

<b>FAUQUIER COUNTY PUBLIC SCHOOLS</b>	Policy: 2-2.1
	Adopted: 06/11/2012
	Revised: 11/13/17, 03/05/22, 09/11/23
<b>ACCESS TO SCHOOL BOARD RECORDS</b>	

**1. Official School Board Records**

- 1.1. Official records of the Fauquier County School Board are available for inspection by any citizen, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth as authorized by applicable law and will be made available for review upon request to the division superintendent or designee during regular office hours. The School and Community Information Coordinator is hereby designated as the Freedom of Information Act (“FOIA”) officer for the School Board.
- 1.2. A request for public records of the School Board shall identify the requested records with reasonable specificity. The division Superintendent may develop regulations and/or guidelines to implement such requests.
- 1.3. The School Board will make available the following information on the homepage of its official public government website:
  - 1.3.1. A plain English explanation of the rights of a requester under FOIA, the procedures to obtain public records from the School Board, and the responsibilities of the School Board in complying with FOIA;
  - 1.3.2. Contact information for the FOIA officer;
  - 1.3.3. A general description, summary, list, or index of the types of public records maintained by the School Board;
  - 1.3.4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
  - 1.3.5. Any policy the School Board has concerning the type of public records it routinely withholds from release as permitted by FOIA or other law; and
  - 1.3.6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.
- 1.4. The following costs shall be charged at the rate indicated, not to exceed the actual cost: staff time spent accessing or searching for the requested records is charged by the quarter hour and will be assessed based on the hourly rate(s) of the staff member(s) involved in the search, rates of \$6.25 to \$18.75 per quarter hour may apply. When contracted services are required, an average market rate will be quoted. Actual costs will be billed.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700, et seq.; Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), et seq; 34 C.F.R. § 99.1, et seq.

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**ACCOMPANYING REGULATION/FORMS**

REGULATION 2-2.1(A)	ACCESS TO SCHOOL BOARD RECORDS
FORM 2-2.1(A) F1	REQUEST FOR PUBLIC RECORDS
FORM 2-2.1(A) F2	INSPECTION OF DOCUMENTS REPSONSIVE TO A FREEDOM OF INFORMATION ACT REQUEST

*Regulation and Forms Follow*

**REGULATION 2-2.1(A) ACCESS TO SCHOOL BOARD RECORDS**

Revised 04/19/17

**1. Access to Records**

- 1.1. Official records subject to disclosure under the Freedom of Information Act shall be open to inspection and copying during the regular office hours of the Fauquier County Public Schools' administrative offices.
- 1.2. Inspection of records shall take place at the School Board office of Fauquier County Public Schools or as otherwise specified by the division Superintendent or designee, and shall not be removed from the designated site.
- 1.3. Copies may be requested in lieu of or at the time of inspection, subject to copyright laws and to the charges listed below.
- 1.4. Nonexempt records maintained in an electronic database shall be produced in any tangible medium or format identified by the requestor that is regularly used in the ordinary course of business by Fauquier County Public Schools, including posting the records on a website or delivering the records through an electronic mail address provided by the requestor.
- 1.5. One of the following forms of photo identification must be presented, or a photocopy thereof must be provided, before any person shall be allowed to inspect any records or receive copies of any records:
  - 1.5.1. Press identification identifying requestor as a representative of a newspaper and/or magazine with circulation in the Commonwealth, or of a radio or television station broadcasting in or into the Commonwealth, OR
  - 1.5.2. Driver's license or other government-issued photo identification showing that the requestor is a citizen of the Commonwealth.
- 1.6. The division Superintendent or designee shall be present during inspection or copying of records. A record of each inspection shall be made, using Form 2-2.1B.

**2. Processing Requests**

- 2.1. For purposes of this policy, the coordinator of information shall serve as the Superintendent's designee and shall manage all requests. Requests shall be directed to the coordinator of information at:

Fauquier County Public Schools  
 320 Hospital Drive, Suite 40  
 Warrenton, Virginia 20186  
 Telephone: (540) 422-7000  
 Fax: (540) 422-7058

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- 2.2. Any employee who receives a request for records shall immediately notify the coordinator of information, who shall manage a timely response to the requestor in collaboration with the appropriate school division staff.
- 2.3. Whenever possible, requestors shall be encouraged to submit requests for records on Form 2-2.1A. Requests received verbally or electronically shall be transcribed onto Form 2-2.1A by the coordinator of information or designee. Written requests other than on Form 2-2.1A shall be appended to a copy of the form by the coordinator of information, who shall fill out as much of the form as possible.
- 2.4. The coordinator of information will maintain a log of requests, recording the date the request was received, verifying photo identification and signature, if requested, and recording the date the response was provided to the requestor.

### **3. Responding to Requests**

- 3.1. Promptly, but in all cases within five working days of receiving the request, the school division will provide the requested records to the requestor, or make one of the following responses in writing:
  - 3.1.1. The requested records are being entirely withheld because their release is prohibited by law or because the Virginia Freedom of Information Act gives their custodian discretion to withhold them. The response will identify with reasonable particularity the volume and subject matter of the withheld records, and, with respect to each category of withheld records, cite the specific Virginia Code section that authorizes the withholding of the records.
  - 3.1.2. The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records. The response will identify with reasonable particularity the subject matter of the withheld portions and cite, with respect to each category of withheld records, the specific Virginia Code section(s) which authorize the withholding of the records. When a portion of a requested record is withheld, the school division will delete or excise only that portion of the record to which an exemption applies and will release the remainder of the record.
  - 3.1.3. The requested records could not be found or do not exist. If the school division knows that another public body has the requested records, the response will include contact information for the other public body.
  - 3.1.4. It is not practically possible to provide the records or to determine whether they are available within the five work-day period. Such response shall specify the conditions that make a response impossible.
- 3.2. If the response is made within five working days, the school division shall have an additional seven work days in which to provide one of the four preceding responses.
- 3.3. The school division may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response within the time outlined above will prevent the school division from meeting its operational responsibilities. Before proceeding with the petition, the school division will make reasonable efforts to reach an agreement with the requestor concerning the production of the records requested.
- 3.4. The five work-day period shall begin on the first working day following the day the request is received by the school division and shall end at the close of business on the fifth working day following receipt of the request. Any time that elapses between the time the requestor is notified of an advance cost determination pursuant to the procedures detailed below and the time that the requestor responds to that notice shall not be counted in calculating the five work days.

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3.2 To ensure the FOIA officer possesses specific knowledge of all the provisions of FOIA, and responses to requests are in compliance with FOIA, the designated FOIA officer for the school division shall participate in annual FOIA training by legal counsel

**4. Fees for Requests**

4.1. The following fees shall be charged at the rates indicated, not to exceed actual cost:

4.1.1. Employee time in excess of one quarter hour (15 minutes) will be charged at the employee’s hourly wage (not including benefits) for accessing, duplicating, preparing, supplying or searching for the requested records. If the request requires the employee to be paid overtime to process the request, the employee’s overtime rate will be charged.

4.1.2. Requests requiring more than five (5) pages to be copied shall be charged \$0.10 per page for paper copies of documents or emails that need no redaction or \$1.00 per CD Rom or tape, if requested in those mediums.

4.1.3. Incidental out-of-pocket costs necessary to assemble the records (for example: phone, postage, or courier charges).

4.2. The requestor shall be notified in advance of the cost associated with the request only in the following cases:

4.2.1. The requestor has asked for an advance determination of the cost,

4.2.2. The request involves documents or emails in excess of ten that need to be redacted, in which case the following calculations will be used:

Soft Cost Per Email/document (searching, printing or copying electronically, redacting, scanning, downloading) Contracting hourly rate \$25	\$.51
Hard Cost Per Email (toner, paper, flash drive, markers, staples) (This cost will not apply to emails/documents sent electronically.)	\$.23
<b>Total Cost Per Email/Document</b>	<b>\$.74</b>

4.2.3. The cost is expected to exceed **\$200**.

4.2.3.1. If the cost of the request is determined to exceed **\$200**, the school division may, before continuing to process the request, require the requestor to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further action shall be taken until the requestor responds, and the requestor must agree to pay the estimated amount before any further processing of the request is performed.

4.3. Full payment for processing a records request is due at the time documents are released to the requestor unless advance payment has been determined.

4.4. Before processing a request for records, the division Superintendent or designee may require the requestor to pay any amounts owed to the School Board for previous requests for records that remain unpaid 30 days or more after billing.

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- 4.5. Any records to be disclosed shall be assembled for inspection and copying by School Board office staff, under the direction and supervision of the division Superintendent or designee.

*Forms Follow*

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2-2.1(A) F1

**REQUEST FOR PUBLIC RECORDS**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Requestor is a (check one)

- Citizen of the Commonwealth of Virginia
- Member of the Press
- Media Organization \_\_\_\_\_

**OFFICIAL PHOTO IDENTIFICATION MUST BE PRESENTED PRIOR TO INSPECTION OF RECORDS OR RECEIPT OF COPIES. (Photocopy acceptable with faxed or mailed request.)**

**STAFF USE ONLY**

Date Request Received: \_\_\_\_\_

Date Response is Due: \_\_\_\_\_

Request was made (check one):

- By requestor on this form
- By telephone
- In writing other than this form (attach original request)
- In person
- Other \_\_\_\_\_

Date Response Sent: \_\_\_\_\_

Identification verified

Type: \_\_\_\_\_ Number \_\_\_\_\_

Date Inspection Made (attach record): \_\_\_\_\_

Itemized Cost Statement Attached.

Staff Name(s): \_\_\_\_\_

The following records are requested (please be as specific as possible, and attach additional paper if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasonable cost for copying, search, and computer time may be assessed in connection with this request. A current schedule of costs appears in Policy 2-2.1.

- Check this box to request an advance determination of cost.

Preference for receiving response (check preference and provide information):

- Electronic mail (address: \_\_\_\_\_)
- Facsimile (fax number: \_\_\_\_\_)
- Mail (address if different from above: \_\_\_\_\_)
- Will review response in person

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**RETURN COMPLETED FORM TO:**

Attn: coordinator of information  
 Fauquier County Public Schools  
 320 Hospital Drive, Suite 40  
 Warrenton, Virginia 20186

Form 2-2.1A  
 Revised April 2012

**ACCESS TO SCHOOL BOARD RECORDS**

2-2.1(A) F2

**INSPECTION OF DOCUMENTS RESPONSIVE  
TO A FREEDOM OF INFORMATION ACT REQUEST**

Date: \_\_\_\_\_ Arrival Time: \_\_\_\_\_ Departure Time: \_\_\_\_\_

Person Reviewing Records (Requestor): \_\_\_\_\_  
Print Name Signature

Staff Person in Attendance or Providing Copies: \_\_\_\_\_  
Print Name Signature

Records Reviewed (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Photocopies Provided:

Item	No. Pages	Date Provided
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_