request for guidance.

**Resources**

[Sample Policy](https://resources.csi.state.co.us/wp-content/uploads/2023/09/CORA_Sample-Policy.docx)

**Contact Information**

Contact the Legal and Policy Department at legalandpolicy\_csi@csi.state.co.us with questions.