

She Went A Court-in

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A couple of weeks ago, a frustrated parent of a special ed child took Hampton City Schools to court. It wasn't about her child's education – though ultimately it is - it was about Hampton School Board refusing to respond appropriately to a Virginia Freedom of Information Act request.

The parent wanted a copy of the policy – if it exists – that would require the school board as our elected officers, to attend to matters presented to them involving the school system. What this parent of a special ed student got instead was a general – go look for it among our policies. This led the parent to take the board to court. The problem with Hampton's response was it violates the Virginia Freedom of Information Act. Hampton City Schools should have either –

- provide it
- tell that they didn't have it
- claim it is exempt from providing it while providing reference to the law for exception
- claim it is particularly exempt and just provide the portion not exempt while providing reference to the law for exception

Hampton City Schools did not follow those mandates.

The court also got it wrong and dismissed the case...not surprisingly. Courts do get it wrong – occasionally – and/or may have their own agenda; nevertheless, this case the court got it wrong and I hope the parent of a special ed student appeals it. The issue, circuit courts are unlikely to overturn the general district court.

This is not the only area where Hampton School Board fails their constituents who are parents....

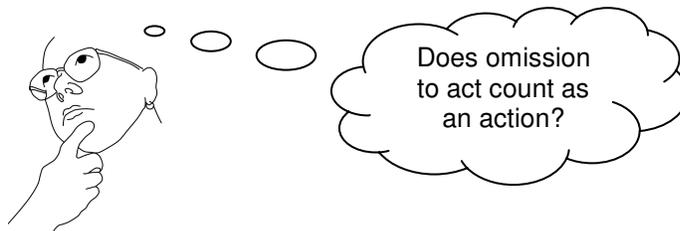
“The Board is not obligated to act on any request or proposal presented by an individual citizen or group. The Board will not respond to citizen comments at the time they are given. Matters requiring a response will be directed to the Superintendent for research and response. The Superintendent may report back on such matters at a subsequent business meeting session as appropriate.”

Hampton School Board Policy - PUBLIC COMMENT AT BOARD MEETINGS

This puts parents in a Catch-22. The court affords parents, custodians, or legal guardians the legal remedy to take a school board to court for their action.

§ 22.1-87. Judicial review.

Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.



What does all this bring to light...Hampton's school board does not intend to communicate with their constituents in a complete disregard of students, parents, etc.

VOTERS BEWARE!