

April 4, 2006

Mr. Kent Willis
ACLU of Virginia
530 East Main Street, Suite 310
Richmond, Virginia 22192

Re: Letter of April 3, 2006 to Todd Erickson
Prince William County Public Schools

Dear Mr. Willis:

On behalf of Todd Erickson, Principal of Occoquan Elementary School, and the Prince William County Public Schools, I am responding to your letter of April 3, 2006.

Given the school division's overwhelming efforts to accommodate the free speech rights of PWCS students during the recent protests over immigration legislation under consideration in the U.S. Congress, it is unfortunate that the ACLU has chosen to accept "news reports" indicating that Occoquan Elementary School "punished" (your word) two students for wearing t-shirts to school which bore the words "Latinos Forever." In fact, the students were never punished but were removed from school by their parents, who immediately published their version of the incident in the media rather than pursue their concerns with the Area Associate Superintendent for Occoquan Elementary.

As you know this incident occurred within the framework of widespread student protests which have swept the nation and Virginia over the past ten days. Indeed, you were quoted in today's Potomac News article as stating that "I don't recall anything like this on this scale in Virginia." Over the past week hundreds of students left PWCS schools without permission in order to participate in such protests. On Friday, March 31, 2006, many of these students participated in a preplanned march along heavily traveled Route 1, which protest was well documented in the media. These absences and the students' unsupervised activities off school grounds raised serious safety concerns, requiring police assistance. They have also materially disrupted the operation of the schools and the educational continuity of the students.

Since the start of the protests, School Division communications have emphasized respect for protestors and their concerns. They have also called on all community members to aid in ensuring that the exercise of political rights through demonstrations do not jeopardize student safety or detract from the educational integrity of the schools. It was within this context that the incident at Occoquan took place.

The students in question, ages 5 and 8, arrived at Occoquan Elementary on the morning of Friday, March 31, 2006, wearing t-shirts bearing the words "Latinos Forever" (in Spanish) on the front, and "100% Latino" (in English) on the back. According to one student's parent, the t-shirts were made for the boys that morning by their teenaged sister and her friends, students at Woodbridge High School who planned to participate in the scheduled protests that day. Mr. Erickson observed the kindergartner and second-grader entering the school and was concerned that the shirts were likely to incite older elementary students to leave Occoquan in order to participate in the protests off school grounds. Students not much older than the fifth graders at Occoquan had already done so at nearby PWCS middle schools. Mr. Erickson was simply trying to protect the safety of those students entrusted to his care and avoid the disruption that would follow should children leave school grounds.

After the parents of the students were contacted, they came to the school to meet with Mr. Erickson but did not share his concern over the safety of the student body or the potential for disruption. The parents voluntarily chose to remove the children from school. That afternoon, the Area Associate Superintendent attempted to contact the families. He provided his cell phone and office numbers, but the parents made no effort to return his call or contact other administrators in order to resolve the situation. Had they done so, matters would not have come this far.

There are no student records "to clear" of any indication of this incident. No apology is owed for protecting the safety of elementary students, and no embarrassment to the students or their parents resulted from the incident. The parents deliberately chose to publicize the incident in the media and to reveal the student's names and their own. PWPS never released the students' names. In addition, the children were never disciplined nor prevented from attending school.

Consistent with the School Board's long-standing commitment to protect the rights of students committed to the care of the School Division, PWCS will continue to assure that the school division will not prohibit students from expressing their political beliefs¹ by wearing clothing such as the t-shirts in question, so long as they are not worn, as they were on March 31st, on a day and under circumstances where disruption to the schools and injury to students is

¹ There is considerable question whether the shirts at issue actually expressed the political views of the five-year old and eight-year old who were sent to school in the shirts, or were the views of their parents and older sibling.

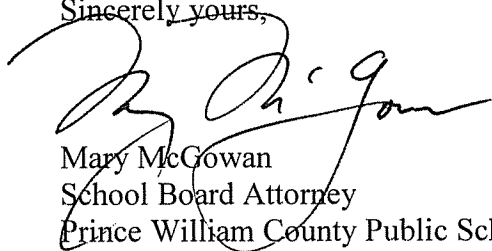
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reasonably foreseeable, or where the message or clothing is lewd, obscene, patently offensive or not otherwise protected in the school environment.

As previously stated by Superintendent Walts, the Prince William County Public School Division encourages its students to exercise their first amendment rights but, at the same time, must protect their safety and avoid disruption to the educational process and operation of the schools.

I trust that you will share this response with the parents of the students in question. I also urge you to encourage the parents to attempt to resolve school-level concerns such as this through the established administrative procedures open to all parents.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mary McGowan". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mary McGowan
School Board Attorney
Prince William County Public Schools