

March 2, 2018

Mr. Warren C. Holland, Superintendent  
Accomack County Public Schools  
PO Box 330  
Accomac, VA 23301

Dear Mr. Holland:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

We have [written about the principles](#) we think should guide both student and school administration in deciding appropriate action in the case of students participating in First Amendment protected activities like those described above. We've enclosed a copy of those principles for your information.

As you know, public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). School officials may prohibit student speech (which the threats to impose discipline have the effect of doing) only when they reasonably forecast that the student expression "will substantially interfere with the work of the school or impinge upon the rights of other students." *Id.* at 508. It is not enough that school officials have an "undifferentiated fear or apprehension" of a disturbance. *Id.* Rather, there must be "substantial facts which reasonably support a forecast of likely disruption." *Quarterman v. Byrd*, 453 F.2d 54, 58 (4th Cir. 1971).

Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



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In light of these fact-based limitations on school initiated disciplinary actions, we have encouraged any student (or anyone who knows a student) who is disciplined for engaging in a peaceful on campus demonstration related to "school gun violence" or given an unexcused absence for participating in an off-campus protest related to "school gun violence" to fill out our online intake form so that our legal team can determine if additional action is warranted.

From the ACLU of Virginia's perspective, a public school should always seek to impose the fewest and narrowest restrictions on student expression possible given the special circumstances of the school environment. We strongly question whether being absent from class for a few minutes or even a day creates a substantial disturbance or disruption of school activities or infringes on the rights of other students.

Virginia public schools and school divisions would be well-advised, under all the circumstances, to adopt an educational rather than a disciplinary approach to these activities. Just because you can argue that you have the power to discipline students for protesting or walking out doesn't mean you should choose to do so.

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Thank you for working positively to encourage civic engagement and protect freedom of expression in your schools. If you would like to discuss any aspect of this, please do not hesitate to contact me.

Very truly yours,



Claire Guthrie Gastañaga  
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March 2, 2018

Dr. Pamela Moran, Superintendent  
Albemarle County Public Schools  
401 McIntire Road  
Charlottesville, VA 22902-4596

Dear Dr. Moran:

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March 2, 2018

Dr. Lois Berlin, Superintendent  
Alexandria Public Schools  
1340 Braddock Place  
Alexandria, VA 22314

Dear Dr. Berlin:

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Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga". The signature is fluid and cursive.

Claire Guthrie Gastañaga  
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Mr. Eugene P. Kotulka, Superintendent  
Alleghany County Public Schools  
P.O. Drawer 140  
Low Moor, VA 24457

Dear Mr. Kotulka:

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March 2, 2018

Dr. Jack McKinley, Superintendent  
Amelia County Public Schools  
8701 Otterburn Road, Suite 101  
Amelia, VA 23002

Dear Dr. McKinley:

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Dr. R Steven Nichols, Superintendent  
Amherst County Public Schools  
P. O. Box 1257  
Amherst, VA 24521

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Dr. Dorinda G. Grasty, Superintendent  
Appomattox County Public Schools  
P.O. Box 548  
Appomattox, VA 24522

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
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Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Patrick K. Murphy, Superintendent  
Arlington County Public Schools  
1426 N Quincy St  
Arlington, VA 22207

Dear Dr. Murphy:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Eric W. Bond, Superintendent  
Augusta County Public Schools  
P O Box 960  
Verona, VA 24482

Dear Dr. Bond:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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Direct Dial: 804-523-2146  
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March 2, 2018

Mrs. Sue F. Hirsh, Superintendent  
Bath County Public Schools  
PO Box 67  
Warm Springs, VA 24484

Dear Mrs. Hirsh:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
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March 2, 2018

Dr. Douglas R. Schuch, Superintendent  
Bedford County Public Schools  
310 S. Bridge St  
P.O. Box 748  
Bedford, VA 24523

Dear Dr. Schuch:

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Enclosure

March 2, 2018

Mr. David Scott Meade, Superintendent  
Bland County Public Schools  
361 Bears Trail  
Bastian, VA 24314

Dear Mr. Meade:

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March 2, 2018

Mr. John S. Busher III, Superintendent  
Botetourt County Public Schools  
143 Poor Farm Rd  
Fincastle, VA 24090

Dear Mr. Busher:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Keith Perrigan, Superintendent  
Bristol Public Schools  
220 Lee Street  
Bristol, VA 24201

Dear Dr. Perrigan:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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Claire G. Gastañaga  
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Direct Dial: 804-523-2146  
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March 2, 2018

Mrs. Dora G. Wynn, Superintendent  
Brunswick County Public Schools  
1718 Farmer's Field Road  
Lawrenceville, VA 23868

Dear Mrs. Wynn:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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March 2, 2018

Mrs. Melanie L. Hibbitts, Superintendent  
Buchanan County Public Schools  
1176 Booth Branch  
Grundy, VA 24614

Dear Mrs. Hibbitts:

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March 2, 2018

Dr. Cecil Snead, Superintendent  
Buckingham County Public Schools  
15595 West James Anderson Rd.  
Buckingham, VA 23921

Dear Dr. Snead:

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701 E. Franklin Street  
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March 2, 2018

Dr. John Keeler, Superintendent  
Buena Vista Public Schools  
2329 Chestnut Ave., Suite A  
Buena Vista, VA 24416-2621

Dear Dr. Keeler:

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March 2, 2018

Dr. Robert Johnson, Superintendent  
Campbell County Public Schools  
P.O. Box 99  
Rustburg, VA 24588

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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. George Parker III, Superintendent  
Caroline County Public Schools  
16261 Richmond Turnpike  
Bowling Green, VA 22427

Dear Dr. Parker:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Shirley A. Perry, Superintendent  
Carroll County Public Schools  
605-9 Pine St  
Hillsville, VA 24343

Dear Dr. Perry:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. David W. Gaston, Superintendent  
Charles City County Public Schools  
10910 Courthouse Rd  
Charles City, VA 23030-3426

Dear Dr. Gaston:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Nancy H. Leonard, Superintendent  
Charlotte County Public Schools  
PO Box 790  
Charlotte Court House, VA 23923

Dear Dr. Leonard:

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701 E. Franklin Street  
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March 2, 2018

Dr. Rosa S. Atkins, Superintendent  
Charlottesville Public Schools  
1562 Dairy Rd  
Charlottesville, VA 22903-1304

Dear Dr. Atkins:

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701 E. Franklin Street  
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March 2, 2018

Dr. James T. Roberts, Superintendent  
Chesapeake Public Schools  
312 Cedar Rd  
Chesapeake, VA 23322

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March 2, 2018

Dr. James F Lane, Superintendent  
Chesterfield County Public Schools  
P.O. Box 10  
Chesterfield, VA 23832-0001

Dear Dr. Lane:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



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Thank you for working positively to encourage civic engagement and protect freedom of expression in your schools. If you would like to discuss any aspect of this, please do not hesitate to contact me.

Very truly yours,



Claire Guthrie Gastañaga  
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March 2, 2018

Dr. Chuck Bishop, Superintendent  
Clarke County Public Schools  
317 W Main St, Ste A  
Berryville, VA 22611

Dear Dr. Bishop:

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March 2, 2018

Dr. Kevin D Newman, Superintendent  
Colonial Beach Public Schools  
16 N. Irving Ave  
Colonial Beach, VA 22443-2324

Dear Dr. Newman:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Joseph O. Cox Jr., Superintendent  
Colonial Heights Public Schools  
512 Boulevard  
Colonial Heights, VA 23834-3798

Dear Dr. Cox:

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March 2, 2018

Ms. Melinda D. Snead-Johnson, Superintendent  
Covington Public Schools  
340 E Walnut St  
Covington, VA 24426

Dear Ms. Snead-Johnson:

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Claire Guthrie Gastañaga  
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March 2, 2018

Ms. Jeanette Day Warwick, Superintendent  
Craig County Public Schools  
PO Box 245  
New Castle, VA 24127-0245

Dear Ms. Warwick:

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March 2, 2018

Dr. Anthony S. Brads, Superintendent  
Culpeper County Public Schools  
450 Radio Lane  
Culpeper, VA 22701

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
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Very truly yours,



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Richmond VA 23219  
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Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)



March 2, 2018

Dr. Amy Griffin, Superintendent  
Cumberland County Public Schools  
PO Box 170  
Cumberland, VA 23040

Dear Dr. Griffin:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Suite 1412  
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acluva.org

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*Executive Director*  
Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Stanley B. Jones, Superintendent  
Danville Public Schools  
PO Box 9600  
Danville, VA 24541

Dear Dr. Jones:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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Direct Dial: 804-523-2146  
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March 2, 2018

Mrs. Haydee Robinson, Superintendent  
Dickenson County Public Schools  
P.O. Box 1127  
Clintwood, VA 24228

Dear Mrs. Robinson:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. Kari Weston, Superintendent  
Dinwiddie County Public Schools  
P.O. Box 7  
Dinwiddie, VA 23841

Dear Dr. Weston:

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701 E. Franklin Street  
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March 2, 2018

Ms. Angela Wilson, Superintendent  
Emporia Public Schools  
105 Ruffin St  
Emporia, VA 23847

Dear Ms. Wilson:

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Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga". The signature is fluid and cursive, with the first name "Claire" being the most prominent.

Claire Guthrie Gastañaga  
Executive Director

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March 2, 2018

Dr. Scott A. Burckbuchler, Superintendent  
Essex County Public Schools  
P.O. Box 756  
Tappahannock, VA 22560

Dear Dr. Burckbuchler:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Very truly yours,



Claire Guthrie Gastañaga  
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Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Scott S. Brabrand, Superintendent  
Fairfax County Public Schools  
Gatehouse Adm Ctr  
8115 Gatehouse Rd  
Falls Church, VA 22042

Dear Dr. Brabrand:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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Enclosure

March 2, 2018

Dr. Phyllis Pajardo, Superintendent  
Fairfax Public Schools  
10455 Armstrong St.  
Fairfax, VA 22030

Dear Dr. Pajardo:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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March 2, 2018

Dr. Peter Noonan, Superintendent  
Falls Church Public Schools  
800 W Broad St Suite 203  
Falls Church, VA 22046

Dear Dr. Noonan:

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701 E. Franklin Street  
Suite 1412  
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Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga".

Claire Guthrie Gastañaga  
Executive Director

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Richmond VA 23219  
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Claire G. Gastañaga  
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March 2, 2018

Dr. David Jeck, Superintendent  
Fauquier County Public Schools  
320 Hospital Drive  
Suite 40  
Warrenton, VA 20186-3037

Dear Dr. Jeck:

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Enclosure

March 2, 2018

Dr. John Wheeler, Superintendent  
Floyd County Public Schools  
140 Harris Hart Rd NE  
Floyd, VA 24091

Dear Dr. Wheeler:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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Richmond VA 23219  
acluva.org

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March 2, 2018

Mr. Chuck Winkler, Superintendent  
Fluvanna County Public Schools  
14455 James Madison Highway  
Palmyra, VA 22963

Dear Mr. Winkler:

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Thank you for working positively to encourage civic engagement and protect freedom of expression in your schools. If you would like to discuss any aspect of this, please do not hesitate to contact me.

Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. W. Mark Church, Superintendent  
Franklin County Public Schools  
25 Bernard Road  
Rocky Mount, VA 24151-6614

Dear Dr. Church:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Ms. Tamara Sterling, Superintendent  
Franklin Public Schools  
207 W Second Ave  
Franklin, VA 23851-2100

Dear Ms. Sterling:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Suite 1412  
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March 2, 2018

Dr. David T. Sovine, Superintendent  
Frederick County Public Schools  
P O Box 3508  
Winchester, VA 22601

Dear Dr. Sovine:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. David G. Melton, Superintendent  
Fredericksburg Public Schools  
210 Ferdinand Street  
Fredericksburg, VA 22401

Dear Dr. Melton:

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March 2, 2018

Mr. William H. Sturgill, Superintendent  
Galax Public Schools  
223 Long St  
Galax, VA 24333

Dear Mr. Sturgill:

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Claire Guthrie Gastañaga  
Executive Director

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March 2, 2018

Dr. Terry E. Arbogast II, Superintendent  
Giles County Public Schools  
151 School Rd  
Pearisburg, VA 24134

Dear Dr. Arbogast:

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Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Walter Clemons, Superintendent  
Gloucester County Public Schools  
6099 T.C. Walker Road  
Gloucester, VA 23061

Dear Dr. Clemons:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
Executive Director  
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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



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Very truly yours,



Claire Guthrie Gastañaga  
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March 2, 2018

Dr. Jeremy J. Raley, Superintendent  
Goochland County Public Schools  
PO Box 169  
Goochland, VA 23063-0169

Dear Dr. Raley:

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Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga". The signature is fluid and cursive.

Claire Guthrie Gastañaga  
Executive Director

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March 2, 2018

Mr. Kelly Wilmore, Superintendent  
Grayson County Public Schools  
PO Box 888  
Independence, VA 24348-0888

Dear Mr. Wilmore:

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March 2, 2018

Dr. Andrea Whitmarsh, Superintendent  
Greene County Public Schools  
P.O. Box 1140  
Stanardsville, VA 22973

Dear Dr. Whitmarsh:

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March 2, 2018

Dr. Angela B. Wilson, Superintendent  
Greensville County Public Schools  
105 Ruffin Street  
Mary Bethune Ofc Complex

Dear Dr. Wilson:

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March 2, 2018

Dr. Mark Y. Lineburg, Superintendent  
Halifax County Public Schools  
PO Box 1849  
Halifax, VA 24558

Dear Dr. Lineburg:

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March 2, 2018

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Hampton Public Schools  
1 Franklin Street  
Hampton, VA 23669-3570

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701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
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*Executive Director*  
Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Michael Gill, Superintendent  
Hanover County Public Schools  
200 Berkley St  
Ashland, VA 23005-1399

Dear Dr. Gill:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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acluva.org

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March 2, 2018

Dr. Scott R. Kizner, Superintendent  
Harrisonburg Public Schools  
One Court Square  
Harrisonburg, VA 22801

Dear Dr. Kizner:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Patrick C. Kinlaw, Superintendent  
Henrico County Public Schools  
3820 Nine Mile Rd.  
Henrico, VA 23223-0420

Dear Dr. Kinlaw:

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701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. Jared A. Cotton, Superintendent  
Henry County Public Schools  
PO Box 8958  
Collinsville, VA 24078-8958

Dear Dr. Cotton:

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701 E. Franklin Street  
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Claire Guthrie Gastañaga  
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March 2, 2018

Dr. Thomas Schott, Superintendent  
Highland County Public Schools  
P.O. Box 250  
Monterey, VA 24465

Dear Dr. Schott:

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March 2, 2018

Dr. Melody D. Hackney, Superintendent  
Hopewell Public Schools  
103 N. 12th Avenue  
Hopewell, VA 23860-3758

Dear Dr. Hackney:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Email: [claire@acluva.org](mailto:claire@acluva.org)

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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. James Thornton, Superintendent  
Isle of Wight County Public Schools  
820 West Main Street  
Smithfield, VA 23430-1034

Dear Dr. Thornton:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
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Very truly yours,

A handwritten signature in blue ink, appearing to read 'Claire Guthrie Gastañaga', with a stylized, cursive script.

Claire Guthrie Gastañaga  
Executive Director

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Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)



March 2, 2018

Dr. Olwen Herron, Superintendent  
James City County Public Schools  
PO Box 8783  
Williamsburg, VA 23185

Dear Dr. Herron:

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701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
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acluva.org

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Claire G. Gastañaga  
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Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Carol B. Carter, Superintendent  
King and Queen County Public Schools  
P.O. Box 97  
242 Allens Circle Rt 681  
King And Queen CH, VA 23085-0097

Dear Dr. Carter:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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701 E. Franklin Street  
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Richmond VA 23219  
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701 E. Franklin Street  
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kind of “material and substantial disruption” or educational activities at school necessary under applicable case law to justify disciplinary action or take the students’ conduct outside the bounds of their protected First Amendment rights. This is particularly true given that some schools already have demonstrated that a student walkout can be a teachable moment and an opportunity to reinforce a positive message about community and civic engagement. Thus, it is difficult to understand how any school can defend a blanket rule applied in advance to bar any such expressive activity.

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*Executive Director*  
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Enclosure

March 2, 2018

Dr. Robert B. Benson, Superintendent  
King George County Public Schools  
P.O. Box 1239  
King George, VA 22485

Dear Dr. Benson:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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*Executive Director*  
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March 2, 2018

Dr. David O White, Superintendent  
King William County Public Schools  
PO Box 185  
King William, VA 23086-0185

Dear Dr. White:

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701 E. Franklin Street  
Suite 1412  
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Direct Dial: 804-523-2146  
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March 2, 2018

Mr. Steven Parker, Superintendent  
Lancaster County Public Schools  
P.O. Box 2000  
Kilmarnock, VA 22482

Dear Mr. Parker:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Brian T Austin, Superintendent  
Lee County Public Schools  
155 Vo Tech Drive  
Jonesville, VA 24263

Dear Dr. Austin:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Mr. Scott Jefferies, Superintendent  
Lexington Public Schools  
300 Diamond St  
Lexington, VA 24450-1937

Dear Mr. Jefferies:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Eric Williams, Superintendent  
Loudoun County Public Schools  
21000 Education Court  
Ashburn, VA 20148

Dear Dr. Williams:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Mr. Doug Straley, Superintendent  
Louisa County Public Schools  
953 Davis Hwy  
Mineral, VA 23117

Dear Mr. Straley:

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March 2, 2018

Mr. Charles M. Berkley Jr., Superintendent  
Lunenburg County Public Schools  
P. O. Box 710  
Kenbridge, VA 23944-0710

Dear Mr. Berkley:

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701 E. Franklin Street  
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March 2, 2018

Dr. Larry A. Massie, Superintendent  
Lynchburg Public Schools  
P. O. Box 2497  
Lynchburg, VA 24504

Dear Dr. Massie:

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March 2, 2018

Dr. Matthew J. Eberhardt, Superintendent  
Madison County Public Schools  
60 School Board Court  
Madison, VA 22727

Dear Dr. Eberhardt:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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As you know, public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). School officials may prohibit student speech (which the threats to impose discipline have the effect of doing) only when they reasonably forecast that the student expression "will substantially interfere with the work of the school or impinge upon the rights of other students." *Id.* at 508. It is not enough that school officials have an "undifferentiated fear or apprehension" of a disturbance. *Id.* Rather, there must be "substantial facts which reasonably support a forecast of likely disruption." *Quarterman v. Byrd*, 453 F.2d 54, 58 (4th Cir. 1971).

Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



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In light of these fact-based limitations on school initiated disciplinary actions, we have encouraged any student (or anyone who knows a student) who is disciplined for engaging in a peaceful on campus demonstration related to "school gun violence" or given an unexcused absence for participating in an off-campus protest related to "school gun violence" to fill out our online intake form so that our legal team can determine if additional action is warranted.

From the ACLU of Virginia's perspective, a public school should always seek to impose the fewest and narrowest restrictions on student expression possible given the special circumstances of the school environment. We strongly question whether being absent from class for a few minutes or even a day creates a substantial disturbance or disruption of school activities or infringes on the rights of other students.

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Very truly yours,



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March 2, 2018

Dr. C. Bruce McDade, Superintendent  
Manassas Park Public Schools  
One Park Center Ct Ste A  
Manassas Park, VA 20111-2395

Dear Dr. McDade:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Catherine Magouyrk, Superintendent  
Manassas Public Schools  
8700 Centreville Rd Suite 400  
Manassas, VA 20110-5700

Dear Dr. Magouyrk:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Zebedee Talley, Superintendent  
Martinsville Public Schools  
PO Box 5548  
Martinsville, VA 24112-5548

Dear Dr. Talley:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Mrs. Nancy B. Welch, Superintendent  
Mathews County Public Schools  
PO Box 369  
Mathews, VA 23109

Dear Mrs. Welch:

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March 2, 2018

Mr. Paul C Nichols, Superintendent  
Mecklenburg County Public Schools  
P.O. Box 190  
Boydton, VA 23917

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March 2, 2018

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Middlesex County Public Schools  
P.O. Box 205  
Saluda, VA 23149-0205

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701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Mark Mear, Superintendent  
Montgomery County Public Schools  
750 Imperial St.  
Christiansburg, VA 24073

Dear Dr. Mear:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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Richmond VA 23219  
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March 2, 2018

Dr. Jeff Comer, Superintendent  
Nelson County Public Schools  
PO Box 276  
Lovingsston, VA 22949-0276

Dear Dr. Comer:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga".

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March 2, 2018

Dr. David Myers, Superintendent  
New Kent County Public Schools  
PO Box 110  
New Kent, VA 23124-0110

Dear Dr. Myers:

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March 2, 2018

Mr. Brian Nichols, Superintendent  
Newport News Public Schools  
12465 Warwick Blvd  
Newport News, VA 23606-3041

Dear Mr. Nichols:

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701 E. Franklin Street  
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March 2, 2018

Dr. Melinda J Boone, Superintendent  
Norfolk Public Schools  
PO Box 1357  
Norfolk, VA 23510

Dear Dr. Boone:

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March 2, 2018

Mr. Charles Eddie Lawrence, Superintendent  
Northampton County Public Schools  
7207 Young St  
Machipongo, VA 23405

Dear Mr. Lawrence:

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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)



March 2, 2018

Dr. Holly Wargo, Superintendent  
Northumberland County Public Schools  
2172 Northumberland Hwy  
Lottsburg, VA 22511

Dear Dr. Wargo:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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*Executive Director*  
Direct Dial: 804-523-2146  
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March 2, 2018

Mrs. Gina Wohlford, Superintendent  
Norton Public Schools  
P. O. Box 498  
Norton, VA 24273

Dear Mrs. Wohlford:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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Richmond VA 23219  
acluva.org

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Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Rodney Berry, Superintendent  
Nottoway County Public Schools  
P.O. Box 47  
Nottoway, VA 23955

Dear Dr. Berry:

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701 E. Franklin Street  
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Executive Director

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*Executive Director*  
Direct Dial: 804-523-2146  
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March 2, 2018

Dr. Brenda Tanner, Superintendent  
Orange County Public Schools  
200 Dailey Drive  
Orange, VA 22960

Dear Dr. Tanner:

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701 E. Franklin Street  
Suite 1412  
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Claire Guthrie Gastañaga  
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March 2, 2018

Donna L. Whitley-Smith, Superintendent  
Page County Public Schools  
735 W Main St  
Luray, VA 22835

Dear Ms. Smith:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. William D. Sroufe, Superintendent  
Patrick County Public Schools  
P.O. Box 346  
Stuart, VA 24171

Dear Dr. Sroufe:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Thank you for working positively to encourage civic engagement and protect freedom of expression in your schools. If you would like to discuss any aspect of this, please do not hesitate to contact me.

Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Marcus J Newsome, Superintendent  
Petersburg Public Schools  
255 South Boulevard, East  
Petersburg, VA 23805-2700

Dear Dr. Newsome:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
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March 2, 2018

Dr. Mark R. Jones, Superintendent  
Pittsylvania County Public Schools  
P. O. Box 232  
Chatham, VA 24531

Dear Dr. Jones:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
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March 2, 2018

Dr. Jennifer B. Parish, Superintendent  
Poquoson Public Schools  
500 City Hall Ave  
Room 219  
Poquoson, VA 23662

Dear Dr. Parish:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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Richmond VA 23219  
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Enclosure

March 2, 2018

Dr. Elie Bracy, Superintendent  
Portsmouth Public Schools  
PO Box 998  
Portsmouth, VA 23704-3822

Dear Dr. Bracy:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. Eric L Jones, Superintendent  
Powhatan County Public Schools  
2320 Skaggs Rd  
Powhatan, VA 23139

Dear Dr. Jones:

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Enclosure

March 2, 2018

Dr. Barbara A Johnson, Superintendent  
Prince Edward County Public Schools  
35 Eagle Drive  
Farmville, VA 23901-9011

Dear Dr. Johnson:

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Very truly yours,

A handwritten signature in blue ink, appearing to read "Claire Guthrie Gastañaga".

Claire Guthrie Gastañaga  
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*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Ms. Renee Williams, Superintendent  
Prince George County Public Schools  
PO Box 400  
Prince George, VA 23875

Dear Ms. Williams:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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Richmond VA 23219  
acluva.org

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



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Very truly yours,



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March 2, 2018

Dr. Steven L. Walts, Superintendent  
Prince William County Public Schools  
P. O. Box 389  
Manassas, VA 20112

Dear Dr. Walts:

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March 2, 2018

Dr. Kevin Siers, Superintendent  
Pulaski County Public Schools  
202 N Washington Ave  
Pulaski, VA 24301-5008

Dear Dr. Siers:

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March 2, 2018

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Radford Public Schools  
1612 Wadsworth St  
Radford, VA 24141

Dear Mr. Graham:

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March 2, 2018

Mrs. Shannon Grimsley, Superintendent  
Rappahannock County Public Schools  
6 Schoolhouse Road  
Washington, VA 22747

Dear Mrs. Grimsley:

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Claire Guthrie Gastañaga  
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March 2, 2018

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Richmond County Public Schools  
PO Box 1507  
Warsaw, VA 22572

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Richmond Public Schools  
301 North 9th St  
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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)



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kind of “material and substantial disruption” or educational activities at school necessary under applicable case law to justify disciplinary action or take the students’ conduct outside the bounds of their protected First Amendment rights. This is particularly true given that some schools already have demonstrated that a student walkout can be a teachable moment and an opportunity to reinforce a positive message about community and civic engagement. Thus, it is difficult to understand how any school can defend a blanket rule applied in advance to bar any such expressive activity.

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Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

Enclosure

March 2, 2018

Dr. Gregory N. Killough, Superintendent  
Roanoke County Public Schools  
5937 Cove Rd NW  
Roanoke, VA 24019-2403

Dear Dr. Killough:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

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Claire G. Gastañaga  
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Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Rita D. Bishop, Superintendent  
Roanoke Public Schools  
40 Douglass Avenue, NW  
Roanoke, VA 24012

Dear Dr. Bishop:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
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March 2, 2018

Dr. Phillip J. Thompson, Superintendent  
Rockbridge County Public Schools  
2893 Collierstown Road  
Lexington, VA 24450

Dear Dr. Thompson:

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701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. Oskar Scheikl, Superintendent  
Rockingham County Public Schools  
100 Mount Clinton Pike  
Harrisonburg, VA 22802

Dear Dr. Scheikl:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Greg Brown, Superintendent  
Russell County Public Schools  
P. O. Box 8  
Lebanon, VA 24266

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701 E. Franklin Street  
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March 2, 2018

Dr. H. Alan Seibert, Superintendent  
Salem Public Schools  
510 South College Ave  
Salem, VA 24153-5054

Dear Dr. Seibert:

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[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

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Very truly yours,



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March 2, 2018

Mr. John Ferguson, Superintendent  
Scott County Public Schools  
340 E Jackson St  
Gate City, VA 24251

Dear Mr. Ferguson:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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Claire Guthrie Gastañaga  
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March 2, 2018

Dr. Mark Johnston, Superintendent  
Shenandoah County Public Schools  
600 N Main St, Suite #200  
Woodstock, VA 22664-1855

Dear Dr. Johnston:

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March 2, 2018

Dr. Dennis G Carter, Superintendent  
Smyth County Public Schools  
121 Bagley Cir Ste 300  
Marion, VA 24354-3140

Dear Dr. Carter:

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March 2, 2018

Dr. Gwendolyn Page Shannon, Superintendent  
Southampton County Public Schools  
21308 Plank Road  
Courtland, VA 23837

Dear Dr. Shannon:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Stephen Scott Baker, Superintendent  
Spotsylvania County Public Schools  
8020 River Stone Drive  
Fredericksburg, VA 22407

Dear Dr. Baker:

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March 2, 2018

Dr. William Bruce Benson, Superintendent  
Stafford County Public Schools  
31 Stafford Avenue  
Stafford, VA 22554

Dear Dr. Benson:

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Very truly yours,



Claire Guthrie Gastañaga  
Executive Director

Enclosure



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
*Executive Director*  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

March 2, 2018

Dr. Garrett M. Smith, Superintendent  
Staunton Public Schools  
116 W. Beverley Street  
Staunton, VA 24401-4203

Dear Dr. Smith:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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*Executive Director*  
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March 2, 2018

Dr. Deran R. Whitney, Superintendent  
Suffolk Public Schools  
PO Box 1549  
Suffolk, VA 23434

Dear Dr. Whitney:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
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March 2, 2018

Dr. Michael E Thornton, Superintendent  
Surry County Public Schools  
P. O. Box 317  
Surry, VA 23883-0317

Dear Dr. Thornton:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
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March 2, 2018

Dr. Arthur L. Jarrett Jr., Superintendent  
Sussex County Public Schools  
21302 Sussex Drive  
Stony Creek, VA 23882-3751

Dear Dr. Jarrett:

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701 E. Franklin Street  
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March 2, 2018

Mr. George Brown, Superintendent  
Tazewell County Public Schools  
506 Jeffersonville Street  
Tazewell, VA 24651-5396

Dear Mr. Brown:

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701 E. Franklin Street  
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March 2, 2018

Dr. Aaron C. Spence, Superintendent  
Virginia Beach Public Schools  
PO Box 6038  
Virginia Beach, VA 23456-6038

Dear Dr. Spence:

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March 2, 2018

Mr. L. Gregory Drescher, Superintendent  
Warren County Public Schools  
210 North Commerce Avenue  
Front Royal, VA 22630-4419

Dear Mr. Drescher:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
acluva.org

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
Email: [claire@acluva.org](mailto:claire@acluva.org)

We recognize that you and your colleagues across the Commonwealth are actively working to develop legal and operational responses to the possibility of student walkouts and other expressive activities in schools. We know that nationwide events raising issues about gun violence in schools are expected to occur on March 14 and April 20, and local student initiated events could also happen at any time at any school, and some already have.

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational





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March 2, 2018

Dr. Brian C. Ratliff, Superintendent  
Washington County Public Schools  
812 Thompson Dr  
Abingdon, VA 24210-2354

Dear Dr. Ratliff:

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March 2, 2018

Dr. Jeffrey D. Cassell, Superintendent  
Waynesboro Public Schools  
301 Pine Ave  
Waynesboro, VA 22980

Dear Dr. Cassell:

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March 2, 2018

Mrs. Laura K. Abel, Superintendent  
West Point Public Schools  
PO Box T  
West Point, VA 23181

Dear Mrs. Abel:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Michael D. Perry, Superintendent  
Westmoreland County Public Schools  
141 Opal Lane  
Montross, VA 22520

Dear Dr. Perry:

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March 2, 2018

Dr. Olwen Herron, Superintendent  
Williamsburg-James City County Public Schools  
PO Box 8783  
Williamsburg, VA 23185

Dear Dr. Herron:

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March 2, 2018

Dr. Jason Van Heukelum, Superintendent  
Winchester Public Schools  
12 N Washington St  
Winchester, VA 22604

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Among other things, we question whether a peaceful protest even on school grounds during school hours could or would cause the kind of "material and substantial disruption" or educational



701 E. Franklin Street  
Suite 1412  
(804) 644-8022  
Richmond VA 23219  
[acluva.org](http://acluva.org)

Claire G. Gastañaga  
Executive Director  
Direct Dial: 804-523-2146  
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From the ACLU of Virginia's perspective, a public school should always seek to impose the fewest and narrowest restrictions on student expression possible given the special circumstances of the school environment. We strongly question whether being absent from class for a few minutes or even a day creates a substantial disturbance or disruption of school activities or infringes on the rights of other students.

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Very truly yours,



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March 2, 2018

Dr. Gregory Clark Mullins, Superintendent  
Wise County Public Schools  
628 Lake St  
Wise, VA 24293

Dear Dr. Mullins:

I am writing to you and other Virginia public school superintendents regarding the re-emerging issue of the nature and scope of student First Amendment rights in schools.



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March 2, 2018

Dr. Charlie Jeff Perry, Superintendent  
Wythe County Public Schools  
1570 W Reservoir St  
Wytheville, VA 24382

Dear Dr. Perry:

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March 2, 2018

Dr. Victor D. Shandor, Superintendent  
York County Public Schools  
302 Dare Rd  
Yorktown, VA 23692-2795

Dear Dr. Shandor:

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