

Former employees sue district over turnaround consequences

By ALEX OPSAHL

Two former Slater Elementary School staff members and the Georgia Association of Educators (GAE) are suing Atlanta Public Schools. They allege the district's turnaround plan was unlawful in contracting out management of "failing" schools to charter groups and firing all employees at schools impacted by the turnaround.

The Slater staff members sued under pseudonyms because they "fear job retaliation by APS," according to court briefs.

As part of the turnaround plan, the district closed Bethune Elementary, merged four schools and put two more schools under the management of the Kindezi and Purpose Built Schools Atlanta charter groups at the beginning of this school year.

To apply for charter groups, APS took bids for school management. The plaintiffs said the bids did not satisfy the 2007 Charter Schools Act requirements for creating charter schools.

"APS has sought to accomplish the same result as a charter school conversion by contracting out the entire operation and management of those five schools in the same manner as it would enter into an ordinary procurement contract for office supplies or textbooks," the plaintiffs said in court briefs filed in August 2016.

GAE believes that charter schools will be ineffective and accused the district of creating a "false narrative of chronically failing schools" to justify the turnaround.

"In communities such as the one that encompasses Thomasville Heights

Elementary and others like it, there exists an ongoing cycle of challenges from absenteeism, poverty, racial segregation, hunger and nutrition, to housing, hygiene and parental and guardianship issues," GAE president Dr. Sid Chapman said. "These are the major impediments to educating poor, minority children. APS's plan to turn over the entire operation of five schools simply by executing contracts with private charter operators not only doesn't address these issues, but the action is not authorized by the CSA."

All employees at schools impacted by the turnaround were required to reapply for jobs when their schools were put under new management. The suit's plaintiffs claimed this action violated their tenure rights under the Fair Dismissal Act, since the employees didn't actively commit any wrongdoings.

The two Slater employees were not the only staff members concerned about the turnaround plan's impact on their jobs. Seventeen of Thomasville Heights Elementary School's 29 teachers were absent the day after employees received notices that APS would be dismissing all of the school's staff. GAE received many complaints from district employees about the plan before filing the lawsuit.

"GAE has heard and continues to hear

from employees at the takeover schools," GAE legal advisor Mike McGonigle said. "They're understandably upset over being labeled 'failing' even though they work very hard to ensure that every student succeeds."

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Mike McGonigle

*Georgia Association of Education
Legal Advisor*

Atlanta Public Schools acknowledges that it knew teachers were concerned about the turnaround, and said the district has tried to accommodate employees while still smoothly turning management over to charter groups.

"I am working closely with our HR department and our school-member staffs, going to faculty meetings, and some teachers worked with us to design the plan that would give our teachers prioritization in the application process for those schools most affected by the turnaround plan," APS Supt. Dr. Meria Carstarphen said at a board meeting last March.

Purpose Built President Greg Giornelli believes his organization and the district have sufficiently met every employees' needs at Thomasville.

"More than 75 percent of our teachers actually came from APS," Giornelli said. "Even among the APS teaching community, I think you'll find a lot of support for the APS-PBSA partnership."

The district denied the suit's claims. APS said Georgia's State Board of Education had given it permission to implement the turnaround plan, and that the Georgia Court of Appeals held last year that school districts that convert to charter systems no longer have to follow the Fair Dismissal Act.

Since APS's turnaround strategy is unprecedented in Georgia, the district and charter groups paid close attention to legality when writing contracts.

"Because our partnership is new, both APS and Purpose Built Schools Atlanta spent a lot of time and energy at the outset reviewing the legal basis for such an agreement," Giornelli said. "We did so independently, but both sets of lawyers reached the same conclusion: the partnership agreement is legal and appropriate under Georgia law."

Giornelli said the suit is unsurprising despite APS's attention to the law when creating the contract.

"As a general matter, change is difficult, whether in education or anywhere else," Giornelli said. "And there are lots of parties with an interest in the educational status quo, even if that status quo has failed children in communities like Thomasville Heights for decades."

The suit was heard by Fulton County Superior Court Judge Gail Tusan on Jan. 26. As of February 10, Tusan had yet to make a decision. □