



**PRESS RELEASE from  
LIBERTY JUSTICE CENTER**

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## **Virginia parents confront school district, union over illegal teacher “sick out” in Fairfax**

FAIRFAX, Va. (Dec 21, 2020) — Parents of students in Virginia’s largest school district are working to ensure that teachers union leaders do not repeat an illegal work stoppage that took place in late October.

As an Oct. 30 deadline loomed for Fairfax County Public Schools teachers to state whether they would return to the classroom, seek a leave of absence or resign, the Fairfax Education Association encouraged its members to take a “mental health day” on Oct. 28. Hundreds participated, according to news reports.

Now, a group of parents of Fairfax students are demanding the school district and the teachers union recognize the “mental health day” for what it really was — an illegal strike. The parents are represented by attorneys from the Liberty Justice Center, a nonprofit law firm that won a pivotal Supreme Court case against the government unions in 2018.

“This was a union-organized sick-out, a sick-out is a form of strike, and a teacher strike is illegal in the Commonwealth of Virginia,” **Liberty Justice Center senior attorneys Daniel Suhr and Brian Kelsey** wrote in a demand letter addressed to district union and administration leaders.

The Fairfax Education Association represents 4,000 of the roughly 25,000 teachers and staff working in the Fairfax County school system, which serves 187,000 students and is the nation’s 10th largest. It is affiliated with the National Education Association, whose president has called for more teacher strikes.

The Fairfax union has pushed to continue virtual learning throughout the 2020-21 school year due to pandemic concerns. In October, administrators wanted teachers to start imminently a phased-in return to two days a week of in-person learning, according to published news reports.

“More and more studies are showing the tremendous drop in academic performance that is accompanying forced virtual learning,” said **Daniel Suhr, senior attorney** in the matter. “Our nation’s students need to be in school, not used as pawns in union negotiations. The FEA must not only be called out, but also prevented from repeating its recent illegal strike. It is time for unions and administrators to be held accountable for this and similar efforts across the country. Kids *have* to come first.”

Among the students’ parents represented by the Liberty Justice Center is Nellie Rhodes, whose son is enrolled as a freshman at one of the district’s 28 high schools.

“My son began his high school career sitting at a screen and has never even stepped foot in his high school classroom due to the e-learning protocol in place,” Rhodes said. “The academic and emotional setbacks he and all of his classmates are suffering are very real and very disturbing. It is especially troubling to us that the Fairfax Education Association recently engaged in an illegal strike in its ongoing effort to fight a much-needed return to the classroom.”

If the FEA again calls for an illegal strike, the Liberty Justice Center will push administrators and school board members in Fairfax to fire teachers union leaders, as required by Virginia law, Suhr said.

**The parents’ letter is available here: <https://libertyjusticecenter.org/media/fairfax-sick-out>**

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**The Liberty Justice Center** is a nonprofit, nonpartisan public-interest litigation center that represents clients at no charge and was founded to fight against political privilege. The most recent example of the Liberty Justice Center's national success in this arena is its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Beyond its work in the *Janus* case, the Liberty Justice Center's team of talented, liberty-minded attorneys also fight to protect economic liberty, private property rights, free speech, school choice and other fundamental rights. The Liberty Justice Center pursues its goals through strategic, precedent-setting litigation to revitalize constitutional restraints on government power and protections for individual rights. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).