



11 APS educators notified: You're going to be fired

By Nancy Badertscher
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Atlanta School Superintendent Erroll Davis took the first steps late Friday to fire 11 educators suspected of some of the most egregious of the school system's widespread test-cheating.

Davis sent certified letters to the 11, all of whom were given the chance to resign last week, but refused.

The letters -- officially know as "charge letters" -- outline the justification for the educators' firing and allow that process to go forward.

The school system is withholding the identities of the 11, said Keith Bromery, school system spokesman.

Davis met last week with about 60 educators, who either confessed to or are suspected in some of the worst cheating. He asked them to resign, a move that could save taxpayers and the district hundreds of thousands of dollars in payroll costs and legal fees.

A state investigation, completed last summer, uncovered evidence that 180 APS educators were involved in systemic cheating focused on the Criterion-Referenced Competency Test, a standardized test that's been a pivotal measure of a school's achievement. The investigation concluded some APS staffers, for perhaps as long as a decade, worked in secret to transform testing failures into successes by changing wrong test answers into correct ones. Some administrators either covered up the behavior or turned a blind eye to it, the investigation said.

After a round of resignations and retirements, about 120 educators remain on the district payroll but on suspension as the district seeks to force them out.

To date, the district has spent \$6.2 million paying salaries to suspended educators, a \$600,000-a-month expense. Legal fees have topped \$700,000.

But lawyers have said the targeted educators had little incentive to resign. As of late Friday, nine of the 60 had resigned or retired, Bromery said.

He said the superintendent's decision to issue the letters should not be a surprise.

Davis "has said all along that he intends to move this process forward as quickly as possible," Bromery said.

"The fact that the district attorney has allowed APS attorneys to review the state investigators' evidence in these cases facilitated the charge letters," the spokesman said.

Georgia public school educators have job-protection rights, meaning they can only be fired for eight reasons -- including incompetency, insubordination, willful neglect of duty and immorality. They can request a hearing to challenge the firing and can appeal the decision to the state Supreme Court.

The charge letter begins the termination process. It provides an outline of the case against the employee, including any evidence, such as a confession, that might be used at a hearing. Potential hearing witnesses also are identified, Bromery said.

In addition, the letter gives the employee a deadline for responding, if he or she decides to contest the charge and request a hearing, he said.

If no hearing is requested, the educator is fired and off the payroll.

Educators who are members of advocacy groups, such as the Professional Association of Georgia Educators and the Georgia Association of Educators, have access to legal help through the process.

"We certainly abhor the cheating that occurred. There is simply no condoning it," said PAGE spokesman Tim Callahan. "That said, educators who have been implicated should have their 'day in court' with regard to fair dismissal policies, and if it comes to that, their literal 'day in court' should criminal charges be filed."

"In both cases they are entitled to legal counsel and we have been and will continue to provide it to our members caught up in the regrettable episode," he said.

Attorney Mel Goldstein said he and his associate Nick Dumich represent 14 educators implicated in the cheating scandal, all teachers.

Goldstein said two have indicated they plan to quit, but the rest expect to fight.

APS has an advantage at an employee's hearing, since it selects the hearing panels, he said.



"I question whether we can get a fair hearing when the superintendent has issued marching orders that all those people are to be fired," Goldstein said.

Many of the charges are based merely on statements by the accused themselves, Dumich said.

"Nobody saw them cheating, nobody saw them changing answers," he said. "They were trying to cooperate with the investigation, and the next thing you know, they're being scheduled for termination."

Staff writer Ty Tagami contributed to this report.

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