

## PRESS RELEASE

### GLENN TRAVIS MCKINNEY v. SUFFOLK PUBLIC SCHOOL SYSTEM

On October 10, 2023, Mr. Glenn Travis McKinney had several Suffolk Public School employees served with witness subpoenas to appear in the Suffolk General District Court. On October 11, 2023, Mr. McKinney also had a witness subpoena issued for the attendance of School Board Member Dr. Dawn Marie Brittingham. All parties were scheduled to appear in court on October 13, 2023.

Wendell M. Waller, Esquire, legal counsel for the Suffolk City School Board filed a motion to set aside witness subpoenas for school employees because the party being sued by Mr. McKinney —“The Suffolk Public School System” — had never been legally served with court papers and was not properly before the court. The court continued the matter so that Mr. McKinney could serve “The Suffolk Public School System.”

On October 10, 2023, Mr. McKinney attempted to have served “The Suffolk Public School System” by serving legal counsel for the Suffolk City School Board. The case was set to be heard on October 27, 2023. Legal counsel for the School Board filed a motion with the court to set aside service of process because “The Suffolk Public School System” is not a governmental entity subject to suit. The court agreed and Mr. McKinney was allowed to amend his lawsuit and proceed against the Suffolk City School Board.

Mr. McKinney asserted in his lawsuit that he was filing this action under the Virginia Freedom of Information Act because he had requested certain public records under the Act but they had not been provided to him. During the court hearing, Mr. McKinney stated that Suffolk Public Schools had not provided him with a “Gender Inclusive Form.”

However, the court concluded that (1) Mr. McKinney never requested a gender inclusive form from Suffolk Public Schools; (2) Even if he had requested the form, Mr. McKinney was now in possession of the form that he claimed was not provided; and (3) The relief requested by Mr. McKinney was not something that the court could order. The relief requested by Mr. McKinney was that Suffolk Public Schools “cease all interviews of children enrolled in SPS without consent of a parent or legal guardian as it relates to establishing a ‘Trusted Adult’ relationship between an enrolled child and adult.”

The court reminded Mr. McKinney that it cannot direct the operations of Suffolk Public Schools. Therefore, the court dismissed the Petition filed by Mr. McKinney under the Virginia Freedom of Information Act.