



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

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## SENT VIA UPS & EMAIL

Dr. Michelle C. Reid, Superintendent  
Fairfax County Public Schools  
Gatehouse Administration Center  
8115 Gatehouse Road  
Falls Church, Virginia 22042  
superintendent@fcps.edu

**Re: NOTICE OF INVESTIGATION INTO ALLEGED SYSTEMIC  
WITHHOLDING OF NATIONAL MERIT RECOGNITION BY FAIRFAX  
COUNTY PUBLIC SCHOOLS**

Dear Dr. Reid:

It has come to my attention through public reporting that at least three high schools<sup>1</sup> within Fairfax County Public Schools ("FCPS") may have withheld National Merit recognition from students. This alleged behavior may constitute unlawful discrimination in violation of the Virginia Human Rights Act, Va. Code § 2.2-3900, *et seq.* and Va. Code § 2.2-520, *et seq.* My office will investigate whether any students' rights were violated as a consequence of alleged withholding of National Merit recognition by high school administrators or FCPS.

The Virginia Human Rights Act makes it "an unlawful discriminatory practice for any person, including the . . . superintendent, agent, or employee of any place of public accommodation, to refuse, withhold from, or deny any individual . . . any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, or to segregate or discriminate against any such person in the use thereof, . . . on the basis of race, color, [or] national origin." Va. Code § 2.2-3904(B). The Virginia Human Rights Act defines a "place of public accommodation" to include educational institutions, such as Fairfax County Public Schools. *Id.* §§ 2.2-3900(B)(1), 2.2-3904(B).

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<sup>1</sup> Thomas Jefferson High School for Science and Technology, Langley High School, and Westfield High School.

If any of the protected bases listed in the Virginia Human Rights Act was a motivating factor for Fairfax County Public Schools' or any high school's decision to withhold any information from a student regarding any recognition from the National Merit Scholarship Corporation, or any other merit recognition, then FCPS has violated the Virginia Human Rights Act.

**This Letter is NOTICE to you that these matters are under Investigation by my Office of Civil Rights pursuant to Va. Code § 2.2-520(C)(3). Please preserve all relevant documents and suspend any automatic deletion policies applicable to relevant documents or custodians.**

If you decline to cooperate, my Office intends to issue a subpoena against you pursuant to Va. Code § 2.2-521.

I look forward to your cooperation in this matter.

Sincerely,



Jason S. Miyares