

THE RUTHERFORD INSTITUTE

Post Office Box 7482
Charlottesville, Virginia 22906-7482

JOHN W. WHITEHEAD
Founder and President

TELEPHONE 434 / 978 - 3888
FACSIMILE 434/ 978 - 1789
www.rutherford.org

March 30, 2011

Via Email (denise.white@vbschools.com) and Facsimile (757-263-2022)

Ms. Denise White, Coordinator of Student Services
Virginia Beach City Public Schools
P.O. Box 6038
Virginia Beach, VA 23456-0038

Re: Appeal of Suspension of Bronson Clark

Dear Ms. White:

As a constitutional attorney with more than twenty years of experience defending students who have been dealt with wrongly by school officials, I am concerned that a grave error in judgment was made when officials of the Virginia Beach City Public Schools *suspended* Bronson Clark, a kindergartner at Tallwood Elementary School, for allegedly crying at school and disrupting the educational process. On behalf of Bronson's parents, Gary and Heather Clark, who have authorized The Rutherford Institute¹ to represent them in this matter before the school, I urge you to promptly rescind this suspension and expunge it from Bronson's academic record.

In recent years, we have noticed an alarming trend on the part of public school officials to apply overly harsh punishments to student behaviors that may be inappropriate but present no real danger to the school community. These zero tolerance approaches to discipline, lacking in common sense, compassion and due process for students and their families, have resulted in some truly heartbreaking scenarios ranging from students being suspended for eating breath mints or gargling with mouth wash to expulsions for having nail clippers with them at school.

However, the out-of-school suspension of 6-year-old Bronson Clark for crying in class may be the most shocking example yet of the extent to which school officials are failing in their duties to create healthy and supportive educational environments for their young charges. While

¹ The Rutherford Institute is a civil liberties organization that provides free legal representation to those whose civil rights are threatened or infringed.

Ms. Denise White, Coordinator of Student Services
Virginia Beach City Public Schools
March 30, 2011
Page 2

crying in class may indeed be inconvenient for the teacher, surely there are other, less draconian means of addressing this type of disruption than an out-of-school suspension.

Moreover, Bronson's parents have expressed serious concerns regarding a lack of communication from Bronson's teacher about his allegedly disruptive behavior. According to Mr. Clark, from October 2010 through February 2011, no attempts were made by school personnel to involve Mr. and Mrs. Clark in efforts to correct Bronson's so-called "disturbing" behavior. Indeed, in assessing the situation, we submit that school officials acted in a manner that was both unfair and unwise when they not only failed to adequately notify the Clarks that their son's crying during school was problematic but also exacerbated the problem by suspending the 6-year-old.

The notation of "suspension" on Bronson's academic record will carry with it a stigma that this merely immature behavior simply does not warrant. Suspension and expulsion should be reserved only for the most egregious disciplinary infractions and for those cases where that punishment is mandated by Virginia law. Most importantly, sanctions should be tailored to the individual circumstances of each student and not imposed in an artificial, "one-size-fits-all" approach that lacks reason, proportionality and compassion.

Rather than applying the hammer of bureaucratic punishment in this case, it would have been far better for teachers and administrators to have adopted a collaborative approach with Bronson's parents in order to discuss the possible causes of Bronson's emotional distress and implement responses likely to resolve the underlying issues. Clearly, such a punitive response to a 6-year-old's crying at school is *not* conducive to a healthy and supportive educational environment, nor is it reflective of a school administration prioritizing the immediate and long-term interests of its students.

As I stated above, it is our hope that this matter was simply indicative of a brief lapse in judgment on the part of school officials—a lapse that school officials will correct immediately by reversing the suspension and completely expunging this incident from Bronson Clark's academic record.

We request your response by the close of business on Friday, April 1, 2011.

Sincerely yours,



John W. Whitehead

cc: Dr. James Merrill, Superintendent
Mr. Thomas H. Chowns III, Principal, Tallwood Elementary School