APS Policy Review Team
2110 Washington Blvd
Arlington, VA 22204

TO: Arlington School Board
FROM: Policy Review Team
THROUGH: Dr. Francisco Durán, Superintendent
DATE: July 10, 2026
RE: Revisions to Policy Implementation Procedure K-2.1 PIP-1 Virginia Freedom of Information Act

This PIP was revised as part of its regular 5-year review.

The Superintendent has approved the following changes to Procedure K-2.1 PIP-1 Virginia Freedom of Information Act.

- Change responsibility from SCR to the FOIA officer.
- Update procedures.
- Update rates.

The purpose of the Virginia Freedom of Information Act (FOIA) is to ensure that citizens of the Commonwealth of Virginia and representatives of the media have "ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being transacted."

This means that most meetings and official records are subject to public disclosure, except for those exceptions listed in Code of Virginia §§2.2-3705.1, 2.2-3705.2, and 2.2-3705.4:

1. Scholastic records and personnel records containing information concerning identifiable individuals.
2. Writings protected by the attorney-client privilege or the attorney work product doctrine.
3. Tests and examinations (subject to certain qualifications).
4. Vendor proprietary information software.
5. Information concerning certain contractual or land-related negotiations.
6. Information about building security or security-related systems.

How to Make a Request

All requests for records should be sent via email to foia@apsva.us or mailed/referred to the FOIA officer or the designee who serves as the Arlington Public Schools Freedom of Information Act (FOIA) Officer, for appropriate handling to the following address:

Arlington Public Schools
Office of Division Counsel
Attn: FOIA Officer
2110 Washington Blvd.
Arlington, VA 22204

Requests will initially be responded to within five (5) working days. The law authorizes Arlington Public Schools to charge the costs of total personnel time needed for searching, accessing, supplying and copying any records produced.

FOIA covers only public records (in any form) which exist. This includes, but is not limited to records that exist in computerized form, video recordings or audio recordings. However, the Virginia Freedom of Information Act does not require Arlington Public Schools to create a new record, nor does it require Arlington Public Schools to provide information or answer questions that is not provided in an existing record.

Responsibilities

The FOIA officer or designee is responsible for this process. Other employees have two responsibilities:

1. Immediately forwarding requests as outlined under Procedures. A request need not be in writing to initiate the FOIA requirements.
2. Providing any requested assistance to the FOIA officer in the location and preparation of materials.

Procedures

Arlington Public Schools has five (5) working days to provide an initial response to a request. That response may or may not contain the records requested. The initial response must state either:

- That the requested records will be provided to the requestor;
- That the requested records will not be provided, and the legal basis that permits withholding the records;
- That some records will be provided and some will not be provided, together with the legal basis that permits withholding those records; or
- That it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period, and the conditions that make such actions impossible. In these cases, Arlington Public Schools shall have 7 additional working days or such other amount of time agreed to with the requestor.
- Requests submitted after working hours or at the time Arlington Public Schools central office is closed will be marked as received on the next Arlington Public Schools working day.

Charges for FOIA Requests

The FOIA officer or designee will provide a cost estimate to the requestor for all requests.

1. When the cost of the personnel time to gather and process the requested records is estimated to exceed $30, the FOIA officer or designee will notify the requestor in advance and inquire whether she/he wants to proceed with the request. Requests that carry estimated costs of more than $200 must be paid in advance before further processing of the request will be undertaken.
2. When there is a cost for personnel time to gather and process the requested information, the FOIA officer or designee will notify the requestor that the information has been compiled and can be picked up when the person delivers a check to cover the costs. If a check is mailed to the office, the records will be mailed to the requestor once the check has been received.
3. Charges are based upon the following rates (subject to change):
    - Staff Time will be charged at $30 per hour; if a staff member's hourly rate is less than $30 it will be charged at their actual hourly rate. Data system searches will be charged at $50 per hour.
    - Photocopying charges are $.12 per page (B & W, one-sided, 8x5x11)
    - Other expenses (e.g., copying of maps, blueprints, specialized review, mailing costs if requested) may be charged when appropriate, and will be charged at the actual cost.
4. All checks are to be made payable to "Arlington Public Schools." The FOIA officer or designee will forward all payments to the Finance Office for processing and deposit.

Other Guidance

A written request for documents which does not mention the Freedom of Information Act is still covered. Arlington Public Schools must respond to that request as any FOIA request.

Interested parties should be directed to the FOIA officer or designee, if possible. The party can then file the Freedom of Information Act request with the FOIA officer or designee. However, an employee may not refuse to accept a request if the party insists.

If a written request comes directly to an Arlington Public Schools office, staff must forward it immediately (electronically, if possible) to the FOIA officer, and call to let them know the request has been received and forwarded.

If an employee receives a request, verbal or written, for documents under the Freedom of Information Act, they must immediately (within 24 hours):

1. Forward the request electronically to the FOIA Officer via email to foia@apsva.us.
2. Provide the following information (to the degree available):
   - Name, address and daytime telephone number of requestor
   - Materials requested
   - Name and daytime telephone number of the employee forwarding the request.
3. If the request is in writing, send the request or a copy.

Failure to respond to a request for information is a violation of the law. Therefore, it is imperative that any request for documents under the Freedom of Information Act reach the FOIA officer or designee immediately.

References

Code of Virginia §2.2-3700 et seq

Policy Implementation Procedure Adoption and Revision History

Adopted September 16, 2016, Effective September 16, 2016
Renumbered (former PIP 30-4.2) effective July 1, 2018
Revised May 7, 2019, Effective May 7, 2019

The purpose of the Virginia Freedom of Information Act (FOIA)~~, a State law,~~ is to ensure that citizens of the Commonwealth of Virginia and representatives of the media have "ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being transacted."

This means that most meetings and official records are subject to public disclosure, except for those exceptions listed in Code of Virginia §§2.2-3705.1, 2.2-3705.2, and 2.2-3705.4:

1. Scholastic records and personnel records containing information concerning identifiable individuals.
2. Writings protected by the attorney-client privilege or the attorney work product doctrine.
3. Tests and examinations (subject to certain qualifications).
4. Vendor proprietary information software.
5. Information concerning certain contractual or land-related negotiations.
6. Information about building security or security-related systems.
7. ~~The items listed above are only those most likely to affect Arlington Public Schools (APS). These and other exceptions are listed in the State Code with full detail.~~

How to Make a Request

All requests for records should be sent via email to foia@apsva.us or mailed/referred to the FOIA officer ~~Assistant Superintendent for School and Community Relations,~~ or the designee who serves as the Arlington Public Schools Freedom of Information Act (FOIA) Officer, for appropriate handling to the following address:

Arlington Public Schools
~~School & Community Relations~~Office of Division Counsel
Attn: FOIA Officer
2110 Washington Blvd.
Arlington, VA 22204

Requests will initially be responded to within five (5) working days~~, so please forward immediately~~. The law authorizes Arlington Public Schools to charge the costs of total personnel time needed for searching, accessing, supplying and copying any records produced.

~~The Virginia Freedom of Information Act~~FOIA covers only public records (in any form) which exist. This includes, but is not limited to records that exist in computerized form, video recordings or audio recordings. However, the Virginia Freedom of Information Act does not require Arlington Public Schools to create a new record, nor does it require Arlington Public Schools to provide information or answer questions that is not provided in an existing record.

Responsibilities

The ~~Assistant Superintendent for School and Community Relations~~ FOIA officer or designee is responsible for this process. Other employees have two responsibilities:

1. Immediately forwarding requests as outlined under Procedures. ~~Keep in mind that a~~A request need not be in writing to initiate the FOIA requirements.
2. Providing any requested assistance to the ~~Assistant Superintendent~~FOIA officer in the location and preparation of materials.

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Procedures

~~An employee may need to share with a requestor certain information about the APS responsibilities under the law. The following points may be useful.~~

Arlington Public Schools has five (5) working days to provide an initial response to a request. That response may or may not contain the records requested. The initial response must state either:

- That the requested records will be provided to the requestor;
- That the requested records will not be provided, and the legal basis that permits withholding the records;
- That some records will be provided and some will not be provided, together with the legal basis that permits withholding those records; or
- That it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period, and the conditions that make such actions impossible. In these cases, Arlington Public Schools shall have 7 additional working days or such other amount of time agreed to with the requestor.
- Requests submitted after working hours or at the time Arlington Public Schools central office is closed will be marked as received on the next Arlington Public Schools working day.

~~The final response, however, should be made no more than seven (7) additional working days after the deadline for the initial response.~~

Charges for FOIA Requests

The FOIA officer ~~Assistant Superintendent for School and Community Relations~~ or designee will provide a cost estimate to the requestor for all requests.

1. When the cost of the personnel time to gather and process the requested records is estimated to exceed $30, the FOIA officer ~~Assistant Superintendent~~ or designee will notify the requestor in advance and inquire whether she/he wants to proceed with the request. Requests that carry estimated costs of more than $200 must be paid in advance before further processing of the request will be undertaken.
2. When there is a cost for personnel time to gather and process the requested information, the ~~Assistant Superintendent~~ FOIA officer or designee will notify the requestor that the information has been compiled and can be picked up when the person delivers a check to cover the costs. If a check is mailed to the office, the records will be mailed to the requestor once the check has been received.
3. Charges are based upon the following rates (subject to change):
   - ~~Personnel Time will be charged at the responding personnel member's hourly rate.~~ Staff Time will be charged at $30 per hour; if a staff member's hourly rate is less than $30 it will be charged at their actual hourly rate. Data system searches will be charged at $50 per hour.
   - Photocopying charges are $.12 per page (B & W, one-sided, 8x5x11)
   - Other expenses (e.g., copying of maps, blueprints, specialized review, mailing costs if requested) may be charged when appropriate, and will be charged at the actual cost.
4. All checks are to be made payable to "Arlington Public Schools." The ~~Assistant Superintendent for School and Community Relations~~ FOIA officer or designee will forward all payments to the ~~Assistant Superintendent,~~ Finance ~~and Management Services~~Office~~,~~ for

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processing and deposit.

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A written request for documents which does not mention the Freedom of Information Act is still covered. Arlington Public Schools must respond to that request as any FOIA request.

Interested parties should be directed to the FOIA officer ~~Assistant Superintendent for School and Community Relations~~ or designee, if possible. The party can then file the Freedom of Information Act request with the FOIA officer ~~Assistant Superintendent~~ or designee. However, an employee may not refuse to accept a request if the party insists.

If a written request comes directly to an Arlington Public Schools office, staff ~~are asked to~~must forward it immediately (electronically, if possible) to the FOIA officer ~~Assistant Superintendent for School and Community Relations~~, and call to let ~~him or her~~them know the request has been received and forwarded.

If an employee receives a request, verbal or written, for documents under the Freedom of Information Act, ~~he/she~~they must immediately (within 24 hours):

1. Forward the request electronically to the FOIA Officer via email to foia@apsva.us.
2. Provide the following information (to the degree available):
   - Name, address and daytime telephone number of requestor
   - Materials requested
   - Name and daytime telephone number of the employee forwarding the request.

~~3.~~ If the request is in writing, send the request or a copy.

~~4.~~3. ~~The law requires an official and initial response to the request within five (5) working days.~~

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Failure to respond to a request for information is a violation of the law. Therefore, it is imperative that any request for documents under the Freedom of Information Act reach the FOIA officer~~Assistant Superintendent~~ or designee immediately. ~~The Assistant Superintendent may need time to seek clarification and/or assistance to meet the five (5) working days requirement.~~

References

Code of Virginia §2.2-3700 et seq

Policy Implementation Procedure Adoption and Revision History

Adopted September 16, 2016, Effective September 16, 2016
Renumbered (former PIP 30-4.2) effective July 1, 2018
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