Feb. 24, 2020

Jeanne Chavez  
Records Custodian  
Albuquerque Public Schools  
6400 Uptown NE, Suite 63  
Albuquerque, NM 87125-0704

Dear Ms. Chavez,

The New Mexico Foundation for Open Government (FOG) is dedicated to ensuring access to public information in New Mexico, which includes assisting both records requestors and public entities regarding compliance with the New Mexico Inspection of Public Records Act (IPRA).

I am writing to share my concerns about a delay by the Albuquerque School District in providing public records to Ed Williams, a reporter from Searchlight New Mexico. In September 2019, Mr. Williams sent a request to the record custodian asking for “Any memos, instructional materials or other documents defining the roles, duties and responsibilities of physical crisis teams within APS schools,” and “Any memos, instructional materials or other documents defining the roles, duties and responsibilities of non-physical crisis teams within APS schools.”

APS contacted Mr. Williams stating the request was received, but no documents. FOG believes you are now in violation of the IPRA as the legal deadline to provide Mr. Williams with the requested records has expired. We request that you provide all of the requested records to Mr. Williams immediately.

IPRA was designed to allow the public access to “the greatest possible information regarding the affairs of government and the official acts of public officers and employees.” NMSA 1978, Sections 14-2-5(1947, as amended through 2018). IPRA requires public bodies to provide all requested records within 15 calendar days if not immediately. Section 14-2-8(D). The only exception to this 15-day deadline is for records requests determined to be “excessively burdensome or broad” by the public body. Section 14-2-10. In such a case, IPRA grants the public body an additional, reasonable amount of time to respond (to be determined individually, dependent on the circumstances). However, in any event, the public body must either provide the requested records, deny the request, or designate the request as broad and burdensome in writing within 15 calendar days. Section 14-2-11(A).

A copy of the IPRA Guide is available on the Attorney General website at www.nmag.gov.

Sincerely,

Melanie J. Majors  
Executive Director

Cc:  
Ed Williams, Searchlight Ne Mexico, ed@searchlightnm.org  
John Kreienkamp, assistant attorney general, Office of Attorney General, jkreienkamp@nmag.gov