

LAW OFFICES  
**HARTMAN & WINNICKI, P.C.**

Dariusz M. Winnicki \*<sup>o</sup>  
Brian T. Keane <sup>o</sup>  
Richard L. Ravin \*<sup>o</sup><sup>□</sup>  
Daniel L. Schmutter\*  
Andrew T. Wolfe <sup>o</sup>  
Tracey S. Bauer\*  
Samantha N. Polizzi<sup>o</sup>

74 PASSAIC STREET  
RIDGEWOOD, NEW JERSEY 07450

Phone: (201) 967-8040  
Fax: (201) 967-0590

\* \* \*

WEBSITE  
[www.hartmanwinnicki.com](http://www.hartmanwinnicki.com)

Porter E. Hartman (1920-2009)  
Charles R. Buhrman (1938-1994)  
William T. Marsden (1943-1993)  
Cyrus D. Samuelson (1911-1998)

\* New York and New Jersey Bars  
<sup>o</sup> Florida Bar  
<sup>□</sup> Washington, D.C. Bar  
<sup>o</sup> New Jersey Bar

March 15, 2018

**VIA FAX (609-242-9406),  
EMAIL ([cwigley@laceyschools.org](mailto:cwigley@laceyschools.org)), AND UPS OVERNIGHT**

Craig Wigley  
Superintendent  
Lacey Township School District  
200 Western Blvd.  
Lanoka Harbor, NJ 08734

**RE: Unconstitutional Disciplinary Action Against LTHS Students**

Dear Mr. Wigley:

We represent the Association of New Jersey Rifle & Pistol Clubs (“ANJRPC”). ANJRPC represents the interests of over 1 million law-abiding New Jersey gun owners.

It has come to our attention that Lacey Township High School (“LTHS”) has unlawfully imposed disciplinary action against several students as a result social media posting(s) with photo(s) relating to their lawful participation in firearms practice and training.

Further, in the course of investigating these allegations, ANJRPC has encountered a written policy of LTHS contained within the LTHS Student/Parent Handbook 2017-2018 (the “Handbook”) that provides:

**Possession of Weapons**

In accordance with the Safe Schools Initiative, the Zero Tolerance For Guns Act, P.L. 1995 and 55 its companion C.128 and the Lacey Township School Board’s Zero Tolerance Policy, any student who is reported to be in possession of a weapon of any type for any reason or purpose whether on or off school grounds during the academic year shall be disciplined as follows:

- A. Long term suspension.
- B. Evaluation by the high school Child Study Team.
- C. Recommendation by the administration to the Board of Education for suspension for at least 1 year.

[Emphasis added.]

Craig Wigley, Superintendent  
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The foregoing (“Firearms Policy”) is described as a “Level III Offense,” which appears to be treated as the most serious offense category in the Handbook.

Both the actions taken against the students, and the Firearms Policy, are in blatant violation of the First and Second Amendments to the United States Constitution and the free speech protections of the New Jersey Constitution.

Imposing disciplinary action as a result of the posting on social media of a picture of entirely lawful and Constitutionally protected conduct which took place off school grounds and was entirely unrelated to school activities plainly violated the students’ First Amendment rights. See Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969); Layshock v. Hermitage School District, 650 F.3d 205 (3d Cir. 2011); J.S. v. Blue Mountain School District, 650 F.3d 915 (3d Cir. 2011).

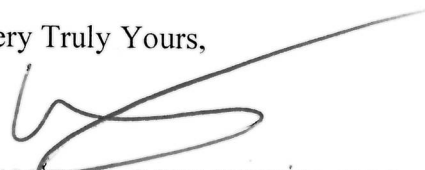
Further, the act, itself, of the students training and practicing in the safe and lawful use of firearms, is protected by the Second Amendment. See Ezell v. City of Chicago, 846 F.3d 888 (7th Cir. 2017). To the extent the Firearms Policy punishes the lawful use and possession of firearms by students off school grounds it is plainly unconstitutional.

In view of the foregoing, so that the Lacey Township School District may avoid legal action, ANJRPC hereby demands that LTHS immediately cease its illegal conduct against the students and rescind its plainly unconstitutional Handbook policy as follows:

- 1) Immediately rescind all disciplinary actions that have been taken against the students.
- 2) Expunge and erase all records which in any way reflect or suggest misconduct or improper behavior on the part of these students for the foregoing activities.
- 3) Issue a written apology to the students and their families.
- 4) Immediately amend the Handbook to rescind the unlawful Firearms Policy.

Be guided accordingly.

Very Truly Yours,



DANIEL L. SCHMUTTER, ESQ.

DLS/srs

cc: Gregory Brandis, Principal (via fax - 609-242-0873,  
email: gbrandis@laceyschools.org, and UPS Overnight)  
Scott Bach, ANJRPC Executive Director