



FOR IMMEDIATE RELEASE

Fairfax County Circuit Court to Hear Case January 18th

Lawsuit Seeks to Compel Release of Secret E-mails from 11th Largest School System in Nation

Fairfax County, VA – Wednesday, January 12, 2011 – Fairfax County Circuit Court has set next Tuesday, January 18th at 10:00 a.m., to hear the Virginia Freedom of Information Act (VFOIA) case that was filed against Fairfax County Public Schools (FCPS) and School Board last Friday. E-mails from FCPS staff and School Board members, released in response to a VFOIA request regarding the School Board’s vote to close Clifton Elementary, compelled the filing of the multiple-count lawsuit.

“By communicating with each other in secret, the School Board violated the VFOIA,” the petition alleges, “and deprived the public of observing the discussion among the Board members as they transacted the public’s business.” Filed by Patton Boggs, LLP, on behalf of Jill DeMello Hill, a Fairfax County resident, the lawsuit states that during public meetings, FCPS and the School Board ***“exchanged substantive e-mails among each other in secret relating to the matters being addressed.”***

The lawsuit, filed January 7th in Fairfax County Circuit Court, centers around multiple public meetings held by FCPS and the School Board last June and July. During the meetings, the filing states the School Board ***“routinely violated Virginia’s Open Meetings laws by discussing the potential closure of Clifton Elementary and otherwise transacting business by e-mail when it was not physically assembled.”***

Virginia’s General Assembly has a broad mandate for transparency, with Virginia law specifically stating that ***“The provisions of [the VFOIA] shall be liberally construed to promote an increased awareness by all persons of governmental activities...”*** The VFOIA further ensures that ***“(T)he affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government.”***

The lawsuit, filed as a petition for a *writ of mandamus* – a type of order from a court requiring a government body to take action to correct noncompliance with the law – states that FCPS and the School Board also ***“intentionally withheld pertinent information...from the public until after they voted to close Clifton Elementary”***.

Patton Boggs’ filing seeks a number of remedies from the Court including:

1. Requiring FCPS to produce and publicly post all withheld secret e-mails and other electronic communications.
2. After all withheld information is made public, the lawsuit requests the Court to compel the School Board to hold a proper public meeting to reconsider – and then re-vote - on all matters relating to the renovation or closure of Clifton Elementary.
3. Determining if emails FCPS has refused to produce to date, under claims of being “privileged or “exempt from VFOIA”, were indeed withheld legally.

Tuesday’s hearing in Fairfax County Circuit Court - located at 4110 Chain Bridge Road – will include arguments by Patton Boggs and counsel for FCPS and the School Board.

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