

Bond Case Briefs

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SCHOOLS - VIRGINIA

Ibanez v. Albemarle County School Board

Court of Appeals of Virginia, Richmond - February 20, 2024 - 80 Va.App. 169 - 897 S.E.2d 300

Parents, on behalf of themselves and their children, brought action alleging that county school board's anti-racism policy violated their rights under Virginia Constitution and Virginia statute.

The Circuit Court dismissed complaint, and parents appealed.

The Court of Appeals held that:

- Virginia Constitution's due process, equal protection, and free speech provisions were self-executing;
- Statute providing parents with fundamental right to make decisions concerning upbringing, education, and care of their children was not self-executing;
- Parents lacked standing to bring action seeking declaratory judgment that policy violated Virginia Constitution's guarantee of freedom from government discrimination;
- Policy did not compel speech, in violation of Virginia Constitution's free speech provision;
- Policy did not amount to viewpoint discrimination under free speech provision;
- Policy was not unconstitutionally vague; and
- Policy did not violate parents' due process right to direct upbringing, education, and control of their children.