

BOARD OF SUPERVISORS

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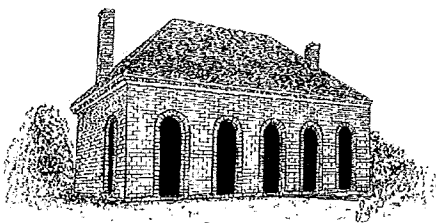
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Mechanicsville District

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Historic Hanover Courthouse

Office of the County Attorney
COUNTY OF HANOVER
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P. O. Box 470
Hanover, Virginia 23069-0470
(804) 365-6035
(804) 365-6302 (Facsimile)

Dennis A. Walter
County Attorney

Lisa A. Seward
Deputy County Attorney

Rebecca B. Randolph
Deputy County Attorney

Ellen Bowyer
Senior Assistant County Attorney

Elena J. Callwood Hernandez
Assistant County Attorney

Leah D. Han
Assistant County Attorney

August 31, 2022

By email

John F. Axselle III
Chair, Hanover County School Board
Beaverdam District
SB-jaxselle@hcps.us

Steven Ikenberry
Hanover County School Board
Member, Cold Harbor District
sb-sikenberry@hcps.us

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Vice Chair, Hanover County School Board
South Anna District
sb-rmay@hcps.us

John E. Redd, Jr.
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Member, Mechanicsville District
SB-jredd@hcps.us

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Hanover County School Board
Member, Henry District
SB-gsutton@hcps.us

Robert L. Hundley, Jr.
Hanover County School Board
Member, Chickahominy District
SB-rhundley@hcps.us

Re: Request for information and documents

Members of the Hanover County School Board:

The Hanover County Board of Supervisors has enjoyed a long, close partnership with the Hanover County School Board on matters related to the education of Hanover's students. The Board has received numerous inquiries about recent actions by certain School Board members, some of which may violate federal law or otherwise be improper, and the School Board's failure to address those actions. As you know, the Board of Supervisors has no role in the day-to-day operations of the Hanover County Public Schools (HCPS) or in the actions or decisions of the School Board. However, residents of the County have raised a number of issues, both at Citizens'

Time during Board meetings and in communications with individual Board members, that cause concern for the Board. Primary among these concerns are (1) the apparent disclosure of personal information and education records of a student currently attending Hanover County Public Schools without the consent of that student or the student's parents or guardians, and (2) the treatment of individuals who speak, or are in attendance, at School Board meetings by members of the School Board, including those in leadership positions.

In light of those concerns, and in furtherance of the Board's commitment to ensure that it performs its duties and obligations under Section 24.2-233 of the Code of Virginia as the appointing authority for School Board members, the Board has directed me to request that the Hanover County School Board respond to the following questions and, should there be any documents that contain information related to or otherwise are responsive to these questions, provide those documents. For all questions, the relevant timeframe is from **July 1, 2021 to August 31, 2022**.

1. What are the School Board policies related to the use, by School Board members, of personal email accounts or personal devices (such as mobile telephones, tablets, and computers) for School Board-related business including, but not limited to, the safeguarding of student education records?
2. Are there additional documents or guidance provided to School Board members beyond those written policies regarding the use of personal email accounts or personal devices for School Board-related business including, but not limited to, the safeguarding of student education records?
3. What are the School Board policies related to the notification of students and/or their parents regarding the disclosure of (1) directory information related to a student, and (2) all other student education records?
4. Have any School Board members sent emails from their School Board-provided accounts to personal email accounts, whether their own, a constituent, or some other party, that contain (1) non-directory information regarding a student or (2) student education records of a current or former student?
5. Have any School Board members sent emails from their personal email accounts or personal devices that contain (1) non-directory information regarding a student or (2) student education records of a current or former student?
6. If there have been any such emails or other communications, please provide copies of all communications sent to students or parents/guardians notifying them of the disclosure of non-directory information regarding the student or student education records.
7. The Board has been informed that John Axselle, the School Board representative from the Beaverdam District, sent a series of emails from his personal email account between February 7, 2022 and February 8, 2022, to Ryan Bangert with the Alliance Defending

Freedom (ADF), and that the email thread may contain personal information and/or student education records of a current or former student. A copy of the email thread, which was produced by HCPS in response to another request for public records and has redactions, is attached to this letter.

- a. Did Mr. Axselle provide any attachments to this email thread?
 - b. If he included any attachments, did the attachments include non-directory information or a student education record of a current or former student?
 - c. If he included attachments that contain personal information of a student or student education records, or the body of the emails contain any such information or records, please provide all documentation indicating that the student or the students' parents were notified.
 - d. Please provide a copy of the unredacted copy of the email thread between Mr. Axselle and Mr. Bangert, including all attachments. If the body of the emails or the attachments contain any personal information of a current or former student, the Board understands that such information will be redacted to protect the student's privacy; however, the Board requests that the remaining portion of the attachments be produced. As an alternative, one or two members of the Board are willing to view an unredacted copy of the emails and all attachments in a secure setting with the understanding that they will not take a copy of those documents or otherwise disclose the contents of those documents to unauthorized third parties.
 - e. Please provide all documents, including School Board policy, minutes or other documents, demonstrating that a specific action taken by the School Board, or any other communication by the School Board or School Board members, authorized Mr. Axselle to use his personal email account to (1) communicate with ADF on behalf of the School Board, and/or (2) transmit documents or other records within the custody of HCPS, whether or not they contained personal information of a current or former student, to his personal email account, to Mr. Bangert or any other representative of ADF, or any other non-HCPS entity.
8. Please provide copies of all emails, texts, and other communications (1) between and among members of the School Board and (2) between members of the School Board and members of the Board of Supervisors, HCPS staff, and members of the public (other than attorney-client material or other records that are exempt from disclosure under federal or state law) regarding the email exchange between Mr. Axselle and Mr. Bangert.
 9. Please provide a copy of the video of the School Board meeting held on August 16, 2022. If a link to an online recording of the meeting can be provided, please provide that link.
 10. Please provide a copy of the video of all School Board meetings between July 1, 2021 and the date of this letter where the Chair of the School Board, the Vice-Chair of the School Board, or any other School Board members at any point during such meetings made

Letter to Hanover County School Board
Request for information and documents
August 31, 2022
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comments directly to a speaker or member(s) of the audience that the speaker or member of the audience was acting in an inappropriate manner or otherwise not complying with School Board policies regarding conduct at public meetings. If links to online recordings of these meetings can be provided, please provide those links.

The Board acknowledges that this is an unusual request given the long-standing spirit of cooperation between the two boards; however, given the seriousness of the concerns raised by Hanover County residents, which are shared by Board members, of possible improper handling of student education records and questionable conduct by certain School Board members at recent School Board meetings, the Board believes that it must proceed in this manner to ensure that a review of these concerns is done in a transparent way to maintain the public's confidence in the work of the Board and the School Board.

Thank you in advance for your cooperation in this matter. Should you have any questions regarding the information sought, and the documents requested, by this letter, please contact me.

Sincerely,

David A. Zuckerman

Dennis A. Walter
County Attorney

Enclosure

cc (by email only): Members of the Hanover County Board of Supervisors
Michael Gill, Superintendent, Hanover County Public Schools
Chris Whitley, Assistant Superintendent of Community Engagement and
Legislative Affairs
John A. Budesky, County Administrator

3/11/22, 1:58 PM

Gmail - Re: [REDACTED]



John Axselle III <jaxselle3@gmail.com>

Re: [REDACTED]

1 message

John Axselle III <jaxselle3@gmail.com>
To: Ryan Bangert <rbangert@adflegal.org>

Tue, Feb 8, 2022 at 1:40 PM

Thank you Ryan. I look forward to speaking with both of you.
John

Sent from my iPhone

On Feb 8, 2022, at 12:05 PM, Ryan Bangert <rbangert@adflegal.org> wrote:

John,

That sounds good. My number is [REDACTED] I will add my colleague, Jon Scruggs to the call as well.

--Ryan

From: John Axselle III <jaxselle3@gmail.com>
Sent: Tuesday, February 8, 2022 10:42 AM
To: Ryan Bangert <rbangert@adflegal.org>
Subject: Re: [REDACTED]

EXTERNAL

Yes. I can call you if you like.

On Mon, Feb 7, 2022 at 10:41 PM Ryan Bangert <rbangert@adflegal.org> wrote:

John, can you talk tomorrow at 4 p.m. ET?

Sent from my iPad

On Feb 7, 2022, at 4:12 PM, John Axselle III <jaxselle3@gmail.com> wrote:

EXTERNAL

Thank you sir. I am looking forward to hearing from you.

Thank you for your time.

John Axselle

On Mon, Feb 7, 2022 at 3:48 PM Ryan Bangert <rbangert@adflegal.org> wrote:

John,

I received your email. Will review promptly and revert.

--Ryan

<logo_abdfb0ec-e06e-407a-a721-cd0e4f742400.png>

Ryan Bangert
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480-444-0028 (Fax)
rbangert@adflegal.org
ADFlegal.org

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From: John Axselle III <jaxselle3@gmail.com>
Sent: Monday, February 7, 2022 1:52 PM
To: Ryan Bangert <rbangert@adflegal.org>
Subject: [REDACTED]

EXTERNAL

Mr. Bangert,

I trust all is well with you.

3/11/22, 1:58 PM

Gmail - Re: [REDACTED]

[REDACTED]

Thank you in advance for your assistance with this matter.

John Axselle.