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## NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse  
4110 Chain Bridge Road  
Fairfax, Virginia 22030-4009

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CITY OF FAIRFAX

July 28, 2008

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Re: *Joe Pascale, et al v. Fairfax County School Board*; CL 2008-4186

Dear Counsel:

This matter came before this Court on the Petitioner's request for judicial review of the Respondent Fairfax County School Board's decision approving boundary adjustments for South Lakes, Oakton, Chantilly, Madison, and Westfield High Schools, Thoreau and Hughes Middle Schools, and Wolftrap and Sunrise Valley Elementary Schools. The hearing took place on July 3, 2008 at which time each party presented evidence and testimony. At the conclusion of the hearing, the Court instructed counsel to submit post-trial memoranda. All exhibits, testimony, and arguments have now been reviewed and the Court makes the following findings of fact and conclusions of law.

Petitioners asked the Court, pursuant to Virginia Code § 22.1-87, to find that the boundary adjustment was invalid because it was arbitrary and capricious, an abuse of discretion and outside the School Board's authority.<sup>1</sup>

<sup>1</sup> Virginia Code § 22.1-87 provides:

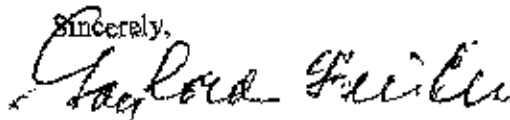
Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the

*Steven D. Stone, Esq.*  
*Thomas J. Cowley, Esq.*  
*Re: Jan Foxdale, et al v. Fairfax County School Board*  
*CL-2008-1186*  
*July 28, 2008*  
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The Respondent argued that Petitioners lack standing to challenge the boundary adjustment decision and moreover have shown no basis for the Court to overturn the School Board's decision.

The Court must sustain any action of the School Board unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion. Va. Code. § 22.1-87. Assuming, without deciding, that the Petitioners have standing to bring their claim, the Court finds that the School Board had authority to make the boundary adjustments at issue and further that the School Board did not act arbitrarily or capriciously or abuse its discretion. Therefore, the Court denies the Petition for Review.

Sincerely,



Gaylord L. Finch, Jr.

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orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.