

- Petition under Virginia Code § 24.2-233 for Removal of Sandra Sue Evans from the Fairfax County School Board -

Section 24.2-233 of the Code of Virginia states in pertinent part: *"Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:*

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office. . . "

THE UNDERSIGNED PETITIONERS contend that Mason District School Board representative Sandra Sue ("Sandy") Evans has neglected her duties, misused her office and has demonstrated incompetence in the performance of her duties, all of which have had a material adverse effect upon the conduct of her office. Among other things:

1. In 2015 and 2016 she led the effort to amend Fairfax County School Board Regulation 8170 to add a provision expanding the bases governing the procedure for changing a school name.

2. Part IV of R. 8170.7, as amended, prescribes the procedure for renaming a school and in section A recites that the School Board may consider a name change "where there exists some compelling need." There was no finding of a compelling need at the onset of community engagement; accordingly, no compelling need existed.

3. Under R. 8170.7 the next step in the process is for the School Board to ask the Division Superintendent to begin community engagement which "will include at a minimum: meetings, survey(s) or other tools to determine the extent to which there is 'sufficient support' for changing the school facility name." R. 8170.7 goes on to recite that if there is sufficient support to change the name, proposed names will be solicited. Surveys were conducted with the results that all respondents, whether adults or students, clearly voiced a preference that the school name remain J.E.B. Stuart High School.

4. Evans ignored survey results whereby a majority of the Stuart community rejected a name change altogether (56% No, 35% Yes, 8% NA). In violation of R. 8170.7 Evans made a motion on July 28, 2016 to rename the school. The Evans motion was amended by other members to create an Ad Hoc Committee to consider whether to rename the school. Moreover, the fact is that the School Board made no finding of "sufficient support" for a name change.

5. In creating the Ad Hoc Committee, Evans directed the Fairfax County Public Schools staff to advertise for volunteers from the Stuart area residents and stakeholders. In violation of R. 8170.7 she then appointed people from out of county, out of state and outside the Stuart area (all of whom supported changing the name). The Superintendent's office worked with Evans and an outside advocacy group to select committee members. In any event, the committee could not reach consensus, and its findings were laid to rest after exhausting approximately one year of contentiousness.

6. On July 27, 2017, at a regular meeting of the School Board, Evans spoke against and voted in opposition to a motion that would have required the School Board to comply with R. 8170.7 in considering whether to rename J.E.B. Stuart High School.

7. After opposing the motion referred to in the preceding paragraph, Evans offered, advocated, and voted in favor of her motion to change the

name of J.E.B. Stuart High School when she knew the motion was not in compliance with the applicable Regulation. The motion passed and resulted in School Board action that is an explicit violation of R. 8170.7.

8. The July 27, 2017 Evans' motion to rename J.E.B. Stuart H.S. included a compromise that she failed to keep, namely: "I further move that the Board direct staff to start the renaming process this fall and that as part of that process—in the spirit of compromise and in recognition of the need to minimize costs as well as the desire for continuity by alumni—staff request that the Stuart community consider 'Stuart High School' as the new name." In an attempt to comply with R. 8170.7, the Superintendent arranged for a community vote on new name proposals. "Stuart" was the #1 choice of a new name voted by the community. Evans made a mockery of the compromise language in her motion by failing to even consider "Stuart" as the new name at the Oct. 26, 2017 School Board meeting and instead moved to rename the school "Justice High School," thereby disregarding the second and third place choices of the voters as well.

9. In offering and supporting her July 27, 2017 motion to change the name, Sandra Sue Evans was dismissive of the facts that the Fairfax County school system has a deficit in excess of \$40,000,000 and that there is no assured funding for a name change so that the change in name could increase county taxpayers' liability up to an additional \$1,000,000.

10. In leading the effort to change the name of J.E.B. Stuart High School, Sandra Sue Evans permitted advocacy groups outside the community to exert undue influence and surreptitious agendas upon the School Board as well as students of the high school, their parents and other members of the Stuart community. This undue influence was harmful to the emotional well-being of students, polarized the community and subjected proponents of retaining the current name to harassment.

11. The actions of Sandra Sue Evans set forth above also violated, in addition to her own Oath of Office, several sections of the Fairfax County School Board Strategic Governance Manual, which she is obligated to uphold, including but not limited to: Section OE-3. Failing to provide a fair and meaningful mechanism for the expression and meaningful consideration of opinion and concern in a School Board initiative; Section 3, B.1, which requires that all School Board and District actions be consistent with laws and board policies, including R. 8170.7; Section B.2(7), which requires the School Board to govern lawfully and legally, assuring that all its actions are consistent with State and Federal laws and with the School Board's own policies and commitments; Section 3, B.3, which requires the School Board to commit itself and its members to

ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as School Board members.

12. The above actions of Sandra Sue Evans were taken, in part, at School Board meetings that were televised and at which it was anticipated that children from Fairfax County would be watching, thereby showcasing for those watching how the School Board was taking action ignoring, and in derogation of, the law.

The undersigned have read and understand the foregoing allegations. Accordingly, we respectfully petition the Circuit Court of Fairfax County to remove Sandra Sue Evans from her position as Mason District School Board representative.

-PETITIONERS ARE OVER EIGHTEEN YEARS OF AGE and RESIDE IN THE MASON DISTRICT AS REGISTERED VOTERS.-

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-AFFIDAVIT-

Commonwealth of Virginia

I, _____, swear or affirm that my full residential address is _____
_____ in the Commonwealth of Virginia, the County of Fairfax; I am a legal resident of the United States of America; I am not a minor; I am not a felon whose voting rights have not been restored and I witnessed the signature of each person who signed this page. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

**Commonwealth of Virginia,
County of Fairfax**

Signature of person circulating the petition. (to be signed in the presence of a notary)

The foregoing instrument was subscribed and sworn before me this _____
day of _____, 2017, by _____
Print name of person circulating the petition _____

Signature of notary
Notary registration number _____ Date notary commission expires _____