**Training Course Approval Discussion Document**

**FOIA Council**

**July 7, 2025**

**I. Background**

Pursuant to HB 2152 (Carr, 2025), § 2.2-3704.2 has been amended to require "that any legal counsel for a public body who is also designated as the public body's FOIA officer shall complete a training session or online course offered or approved by the Council." The Council may also approve courses for other FOIA officers (not just legal counsel). The Council has never approved courses to be conducted by others before, so a course submission and approval process needs to be established.

**II. Course Submission**

After reviewing course approval applications currently used by other entities, the attached course application form has been prepared. The form secures pertinent information regarding the course including (i) topic(s) covered, (ii) intended audience, (iii) delivery method, (iv) presenter qualifications, and (v) course description and materials. The recommended application submission process would consist of the following steps:

Step 1- Downloading a fillable pdf application form from the Council's website.

Step 2- Completing the form and attaching requested information (course materials and presenter qualifications).

Step 3- Submitting the form and attachments to a designated Council email address.

**III. Course Approval**

A number of questions remain for the Council to decide regarding the mechanics of actual course approval.

1) Manner of review and approval. Here are some general options to begin discussion.

Option #1: The full Council reviews and approves courses quarterly

Option #2: A subcommittee of Council reviews and approves courses on a systematic timing schedule

Option #3: Staff reviews and approves courses applying criteria established by the Council.

1a) If approval is by the Council or a subcommittee, how often will meetings be held for the purpose of reviewing and approving courses? (Example: Poll and set dates as applications are received? Annual, quarterly or monthly meetings? What about during the General Assembly Session?)

1b) Depending on who does the approval, does the Council want to establish a time frame for the process (receipt and review of application, approval itself, notification to course provider)?

2) How long will approval remain valid? (Keeping in mind that FOIA is usually amended each year, but that FOIA officers must receive training every two years, staff suggests that course approvals remain valid for either one year or two.)

3) Specific criteria for course approval. General considerations:

* Minimum content requirements.
* Minimum instructor qualifications.
* Separate criteria for live versus pre-recorded courses.
* Section 2.2-3704.2 (E) provides that "Any such training shall document that the training required by this subsection has been fulfilled." Presumably the course provider will provide such documentation to the attendees. Any other specific requirements for the course provider to provide, retain, or produce such documentation? (Example: FOIA training records for local officials must be retained for five years by the clerk of each governing body or school board, but there is no equivalent retention requirement for training records of FOIA officers.)