Office of the School Board
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August 17, 2026

VIA EMAIL AND U.S. MAIL

James M. Hingeley, Esq.
Commonwealth's Attorney
410 East High Street
Charlottesville, Virginia 22902
jhingeley@albemarle.org

Dear Mr. Hingeley,

The Albemarle County School Board writes regarding the publicly reported characterizations of the school division articulated by Chief Deputy Commonwealth's Attorney Lawton Tufts during the recent bail hearing in the matter involving Mr. Swiney.

Nothing in this letter concerns the criminal charges against the defendant. Those are properly a matter for your office and the court. The school division has been careful throughout not to disclose information that could compromise the criminal process or bring additional trauma to the families directly affected by the alleged criminal behaviors.

This Board and the Albemarle County Public Schools (ACPS) staff prioritize the safety of our students, and we are committed to doing all we can to provide our students with a safe learning environment. To that end, we moved to engage outside counsel to conduct an independent investigation into how these allegations were handled, and we are eager to receive those findings. In that same spirit of a full and accurate accounting, we write because several statements made publicly about the division's actions are inconsistent with our records. We welcome any evidence you may possess to the contrary so that the public record is correct.

Mandatory reporting

The suggestion that the division failed to meet its mandatory reporting obligations is not supported by our records. The division has operated in a manner consistent with training provided by Child Protective Services (CPS) and law enforcement and is unaware of any instance in which ACPS staff failed to make a required report.

When the first complaint concerning Mr. Swiney was raised on January 23, 2026, staff acted within hours. They reported the matter directly to CPS and placed Mr. Swiney on administrative leave.

When a second complaint was raised in March 2026, a criminal investigation into Mr. Swiney was already active. Division staff received training from law enforcement and CPS where staff asked about reporting in this specific type of situation. We understand that the guidance given to staff was that when there is a situation where mandated reporting is required and the suspicion includes a possible criminal element, ACPS could report to *either* CPS or the Police Department, and that the receiving agency would inform the other. Therefore, staff reported the allegations brought forward in March 2026 to the Albemarle County Police Department within 24 hours. We understand this is the report Chief Deputy Tufts referenced in his statements.

The decision to report to law enforcement rather than to CPS was not an omission. Rather, it followed the guidance then in effect and directed the information to the investigators best positioned to act on it. CPS has since clarified that guidance, directing that suspected abuse or neglect be reported directly to CPS, and they will involve law enforcement where a criminal matter may exist.

To guarantee both CPS and law enforcement are appropriately notified on all matters, the division now requires staff to report every suspicion of abuse or neglect to both agencies. We note as well that there are occasions when the division reports a suspicion and one or both agencies decline to investigate. The lack of investigation is not an indication of a lack of reporting. In every such case, staff makes the report.

The March 2025 email

Chief Deputy Tufts drew particular attention to a March 2025 email in which a school administrator gave Mr. Swiney guidance about meeting with students. On its face, that email documents guidance about professional conduct and boundaries. It neither describes nor discloses a report of suspected abuse, and it identifies no complaint, incident, or disclosure that would have triggered a mandatory report at that time. What circumstances preceded that conversation, and whether the division's response to any concern was adequate, are among the questions the independent investigation will examine, and we will not prejudge them here. We address the email only to correct the implication that it reflects a knowing failure to report suspected abuse. The record does not support that characterization.

Cooperation with requests for information

We understand your office has described the division as "uncooperative." That is not consistent with our records, and we would welcome any specific instance you can identify. To our knowledge, staff responds to every warrant and subpoena the division receives and has provided all records it is legally permitted to provide in a manner consistent with agreed-upon guidance.

Additionally, within days of the January 2026 report, to avoid interference with potential criminal proceedings, the Title IX Coordinator and Deputy Chief Human Resources Officer coordinated with law enforcement before initiating a Title IX investigation. Our investigators spoke with law enforcement representatives routinely, and ACPS staff actively assisted law enforcement in their investigation by facilitating site visits, providing access to gather evidence, and coordinating witness interviews. All the records we have found demonstrate consistent cooperation throughout the investigation process.

The Title IX report

From the moment the first complaint was brought forward, ACPS understood the seriousness of the allegations against Mr. Swiney. As such, the Title IX Office took quick action to engage an independent, outside decision-maker from TNG Consulting to avoid any actual or perceived conflict of interest. A Senior Consultant from TNG Consulting — the parent firm of the Association of Title IX Administrators (ATIXA), the nation's leading membership organization for Title IX professionals — reviewed the investigative report related to the January 2026 complaint and found Mr. Swiney "not responsible" for conduct that violates Title IX. We understand that the Title IX decision resolves a specific regulatory question under a defined standard and remains separate from the criminal matter now before the court.

As the law requires, the division provided both the Complainant and the Respondent with a copy of the Decision. Concurrent with that distribution, we understand that the division's Title IX Coordinator attempted to reach your office by telephone to provide notice of the findings and was unable to connect with Mr. Tufts. However, it is clear that ACPS made a good-faith effort to provide notice.

The Board shares your concern for the children at the center of this case and for the integrity of the proceedings. Our purpose in writing is not to relitigate what was said in court, but to ensure that the record of the division's conduct is accurate. If your office holds information that contradicts the account above, we want to know it, and we remain available to provide any records we are permitted to share.

The safety and well-being of our students is the division's central focus, as it is yours. This case has shown how much that shared goal depends on the ability of ACPS, your office, law enforcement, and CPS to work collaboratively and to share information expediently. We want to strengthen that coordination with you.

Specifically, we are asking to meet to establish a shared protocol for how allegations of this kind are reported, investigated, and communicated among our offices going forward, so that no report falls between agencies and every child is protected. To arrange that meeting, please contact Acting Superintendent Dr. Chandra Hayes directly at chayes@k12albemarle.org.

Respectfully,

Rebecca Berlin, Ph.D.
Chair, Albemarle County School Board
On behalf of the Albemarle County School Board