

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF SHENANDOAH

RICKIE ALGER
WHITNEY ANDERSON
RONALD ARMENTROUT
JARED BARE
HEATHER BIBY
JERRY BILLER
TYLER BILLER
RICHARD BLY
CAROLYN BLY
STEPHANIE BOWERS
JAIME BOWMAN
KELSEY BOWMAN
JAMIE BURNS RAE
LEROY BURNS
BECCA CLARK
DENISE CLICK
KEITH CLICK
WILLIAM CLINEDINST
BUCKY CUSTER
CAITLIN CUSTER
CAROLYN SCHWARTZ CUSTER
CHARLES CUSTER E.
CINDY CUSTER
JOHN CUSTER
PATTY CUSTER
TRAVIS CUSTER
BETH DAVIS MILLER
RUSTY DAVIS
ASHLYN DELLINGER
DALE DELLINGER
AMBER DINGES
MELISSA DINGES
CYNTHIA DOVE
TRAVIS DUNCAN
BRANDI DYSART PALMER
KIM EATON
DAVID EATON
CHRISTOPHER ESTEP
ANGELA ESTEP
TRAVIS FLEMING
SARAH FLEMING SMOOTZ
AMBER FOLTZ RINKER
RHONDA FOSTER

CL20-984

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K. O'Leary

PAUL FOSTER
CHARLIE FULTZ
DARREN GOCHENOUR
KRISTEN GOCHENOUR LOUCKS
AAMIE GOOD
CARLY GOOD
JEREMY GOOD
MICHAEL GOOD
PEGGY GOOD FLYNN
FRANKIE GRAY
LAURIE GRAY
RODNEY HAGGERTY
ALISON HAGGERTY
SHAUN HANSBERGER
JENNY HAWKINS
CARRIE HEISHMAN MILLER
JONATHON HEISHMAN
TAMMY HEISHMAN
CRYSTAL HINKLE
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CATHY HOTTLE
RENEE INGRAO
CARLEE IVERSON
JEFF IVERSON
JOHN JOHNSON
LINDA JOHNSON
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MICHAEL JONES
LORA KAGEY
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TABATHA LEAR
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LANE LECRAW
LEIGH LEMON E.
MATT LINSKI
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MANDY LONAS
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MEGAN LOUCKS
BRADLEY LUTZ
ANTHONY MASON
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MARY MCALEXANDER
VICTORIA MCMILLAN E.
ANDREW MILLER
ANGELA MILLER
PAT MILLER
SPARKY MILLER
MELISSA MOOMAW
ALAN MOOMAW
DAWN PAINTER
DERRICK PITTINGTON
MISTY PITTINGTON
REBECCA POLK
WESLEY POLK
ANGIE POOL
ERIC POOL
JOHNNY POOL
TONYA POOL
LEE ANN POVLISH
YVONNE PROCTOR
DAN REINHART
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JOHN RICHARDS
JENNIFER RICHMAN
JESSICA RINKER
STACEY RINKER
LISA RITCHIE SIMMONS
BRUCE RITCHIE
MALINDA RUDOLPH
ROCKY SAGER
MICHAEL SAYLOR
REBECCA SAYLOR
JAMES SCHWARTZ
JILL SEAL
CHRIS SEAL
REBECCA SEILER RINKER
LAURA SHELTON
TINA SHOWMAN
BRIDGET SILVIOUS
KRYSTAL SIMMONS
MICHAEL SIMMONS
MIKE SPAUR
DONNA SPAUR
JOHN STARK
STEPHANIE STARK

SHARON STOUT
DUANE STOVER
AMY THOMAS
JOHN VIOLET
AMBER WALKER
KEVEN WALKER
MICALAH WEATHERHOLTZ
HARRY WINE
LISA WINE
REBEKAH WOLVERTON
LAURA WRIGHT
MEREDITH ZIRKLE,

Petitioners,

v.

Case Number: CL20- 984

SHENANDOAH COUNTY SCHOOL BOARD,

Respondent.

PETITION FOR REVIEW

COME NOW the above listed parents, custodians, or legal guardians of pupils attending the public schools in the Shenandoah County School Division who are aggrieved by the action of the Shenandoah County School Board, pursuant to Virginia Code § 22.1-87, and petition this Honorable Court to review the following action of the School Board:

1. On July 9, 2020, the Shenandoah County School Board voted that “the names of Stonewall Jackson High School and Ashby Lee Elementary School be retired as well as the Rebel mascot at North Fork Middle School. The Board directs the Superintendent to develop a process and timeline in accordance with Board Policy FFA for selection of new names and a new mascot to bring back to the Board at their August 13 Meeting.”

2. Petitioners are aggrieved in that they love the aforesaid names and changing them will cause great upset and discord in their homes, these schools, and the community.

3. Pursuant to Virginia Code § 15.2-1800.1, as the County of Shenandoah has incurred a financial obligation, payable over more than one fiscal year, to fund the construction or improvement of Stonewall Jackson High School and Ashby Lee Elementary School, the Shenandoah County Board of Supervisors is deemed to have acquired title to these schools as a tenant in common with the Respondent School Board for the term of such financial obligations. For Ashby Lee Elementary, the term ends in April 2021, and Stonewall Jackson High in January 2025.

4. The School Board exceeded its authority as it is purporting to change the names of Stonewall Jackson High School and Ashby Lee Elementary School without receiving the approval of the Shenandoah County Board of Supervisors, its tenant in common.

5. Pursuant to Virginia Code § 8.01-178.1(B), the School Board's action amounts to waste of the tenancy in common.

6. Pursuant to the School Board Policy Manual Code BDA, "No meeting is conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in Policy BDD Electronic Participation in Meetings from Remote Locations."

7. Pursuant to Policy Code BDD, Last Revised July 9, 2020:

Except as provided hereafter, or as otherwise permitted by law, the School Board does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception, to the entire membership of the School Board and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

II. Quorum Not Physically Assembled

The School Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

8. The purpose of the July 9 meeting in regard to the aforesaid action was not to address any emergency, so the School Board violated its Policy Code BDD.

9. Pursuant to School Board Policy Code BFC, “Policies shall be developed and presented to the Board evidencing the consideration given to the views of the division's community.” The School Board’s action in this matter violated this policy by not giving consideration to the views of the division’s community.

10. Pursuant to School Board Policy Code FB, Last Revised June 11, 2020, “The superintendent may make recommendations for new buildings and renovations after receiving input concerning facilities utilization, development and closure from the community. Recommendations are supported by data that supports the feasibility and need for construction and/or renovation.” The superintendent made a recommendation for the wholesale renovation of the names of two school buildings without any data that supports the feasibility or the need for such renovation. The School Board’s approval of that recommendation was a violation of its Policy Code FB.

11. School Board Policy Manual Code FFA (School Names) provides:

It is the responsibility of the Shenandoah County School Board to determine the name of schools, school facilities, and areas of school facilities or grounds in the division. The Board will solicit and accept input from the public regarding the names of schools or school facilities but reserves the right to make the final decision regarding the name of any school or school facility. Suggestions regarding the name of a school or school facility must be in writing, must state the name of the person or group making the suggestion and must state the reasons supporting the suggestion. The School Board may create a committee to make recommendations to the Board on the naming of any school or school facility.

No school or school facility will be named for a living individual. Schools and school facilities may be named for individuals who have been deceased for at least 10 years.

In fulfilling this responsibility, the Board shall make every effort to respect the preference of the local school community; however, final decisions on the naming of school facilities and the dedicating of areas of school facilities or grounds shall rest entirely with the Board.

The School Board member(s) representing the area in which a new school facility is located is encouraged to solicit suggestions for names from representative members of the school community. As appropriate, the Board member may submit a recommended name or several names to the Board for consideration.

The School Board acknowledges that the school community may wish to recognize exceptional contributions to the reputation and record of accomplishments of a school or the school division by providing for the permanent dedication or naming of appropriate areas of a school facility (library or media center, commons area, gymnasium, etc.) or school grounds (field, courtyard, etc.) in honor of individuals making such exceptional or outstanding contributions. Names of deceased or retired individuals who have made such exceptional or outstanding contributions may be proposed. Names of persons serving Shenandoah County Public Schools on a full time basis shall not be considered.

The Board may rename a school or school facility upon a determination that it is appropriate to do so. When a facility is reutilized for a new purpose or function, the School Board may rename that facility. The procedure for renaming a school or school facility will be the same as the procedure outlined above.

12. The School Board did not solicit input from the public regarding the names of schools.

13. The School Board failed to make every effort to respect the preference of the local school community.

14. The School Board's actions to rename Stonewall Jackson High School and Ashby Lee Elementary School were without a determination that it is appropriate to do so.

15. Stonewall Jackson High School and Ashby Lee Elementary School are not being reutilized for a new purpose or function, so the School Board may not rename these facilities.

16. Pursuant to Section II of School Board Policy Code FFA-R (Procedures for Naming School Facilities and Dedicating Areas of School Facilities or Grounds):

In preparation for School Board action, the superintendent shall work in conjunction with the School Board member(s) from the affected district of the county to elicit community preferences and to establish procedures for reviewing community input.

17. The Superintendent failed to elicit community preferences nor did he establish procedures for reviewing community input when the action for retiring the names of Stonewall Jackson High School and Ashby Lee Elementary School was adopted by the School Board. Accordingly, the School Board violated School Board Policy Code FFA-R in its action in this matter.

18. Pursuant to Section III of School Board Policy Code FFA-R, suggested criteria for naming a school includes "A preference for names who are considered famous historical figures who have made significant contributions to advancement of education in Virginia or the nation." The School Board's action in retiring the name of Thomas Jonathan "Stonewall" Jackson violates this criteria as he is a famous historical figure who made a significant contribution to the advancement of education among African Americans in Virginia.

19. Pursuant to section IX (RENAMING FACILITIES) of School Board Policy Code FFA-R:

The School Board may rename a facility for a variety of reasons, including its use for a new purpose or the desire to recognize an individual's contributions to SCPS.

Recommendations from staff members and/or community members may be forwarded to the Chairman of the School Board in written form. The deadline for submitting such written recommendations shall be three weeks prior to the date scheduled for School Board action on the renaming of the facility.

Recommendations for renaming should consider the new use of the facility and/or the possibility of honoring a specific individual who is no longer an employee and who has contributed greatly to the effectiveness of the school system.

School system staff members shall inform the local community of the proposed change of facility use and/or name and provide adequate time for comments.

The final action of the School Board shall be in the form of a resolution renaming the facility.

20. No written recommendations were submitted three weeks prior to the July 9, 2020, date scheduled for School Board action on the renaming of the facility, violating School Board Policy Code FFA-R.

21. School system staff members provided the local community six days to comment, an inadequate time, in violation of School Board Policy Code FFA-R.

22. Pursuant to School Board Policy Manual Section K: School-Community Relations, Code KA, Last Reviewed June 11, 2020, "The School Board recognizes that good school-community relations are essential to securing public input and public support for educational programs." Pursuant to School Board Policy Manual Code KC (Community Involvement In Decision Making):

The Shenandoah School Board will call meetings of the people of the school division for consultation in regard to school interests thereof when it deems such meetings to be necessary. The Board may appoint a committee of not less than three nor more than seven members for each public school in the school division. The committee's duty will be to advise the members of the School Board with reference to matters pertaining to the school and to cooperate with the School Board in the care of the school property and in the successful operation of the school.

23. In violation of School Board Policy Manual Code KC, the Shenandoah School Board did not call meetings of the people of the school division for consultation in regard to this massive interest in the retiring of school names. The Board did not appoint a committee. No committee advised the members of the School Board with reference to matters pertaining to the schools subject to the action complained of. There was no cooperation in the care of the name of the schools--which is school property.

24. The action of the Respondent School Board was arbitrary and capricious as it violated in the aforesaid numerous ways its own Policy Manual.

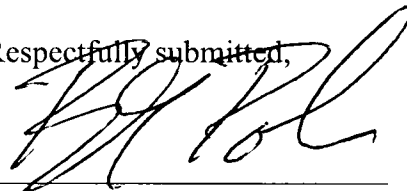
25. The Respondent School Board abused its discretion as the aforesaid makes clear that it had no power to act alone, and did so in violation of its own policies.

26. Petitioners have extensive other evidence relevant to the issues in this matter.

WHEREFORE, Petitioners pray that this Honorable Court overturn or reverse the aforesaid action of the school board.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,



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