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## 12 Atlanta educators named in cheating case going back to work

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Twelve Atlanta educators implicated in a massive test cheating investigation will be allowed to return to work, school district officials said Thursday. It's the first time Atlanta Public Schools has reinstated any of the approximately 180 educators named in the case.

APS said educators found guilty of cheating would not be allowed back in the classroom after a 400-plus page investigation was released nearly a year ago. More than 100 of those named in the report chose to resign or retire. The rest have been subject to district tribunals, where APS lays out its case for firing them before a group of retired educators.

After reviewing the cases, the district concluded there was not enough evidence to prove the 12 reinstated educators cheated or knew about cheating.

Superintendent Erroll Davis said at some schools there was strong evidence cheating took place, but not enough to determine who was involved.

"I indicated that I fully expected and hoped that there would be evidence that would allow people come back to work," Davis said. "In some of these situations, there may be a lack of evidence [to legally fire an educator]."

Eight of the reinstated educators are from Peyton Forest Elementary, two are from Finch Elementary, one is from D.H. Stanton Elementary and one is from Fain Elementary, Davis said. The educators may not be assigned to the same school, as their positions were filled while they were on leave.

In July, the state investigation found evidence of cheating at 44 schools, including Peyton Forest, Finch, D.H. Stanton and Fain elementary. It accuses those named in the report of participating in test cheating, knowing about cheating or failing in to properly give secure standardized tests.

Attorney Bob Wilson, one of the state's lead investigators in the cheating scandal, said he stands by the investigation's results. If anything, he said, the report fell short of identifying all educators who participated in cheating. But standards of evidence must be met in order to fire teachers, and that's not what the investigation set out to do.

"I don't think it raises any questions about the investigation," he said. "The mere fact they don't have enough evidence doesn't mean teachers didn't violate protocol of the test."

Now, about 30 educators remain on the payroll and face termination. Some may still be cleared and returned to work, Davis said.

But they may still be lose their jobs through layoffs or for other personnel reasons, according to a letter sent to the 12 educators. They may also be fired if new evidence is discovered against them related to the cheating investigation.

"APS reserves the right to bring disciplinary charges against you, up to and including termination or non-renewal charges, should it later discover new or different evidence that shows you engaged in, or failed to report, any wrong-doing with respect to the administration of standardized tests," the letter said.

According to the investigation, cheating at Peyton Forest was evidenced by the high number of classrooms flagged for wrong-to-right erasures.

Witnesses testified they heard a group of teachers were changing answers and one witness claimed she saw eight teachers cheat on the fifth-grade writing test and again on a district benchmark test. Those teachers, Jamie Manning, Bess Mae Paschal, Milo Morris, Cernitha Battle, Enolar Callands, Travis Brown, Angela Campbell and Karen Patterson have been reinstated by the district.

Names of the other educators were not released because they had not been officially notified, said school officials.

Attempts to reach several implicated educators from Peyton Forest were unsuccessful. Two educators reached by The Atlanta Journal-Constitution had not been officially notified of their status and declined to comment.

Attorneys for many of the educators named in the report say some of the testimony is hearsay, and they are also skeptical of the reliance on erasure analysis.

Mel Goldstein, who represents several of the educators named in the report, said the district should have investigated the claims first, rather "making the decision that everyone on list should have been fired."

"I think they should be apologizing to these people," said Goldstein, who did not know if any of his clients were on the list to be cleared. "I think a lot of these people have been damaged."

The school district has been working as quickly as possible to resolve the cases of educators implicated in the cheating case. For several months, the district did not have access to critical evidence needed to build a case against the educators because it is in the possession of District Attorney Paul Howard, who is conducting a criminal investigation.

Educators named in the report could eventually face criminal charges, and many have already lost their teaching certification.

"I didn't implicate them," Davis said. "They were implicated by special prosecutor, and paid while we waited for the evidence to substantiate the implications. I would have apologized if we would have been in possession of this evidence for a long period of time and sat on it, but that's not the case. We moved as quickly as we could."

**Where the cases stand**

- 1 Number of educators whose recommended firing was not upheld by a tribunal.
- 10 Number of educators whose recommended firing has been upheld by a tribunal.
- 12 Number of educators cleared by the school district and notified they will be reinstated.
- 30 Number of educators named in the investigation who are still on the APS payroll, awaiting resolution.

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