IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

Z.J.W., *by next friends and parents*, TERESA CATOE and JOHN WHEELER, *et al.*,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 3:26-cv-00775-REP
KING GEORGE COUNTY SCHOOL BOARD, *et al.*,	)	
Defendants.	)	

MEMORANDUM OF UNDERSTANDING
REGARDING SETTLEMENT AGREEMENT

Contingent on approval from the King George County School Board (the "School Board"), the parties in the above-referenced matter agree that this case is settled on the following terms and conditions and that this Memorandum of Understanding (the "MOU") is enforceable as a contract:

1. The School Board will revise IGDA and IGDA-R.2 to allow non-curriculum student organizations (in addition to curriculum student organizations) at the middle and high schools under the conditions set forth in Exhibit A, which is attached hereto and fully incorporated herein. The School Board agrees that the policies as set forth in Exhibit A shall remain in place through the end of December 2027 unless a substantive change in the law requires otherwise;
2. The parties anticipate that the School Board will meet on or before September 11, 2026, and therefore agree to request a stay of all discovery and pretrial deadlines through September 14, 2026. The parties agree to work together to file any documentation

necessary to effectuate the terms of this stay or obtain Court-approval for the same;

3. Upon School Board approval of the revised policies as set forth in Exhibit A, Plaintiffs agree to dismiss their case without prejudice to be refiled only in the case that the Gay-Straight Alliance (the "GSA") club at the King George Middle School is not approved after it applies in accordance with IGDA-R.2. Plaintiffs will promptly file a Stipulation of Dismissal on or before September 14, 2026, and the parties agree that pursuant to *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994), the Stipulation of Dismissal will explicitly reserve jurisdiction in this Court to enforce the terms of the parties' final Settlement Agreement;

5. The parties agree that U.S. Magistrate Judge Summer L. Speight retains jurisdiction and authority to resolve any disputes concerning the terms agreed to in this MOU, including whether any revocation of the GSA that occurs before December 31, 2027 was for good cause in accordance with IGDA-R.2. The parties further agree that any resolution determined by Judge Speight shall be conclusive and that Judge Speight may award the prevailing party its costs, including reasonable attorneys' fees, consistent with prevailing law.

Seen and agreed to on September 3, 2026:

Plaintiff Z.J.W.:

Teresa Catoe, next friend and parent.

Plaintiff Z.J.W.:

John Wheeler, next friend and parent.

Plaintiff A.A.P.:

Susan Park, next friend and parent.

Via Counsel. Wyatt Rolla, with authority

Counsel for Plaintiffs:

Wyatt Rolla

Counsel for Plaintiffs:

Julia Kahn

Counsel for Plaintiffs:

Mary Rohmiller

Counsel for Plaintiffs:

Alice Yao

Defendant King George County School Board:

By: Colleen Davis, Chair

Defendant King George County School Board:

By: Carrie Cleveland, Vice-Chair

Defendant Dr. Jesse Boyd:

Dr. Jesse Boyd

Defendant Dr. Casey Nice:

Dr. Casey Nice

Approved as to Amount Only:

Jared Mullen, VaCorp

Counsel for Defendant:

Heather Bardot

EXHIBIT
A

Book	Policy Manual
Section	Section I - Instruction
Title	Student Organizations
Code	IGDA
Status	Active
Adopted	May 26, 1992
Last Revised	November 17, 2025
Prior Revised Dates	07/12/1995; 08/09/2000; 03/23/2005; 02/25/2013; 8/8/2022;
Origin	© 2/22 VSBA; SBR

STUDENT ORGANIZATIONS

Generally

Public school facilities are devoted primarily to instructional programs and school-sponsored activities. Curriculum-related student organizations are an extension of the regular school program. Their function is to enhance the participants' educational experience and supplement course materials. The activities of these organizations should bear a clear relationship to the regular curriculum.

Secondary school students may organize and conduct meetings of non-curriculum-related groups. This Policy provides equal access to any students who wish to conduct a meeting without discrimination on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

Non-curriculum-related student groups may use school facilities provided that

- the group's meetings are voluntary and student-initiated;
- the group is not sponsored by the school, the government, or any government agent or employee;
- agents or employees of the school or government are present at religious meetings only in a non-participatory capacity;
- meetings do not materially and substantially interfere with the orderly conduct of educational activities at the school; and
- nonschool persons do not direct, conduct, control, or regularly attend activities of the group.

Meetings of Student Organizations

The principal of each school determines the times and places which are available for the meetings of student organizations. The principal also develops procedures for scheduling meetings of student organizations. Meeting times are limited to non-instructional time.

Faculty Involvement

Curriculum-related student organizations must be sponsored and supervised by one or more school faculty members and approved by the principal. Faculty sponsors participate in the supervision and direction of all activities of the organization and attend all meetings and activities.

Non-curriculum-related student organizations do not have a faculty sponsor. However, a member of the school's staff attends every meeting or activity of such organizations in a non-participatory capacity for purposes of general supervision. The organization is responsible for assuring the presence of a staff member for its meetings.

No school employee is compelled to attend a meeting of any student organization if the content of such meeting is contrary to the beliefs of that school employee.

Compliance with Law and Policy

Student organizations shall not engage in any activity which is contrary to law, division policy, or school rules; which disrupts or clearly threatens to disrupt the orderly operation of the school; or which would adversely affect the health, safety or welfare of any students or staff members. Failure to comply with these provisions is grounds for disciplinary action.

Legal	20 U.S.C. § 4071.
	Code of Virginia, 1950, as amended, § 22.1-23.3.
Cross References	KF - Distribution of Information/Materials
	KG - Community Use of School Facilities

Book	Policy Manual
Section	Section I - Instruction
Title	Non-Curriculum Student Organizations
Code	IGDA-R.2
Status	Active
Adopted	November 17, 2025
Origin	SBR

NON-CURRICULUM STUDENT ORGANIZATIONS

1. Non-curriculum based student organizations that wish to organize under Policy IGDA must submit the application for forming student organizations to the building principal prior to soliciting interest from the student body. The submitted application for a proposed new student organization shall include:

    a. Name of Organization;

    b. A general statement of the purposes of the organization;

    c. Parental permission form completed and signed.

    d. Name of the professional staff member who will attend the meeting in a non-participatory capacity and for custodial purposes only;

    e. An acknowledgment form signed by the professional staff member agreeing to the role and to abide thereto;

    f. Proposed Constitution and Bylaws;

    g. A description of the qualifications for membership, if any;

    h. A list of proposed Officers; and

    i. A tentative meeting schedule, including dates and location(s) of the meeting.

2. Any non-curriculum student organization previously organized under Policy IGDA that is seeking to meet during subsequent school years shall submit a written renewal form prior to meeting during the current school year. The renewal form shall include the following information:

    a. Name of Organization;

    b. Any changes that have occurred or are proposed to the items furnished in the initial application;

    c. Copies of any changes that have been made to Constitution or Bylaws;

    d. A list of Officers;

e. A list of students who are currently members; and

f. A tentative meeting schedule, including dates and proposed location(s) of the meeting.

3. If the student organization does not inform the principal of its intent to continue the organization for the current school year, the student organization will become inactive. Should the student organization want to become active, a written notice must be submitted to the principal with the information noted in bullet two of this Regulation.

4. The building principal shall review the application and such other information as he or she considers appropriate and shall approve or disapprove the recognition of the organization within ten (10) school days after receipt of the application. The principal's decision shall be in writing and a copy shall be given to the professional staff member who has agreed to supervise the club. If the application is disapproved, the principal shall state the reasons for the disapproval in the decision. The principal will send notice to the School Board Office of all approved and/or disapproved student organizations for review by the superintendent and School Board members.

5. Any student submitting an application may appeal the principal's decision by submitting a written appeal to the superintendent or his/her designee within five (5) school days after receipt of the principal's decision. The written appeal shall state the reasons for the appeal and shall enclose copies of the application and the principal's decision. The superintendent or designee shall review the appeal and such other information as he or she considers appropriate and give a written decision within ten (10) school days after the receipt of the appeal. The decision of the superintendent or designee is final.

6. All students proposing a club or joining a club must have the parental permission form completed and signed prior to attending club meetings or joining the club.

7. Any club which is approved by the principal shall not be permitted to post to any school sponsored communication platform, send out interest fliers or advertise or meet until five (5) school days following approval by the principal.

8. The principal or superintendent may revoke recognition of any student organization at any time upon his or her own initiative for good cause, including any violation of Policy IGDA. Revocation by the principal may be appealed to the superintendent or his/her designee in the same method and under the same time limits as provided above. Revocation by the superintendent is final.