



FOR IMMEDIATE RELEASE

Judge Notes Seriousness of Clifton Elementary Case, Directs Additional Time in Court *FCPS Attorneys Unaware of Case Law on Notice for Public Hearings*

Fairfax County, VA – **November 15, 2010 - Parents and community members affected by the targeted closure of Clifton Elementary School, will return to the courtroom on Monday, November 22nd to attend the hearing** by the Honorable Judge Dennis J. Smith in the lawsuit against the Fairfax County School Board. Benjamin Chew, Patton Boggs' Chief Litigator for the Commonwealth of Virginia and lead counsel for the plaintiffs, introduced case law on Friday to the Court regarding the failed public notice portion of the claim.

In the 2006 decision, the Honorable Chief Judge Michael McWeeny ruled that publishing notice for public hearings in the Washington Examiner doesn't meet the legal standard for notice due to its limited list of paid subscribers. The School Board published the public hearing notice on Clifton Elementary's renovation or movement of students after construction of a new school, then purportedly under consideration by the School Board, in the Washington Examiner.

Citing the importance of the case and the seriousness of the issues and its implications, Judge Smith said the time allotted was insufficient to fully address the oral arguments and postponed the Friday, November 12th hearing. Smith then directed the attorneys for the School Board to issue a response to the failed public notice case law, and a reply by Patton Boggs for the plaintiffs, by Friday, November 19th.

Among other issues, the plaintiffs contend there was insufficient notice regarding the change in gears to neither renovate nor build a new school to incorporate Clifton Elementary students, but suddenly and without warning just shutter the school without comment from the public on the changed School Board intent. The School Board's repeated shifting of issues was been dubbed the 'whack-a-mole' strategy by parents and advocates, in that each they identified a problem and it was addressed by the community, the School Board brought up a different issue.

Residents have maintained that Clifton Elementary has been integral to the rural portion of Fairfax County for 141 years. The school is in its 99th year at its current site and is at 98% capacity for the 2010-11 school year.

The plaintiffs and county residents continue to receive **support from Friends of Community Schools**, a private nonprofit organization committed to preserving community schools in Fairfax County. Even parents who are not plaintiffs are grateful for the support. Clifton Elementary parents Chris and Mandy Palmer stated after Saturday after the court happenings on Friday how *"surprised and glad we were to come back from summer vacation to find out that the parents had filed a lawsuit against the School Board."*

The November 22nd 9 a.m. hearing is the first step in the legal challenge to the School Board's action.

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