

INITIATIVE 2021-2022 #94 EDUCATIONAL MATERIALS UNDER THE COLORADO OPEN RECORDS ACT **FINAL Text**

## INITIATED STATUTE CONCERNING EDUCATIONAL MATERIALS UNDER THE COLORADO OPEN RECORDS ACT

*Be it enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-72-202, **amend** (6(a)(I), and **add** (9)(a), (b) and (c) as follows:

**24-72-202. Definitions.** As used in this part 2, unless the context otherwise requires:

**(6)(a)(I)** “Public records” means, and includes all writings made, maintained, or kept by the state, any agency, institution, LOCAL EDUCATION PROVIDER, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds, AND INCLUDES EDUCATIONAL MATERIALS.

**(9)(a)** “EDUCATIONAL MATERIALS” MEANS ALL WRITTEN MATERIALS AND ELECTRONIC RESOURCES THAT AN EDUCATOR FOR A LOCAL EDUCATION PROVIDER USES IN TEACHING IN PRESCHOOL, KINDERGARTEN, OR GRADES ONE THROUGH FIVE OR IN TEACHING A COURSE IN GRADES SIX THROUGH TWELVE, INCLUDING BUT NOT LIMITED TO TEXTBOOKS, SUPPLEMENTAL WORKSHEETS OR TEXTS, ASSIGNED OR RECOMMENDED READING MATERIALS, ELECTRONIC OR DIGITAL MATERIALS OR OTHER RESOURCES, AND COURSE SYLLABUSES, BUT DOES NOT INCLUDE TESTS OR STUDENT ASSIGNMENTS DEVELOPED BY EDUCATORS BUT NOT YET DISTRIBUTED TO STUDENTS.

**(b)** “EDUCATOR” MEANS A CLASSROOM TEACHER, A PERSON EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO PROVIDE PROFESSIONAL SERVICES TO STUDENTS IN

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OPEN RECORDS ACT **FINAL Text**

SUPPORT OF THE EDUCATION INSTRUCTIONAL PROGRAM, AND INCLUDES A SCHOOL  
ADMINISTRATOR, CONTRACTOR OR VOLUNTEER.

(c) “LOCAL EDUCATION PROVIDER” MEANS A SCHOOL DISTRICT CREATED  
PURSUANT TO ARTICLE 30 OF TITLE 22, A BOARD OF COOPERATIVE SERVICES CREATED  
PURSUANT TO ARTICLE 5 OF TITLE 22 THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL  
AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, OR AN INSTITUTE CHARTER  
SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22.

**SECTION 2. Effective date.** This act shall take effect upon proclamation  
by the governor pursuant to Sec. 1(4) of Article V of the Colorado Constitution and shall  
be self-executing.