



June 22, 2017

VIA MAIL AND ELECTRONIC MAIL

Dr. Melody Hackney
Hopewell City Public Schools
103 N. 12th Avenue
Hopewell, Virginia 23860
mhackney@hopewell.k12.va.us

Re: Availability of Religious & Secular Material in Hopewell City Public Schools

Dear Superintendent Hackney:

On behalf of the ACLU of Virginia, I write regarding the availability of religious and secular material in Hopewell City Public Schools. Since the time of a news article about this issue, it has come to our attention that the school has created a limited public forum space for both religious and secular materials, including various leaflets, books, and other resource materials for your students' benefit. We would like to applaud you for providing such a space in your middle and high school guidance offices.

The recent concerns expressed by local parents to CBS 6 News illustrated the importance of First Amendment protections on availability and access of religious materials in Hopewell City Public Schools. We would like to stress the importance of the inclusion of materials from all types of faiths, organizations, and viewpoints and we appreciate your commitment to providing a variety of materials for students to review.

Upon obtaining additional information, the space you have designated for materials, including the Gideon Bibles, appears to constitute a "limited public forum." As you know, limited public forums are characterized by "purposeful government action intended to make the forum generally available." *Gouart v. Meadows*, 345 F.3d 239, 250 (4th Cir. 2003). Although there is no requirement to keep such a space open indefinitely, while it is open government officials cannot censor information or speech based on differing viewpoints. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983). All information or speech that is not inappropriate, disruptive, or could interfere with existing school-sponsored activities, should be approved.

In an effort to show our appreciation for your commitment to the First Amendment, the ACLU of Virginia would like to contribute some helpful "Know Your Rights at School" guides for your space designated for resource materials in your middle and high school guidance offices.

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Please find those materials enclosed. Please do not hesitate to contact me at (804) 523-2152 if you have questions or concerns.

Sincerely,



Leslie Mehta
Legal Director

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