REQUESTS FOR PUBLIC RECORDS

Botetourt County School Board is committed to full compliance with the Virginia Freedom of Information Act (FOIA) and processes all requests for public records in accordance with the following procedures.

Ms. Susan Albert, School Board Clerk and Mr. Jordan Pinkard, Assistant Superintendent are Botetourt County School Board's FOIA Officer(s). The FOIA Officer(s) serve(s) as a point of contact for members of the public in requesting public records and coordinate(s) the school board's compliance with FOIA. The FOIA Officer(s) may be reached at (540) 473-8263 or by mail at 143 Poor Farm Road, Fincastle, VA 24090.

Access to Records

1. When practicable, the following records are available on request at the central office: Approved School Board minutes and other official records subject to disclosure.
2. Unless otherwise specified by the FOIA Officer, inspection of records takes place at the central office of Botetourt County School Board during its regular office hours and records are not removed from that site. Copies may be requested in lieu of or at the time of inspection, subject to the charges listed below. Nonexempt records maintained in an electronic database are produced in any tangible medium or format identified by the requester that is regularly used in the ordinary course of business by Botetourt County School Board, including posting the records on a website or delivering the records through an electronic mail address provided by the requester.
3. Requesters must provide their legal name and address and verification that the requester is a citizen of the Commonwealth, a representative of a newspaper or magazine with circulation in the Commonwealth, or a representative of a radio or television station broadcasting in or into the Commonwealth.
4. The FOIA Officer or designee is present during inspection or copying of records. A record of each inspection is made, using form KBA-F2 Record of Inspection and/or Delivery of Copies.

Request Procedures

1. Requests for access to records shall be made with reasonable specificity.
2. Requests shall be directed to the Botetourt County Public Schools FOIA Officer at: **Botetourt County Public Schools, 143 Poor Farm Road, Fincastle, VA 24090, (540) 473-8263 (telephone) or (540) 473-8298 (fax)**
3. Requesters should make their requests using Form KBA-F1 Request for Public Records. Requests received via telephone are transcribed onto Form KBA-F1 Request for Public Records by school board staff. Written requests other than on Form KBA-F1 Request for Public Records are appended to a copy of the form by staff, who fill out as much of the form as possible.
4. School board staff provide Form KBA-F1 Request for Public Records and a copy of this regulation upon request to any person interested in obtaining access to records, and shall instruct the requester to direct the request to the FOIA Officer. Telephone

inquiries are redirected to the FOIA Officer. Any written requests received by building personnel are immediately forwarded to the FOIA Officer with a notation indicating the date and time the request was received.

Responding to Requests

1. Prior to conducting a search for records, Botetourt County Public Schools notifies the requestor in writing that it may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquires of the requestor whether the requestor would like to request a cost estimate in advance of the supplying of the requested records as set forth in Va. Code § 2.2-3704.F. A requestor may request that Botetourt County Public Schools estimate in advance the charges for supplying the records requested. This will allow the requestor to know about any costs upfront, or give the requestor the opportunity to modify the request in an attempt to lower the estimated costs. Any costs incurred in estimating the cost of supplying the requested records will be applied toward the overall charges to be paid by the requester for the supplying of such requested records.
2. Promptly, but in all cases within five working days of receiving the request, the school division provides the requested records to the requester or makes one of the following responses in writing:
   (a) The requested records are being entirely withheld. 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(s) or other law that authorizes the withholding of the records.
   (b) The requested records are being provided in part and are being withheld in part. 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) or other law which authorizes the withholding of the records.
   (c) 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 includes contact information for the other public body.
   (d) It is not practically possible to provide the records or to determine whether they are available within the five-day period. Such response specifies the conditions which make a response impossible. If the response is made within five working days, one of the preceding responses is provided within an additional seven-day period.

No public record is withheld in its entirety on the grounds that some portion of the public record is excluded from disclosure by law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion may be withheld, and all portions of the public record that are not so excluded are disclosed.

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 requester concerning the production of the records requested.

3. The five-day period begins on the first working day following the day the request is received by the school division. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to the procedures detailed below and the time that the requester responds to that notice is not counted in calculating the five working days.

Processing of Requests

1. The FOIA Officer, after receiving a request, promptly makes an initial determination as to whether the requested records will be provided to the requester, will be withheld, either completely or in part, or if it is practically impossible to provide the requested records or to determine whether they are available within five days.
2. If the FOIA Officer is unsure whether the requested documents should be provided to the requester, legal advice is promptly sought.
3. If the FOIA Officer is uncertain whether the requested records exist or where they may be located, efforts are promptly initiated to locate the records or determine whether they exist.
4. If the requested records will be made available either in whole or in part, the FOIA Officer promptly consults with School Board staff to determine the cost involved to assemble the records for inspection and copying. Where portions of individual records must be redacted prior to inspection and copying, the cost of doing this is taken into account. The following costs are charged at the rates indicated, not to exceed actual cost:
    - Staff member search time, charged by the quarter hour. Depending on the staff member(s) involved in the search, rates of $6 to $25 per quarter hour may apply.
    - Computer search time, charged at the rate of $6 per quarter hour
    - Computer printouts, charged at the rate of 25 cents per page
    - Photocopies (including those necessary to perform redactions), charged at the rate of 25 cents per page.
    - Incidental out-of-pocket costs necessary to assemble the records (for example: phone, postage, or courier charges).
5. If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed $200, the requester shall be notified in advance of the cost associated with the request. If the cost of the request is determined to exceed $200, the School Board may, before continuing to process the request, require the requester 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 requester responds, and the requester must agree to pay the estimated amount before any further processing of the request is performed.

6. Before processing a request for records, the FOIA Officer may require the requester to pay any amounts owed to the school board for previous requests for records that remain unpaid 30 days or more after billing.
7. If school division records have been transferred to any entity, including any other public body, for storage, maintenance or archiving, the school division remains the custodian of the records for purposes of responding to requests and is responsible for retrieving and supplying the records to the requester.
8. Any records to be disclosed are assembled for inspection and copying by school board staff, under the direction and supervision of the FOIA Officer.
9. School board staff are responsible for recording the date the request was received, verifying identification and recording and assembling additional information about the request as indicated on Form KBA-F1 Request for Public Records.

Adopted: November 4, 1999
June 17, 2010
March 12, 2015
June 9, 2016
June 14, 2018
March 14, 2019
August 13, 2020
July 14, 2022
December 7, 2022
August 14, 2025

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3704.01, 2.2-3704.1, 2.2-3704.2.

Cross Ref.: KBA Requests for Public Records