



OFFICE OF THE SUPERINTENDENT

Demond Means, Ed.D.  
Superintendent

September 13, 2019

Dr. Claudia Carter  
Senior Vice President  
7665 S. Research Drive  
Tempe, AZ 85284

Dear Dr. Carter:

I am in receipt of your letter of August 9, 2019. I have reviewed the request to provide a written response from the Office of the Superintendent of the Clarke County School District. Information provided below supports the allegations that some members of the current Board of Education have interfered with the board's ability to function responsibly and effectively. Further, the board's behavior has impeded on district leadership's ability to meet our established goals for achievement and instruction, while also affecting the management of day-to-day operations.

The situations involving specific board members demonstrate that the current situation in the district is dire, and intervention from AdvancEd is necessary to make significant and sustainable change in governance protocol. Although I have raised these potential violations of board policies and state law with the board on several occasions, there has been no positive change. Thus, the board is either unable or unwilling to address these issues without intervention from AdvancEd.

As alleged in the complaint, the challenge related to governance in the Clarke County School District is compounded by special interest groups that have aggressively opposed the Office of the Superintendent's district reform agenda, which is focused on (1) increasing achievement for all students, (2) closing racial achievement gaps, and (3) ensuring educational equity for all students and families. The board's determination to not be perceived as a "rubber stamp" board during this time of external conflict has contributed to a culture of skepticism and distrust. Further, the board's insistence on asking operational questions related to administrative tasks serves as a dilatory-like practice and is a potential violation of policy BBD – III. *Board, Superintendent, and District Staff Relationships, #5 Public Meetings.*

The current situation is unsustainable and the academic program of the school district is at risk if there is no immediate intervention and recalibration of governance roles, responsibilities, and relationships from an outside third party.

As it pertains to the first allegation of the complaint regarding some board members' failure to function responsibly and effectively, please see the attached exhibits, which provide greater detail on the following situations:

1. Two board members refused to participate in termination of employment hearings in November 2018 (see exhibit A).
2. One board member threatened to rescind the appointment of a principal at Alps Road Elementary School (see exhibit B).
3. A board member introduced a resolution seeking to grant the Board of Education the authority to usurp the authority of the Office of the Superintendent and hire a special counsel to address the August 9, 2019, AdvancEd complaints (see exhibits C & D).
4. Board members are unable to communicate with each other in a respectful manner. The violation of Policy BH, *Conduct of a Board Member*, #3 - *Communicate in a respectful professional manner with and about fellow board members*, has become an impediment to the effectiveness of the school district.

Regarding the second allegation in the complaint that the Board of Education is impeding the authority of district leadership to meet its goals for achievement and instruction, in addition to preventing the effective management of day-to-day operations, the following situations are detailed in the attached exhibits:

1. One board member asked a series of pointed questions pertaining to employment practices that involved specific situations that came perilously close to requiring the disclosure confidential information (see exhibit E & F).
2. One board member advised a community member/family member of a student to record conversations with a school principal (see exhibit G).
3. One board member impeded the authority of the Office of the Superintendent to address the performance of a principal (see exhibit H).

These incidents, as documented in the attached exhibits, do not capture the totality of the situation the Office of the Superintendent has been subject to since July 2017.

The conduct of board members has resulted in the following violations of board policies concerning the governance of the district:

**I. Board Policy BAB – School Board Governance**



*11. Board Member Conduct, Ethics and Relationship with Superintendent. The relationship between the Board and the Superintendent is a delicate one and it is essential that they have a clear, mutual understanding of their respective roles and responsibilities. Team building is an essential part of this relationship and a clear district goal shall help maintain a respectful relationship.*

*Indicators for this standard are:*

*a. Each member of the Board understands and respects the distinction between the Board's responsibilities and the Superintendent's duties.*

*b. Board members represent the interests of the entire district.*

## **II. Board Policy BBD – School Superintendent Relations**

*As the legally designated governing body, the Board retains final authority within the District. The Superintendent is the chief executive officer to whom the Board designates executive and administrative responsibility.*

*The Board is charged with setting District policy with the focus on student achievement and the Superintendent is charged with carrying out and enforcing that policy. It is essential that each recognizes and respects one another's areas of responsibility.*

### *I. Board Superintendent General Relationship Guidelines*

*To clarify this relationship, the following principles are adopted;*

*6. Because the strength of public policy is derived from diverse and sometimes contradictory views of the policymakers, Board members will freely and openly express their views on all items before the Board. However, all members of the Board must also seek ways to reconcile their diversity in order to provide clear direction to the Superintendent and staff.*

### *II. Board-Superintendent Communication*

*The Board and the Superintendent will maintain a system of communication and interaction that builds on mutual respect and trust.*

3. *Communications between the Board and the Superintendent will be governed by the following practices:*

1. *Exercise honesty in all written and interpersonal interaction, avoiding misleading information*

2. *Demonstrates respect for the opinions and comments of each other*

3. *Maintain focus on the District's strategic plan*

III. *Board, Superintendent, and District Staff Relationships*

*This policy delineates several key aspects of the relationship between the Board of Education, Superintendent, and District staff:*

5. *Public Meetings: The Board and Superintendent are committed to maintaining a climate of mutual respect and civility at all times. Disagreements on issues will be addressed respectfully, and personal criticisms will be avoided.*

### III. **Board Policy CE – School Superintendent**

*The Superintendent is the executive officer of the Board.*

*The Superintendent is charged with the overall responsibility of the operation and administration of the Clarke County School District within the framework established by the policies and directives of the Board of Education.*

### IV. **Board Policy CF – Board – School Superintendent Relations**

*The successful operation of schools requires an effective working relationship between the Board and the Superintendent.*

*All members of the Board will also seek ways to reconcile their diverse opinions in order to provide clear direction to the Superintendent and staff.*

*Board Responsibilities*

*Delegate to the Superintendent responsibility for all executive functions, refrain from directly handling any administrative details.*



*Assume as a major responsibility representing the entire community with regard to the operation of the district's programs and facilities, and for maintaining contact with elected officials.*

The board has also failed to adhere to the roles outlined in Georgia statute 20-2-61:

***Georgia Statute 20-2-61:***

- (a) *The fundamental role of a local board of education shall be to establish policy for the local school system with the focus on student achievement. The fundamental role of a local school superintendent shall be to implement the policy established by the local board. **It shall not be the role of the local board of education or individual members of such board to micromanage the superintendent in executing his or her duties,** but it shall be the duty of the local board to hold the local school superintendent accountable in the performance of his or her duties. Local board of education members should work together with the entire local board of education and shall not have authority as independent elected officials but shall only authorized to take official action as members of the board as a whole. Nothing in this subsection shall be construed to alter, limit, expand, or enlarge any powers, duties, or responsibilities of local boards of education, local board members, or local school superintendents.*

Over the past two years, there have been numerous instances in which the board has been notified of its potentially damaging behavior. No change in behavior has occurred. Instead of positive change, we have witnessed continued noncompliance with the board policies, as identified above.

As another example of the board's problematic behavior and failure to comply with its legal obligations, I was not afforded due process in the completion of my evaluation. Per district legal counsel, Domain VI (Personnel), Standard A, Element 2, of the Georgia Standards for Effective Governance of Georgia School Systems (2010), requires that school boards in the State of Georgia "set performance expectations for the superintendent through the adoption of a strategic plan, the adoption of a current job description, the adoption of professional development and evaluation plan, and adherence to state law." Domain VI (Personnel), Standard B, Element 2 requires "the evaluation instrument and process are developed by the board in collaboration with the superintendent; based on clear, written, measurable performance targets and indicators; and aligned with the system's strategic goals." The board added three areas to the evaluation tool without collaboration with the Office of the Superintendent. The action reinforced mistrust between the Office of the Superintendent and the Board of Education.

Additionally, as the lone employee of the board, I filed a complaint against a board member on May 13, 2019 (exhibit I). To date, the complaint has not been reviewed or heard by the Board of Education, per policy BH:

*Upon a motion supported by a two-thirds (2/3) vote, the board may choose to conduct a hearing concerning a possible violation of this Code of Ethics by a member of the board. The board member accused of violating this Code of Ethics will have thirty (30) days' notice prior to a hearing on the matter.*

*The accused board member may bring witnesses on his or her behalf to the hearing, and the board may elect to call witnesses to inquire into the matter.*

*If found by a vote of two-thirds of all the members of the board that the accused board member has violated this Code of Ethics, the board shall determine an appropriate sanction.*

*A board member subject to sanction may, within thirty (30) days of such sanction vote, appeal such decision to the State Board of Education in accordance with the rules and regulations of the State Board of Education. A record of the decision of the board to sanction a board member for a violation of this Code of Ethics shall be placed in the permanent minutes of the board.*

I understand the significance and potential ramifications of involving an outside group or organization in working with the Clarke County School District Board of Education and the Office of the Superintendent. However, I firmly believe that we have passed the point at which the board will engage in any meaningful change without the intervention of AdvancEd. In short, the current state of the Board of Education is consuming resources and distracting professional attention away from how we can best serve the children and families of the Clarke County School District

Based on the ongoing issues related to the superintendent-board relationship and the failure or refusal to respect the separate and distinct role of the board and that of the superintendent, I believe we have reached a critical point. As a result, I have an affirmative duty to formally request that a Special Review Team be appointed by AdvancEd to work with the district on its governance practices and the superintendent-board relationship. The environment is adversely affecting district leadership's ability to address academic performance. The intervention of an AdvancED Special Review Team is desperately needed at this time.

It is with the intent of moving forward that I implore AdvancEd to intervene and help refocus the roles, responsibilities, and relationships vital to a productive and positive governance environment. Without the support of AdvancEd, I do not believe the district will be able to



achieve its mission and goals, as outlined in policies BH (Domain II: Strategic Planning, #1) and BA.

It is my belief that the Board of Education and the Office of the Superintendent are committed to growing in our appropriate governance roles. The request for a Special Review Team from AdvancED is not meant to jeopardize the district's accreditation, but rather to simply improve our current governance environment. It is important to note that the Board of Education and the Office of the Superintendent have already started the process of reconciliation by scheduling a retreat, partially facilitated by the Georgia School Board Association, for September 20-21.

The request for intervention from the Office of the Superintendent is not attempt to suppress probing questions from board members. Rather, the recommendation from the Office of the Superintendent is to approach this special review process from the perspective of team discovery and training. This is what best reflects the approach we are taking as a district to facilitate transformation and continuous improvement. In conclusion, we are collectively searching for a path forward. We are hopeful that a Special Review Team can advise our governance team effectively.

Respectfully,



Demond A. Means, Ed.D.  
Superintendent  
Clarke County School District

CC: Clarke County School District Board of Education  
Michael Pruett



Clarke County  
School District  
Better Every Day

# Exhibit A





Means, Demond <meansd@clarke.k12.ga.us>

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## Employee Hearings - opinion letter

17 messages

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Bybee, Jared <bybeej@clarke.k12.ga.us>

Mon, Nov 12, 2018 at 1:36 PM

To: "boardmembers@clarke.k12.ga.us" <boardmembers@clarke.k12.ga.us>, "Means, Demond" <meansd@clarke.k12.ga.us>

Friends,


As mentioned in previous emails, I asked our counsel to provide an opinion letter regarding our duty with regard to the employee hearing process. Please see attached.

I know these hearings have been a source of unease and confusion for some members of the board. I'm hopeful that knowing more about the law and policy of these hearings, as well as the HR practice of how a few teachers have arrived at the hearings, will bring some understanding on why our role is important and necessary. Please ask any questions you may have.

By way of reminder, we have a hearing schedule for tomorrow for which we need a quorum.

Best,  
Jared

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 **CCSD. opinion ltr to Mr. Bybee. Abandonment of Contract. 11.9.2018.DOCX**  
160K

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Knox, John <knoxj@clarke.k12.ga.us>

Mon, Nov 12, 2018 at 11:16 PM

To: Jared Bybee <bybeej@clarke.k12.ga.us>

Cc: boardmembers@clarke.k12.ga.us, "Means, Demond" <meansd@clarke.k12.ga.us>

Thanks to Mike for a most illuminating opinion.

Jared, to reiterate my first question from a week ago, could you:

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**1) provide the Board with Information relating to the hearings--for example, names of teachers, the precise wording of the charges brought against them, and the evidence, both for the prosecution and also any exculpatory evidence. Is there a reason this information is confined to the hearing itself and not provided ahead of time? To my knowledge, this is the case...**  
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Thanks,

John

[Quoted text hidden]

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Jared Bybee <bybeej@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 12:06 AM

To: "Knox, John" <knoxj@clarke.k12.ga.us>

Cc: boardmembers@clarke.k12.ga.us, "Means, Demond" <meansd@clarke.k12.ga.us>, MPruett@hallboothsmith.com

John,

Your question is a legal one, and our counsel is in the best position to give legal advice and interpretation to the board - I've copied him for that purpose.

That said, my two cents is that the hearing IS THE PLACE for the evidence to be presented - to do it before hand would be prejudicial to the board. Section e of the Fair Dismissal Act indicates the way we are to have a hearing. Giving the board information from one side of the hearing in advance would violate norms of due process. If I was a teacher and coming to a hearing to argue my case before the board, I would not think it fair that the district had already sent the board its evidence before hand.

which would create a quorum. If any of those listed will not be there, please be sure to let Dee know first thing in the morning so she can cancel in sufficient time.

Best,  
Jared

Sent from my iPad  
[Quoted text hidden]

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Davis, Greg <davisg@clarke.k12.ga.us>  
To: Jared Bybee <bybeej@clarke.k12.ga.us>  
Cc: John Knox <knoxj@clarke.k12.ga.us>, boardmembers@clarke.k12.ga.us, Demond Means <meansd@clarke.k12.ga.us>, "Michael C. Pruett" <MPruett@hallboothsmith.com>

Tue, Nov 13, 2018 at 7:09 AM

With all due respect, Jared, I informed Dee and my fellow board members on November 3 that I would not be participating in this hearing. Nothing has changed in that regard. As to your response to John, why should a teacher's disciplinary hearing be handled differently than a hearing that may lead to a student's expulsion from school?

Greg Davis  
Clarke County School Board - District 1  
Chair, Government Relations Committee  
davisg@clarke.k12.ga.us  
706-589-5568

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Jared Bybee <bybeej@clarke.k12.ga.us>  
To: "Davis, Greg" <davisg@clarke.k12.ga.us>  
Cc: John Knox <knoxj@clarke.k12.ga.us>, boardmembers@clarke.k12.ga.us, Demond Means <meansd@clarke.k12.ga.us>, "Michael C. Pruett" <MPruett@hallboothsmith.com>

Tue, Nov 13, 2018 at 8:10 AM

Greg - good question. I believe the difference is that in student disciplinary matters the board is gathered for an appeal of a hearing, and in the teacher situation we are conducting the actual hearing. In the student situation we are reading the transcript of a court reporter and seeing the reports that were entered as evidence, and in the teacher example we are there as the record is being created. In both situations the fairness of the hearing process matters - and there are options for appeal if the individual does not feel like they got a fair hearing - but the board's role is at a different level in the process.

On Thursday after the board meeting we discussed getting the opinion from Mike after our Thursday meeting and its implication for attendance at the hearing. I could have been hearing what I wanted to hear, but it was my impression that you were going to keep an open mind about board member duties and options with regard to hearings until we got that letter. Thus the question at the end of my email. It sounds like from your email below the additional information that we have received hasn't altered your thinking on this - let me know if I am misreading or you think I am mischaracterizing your response.

In any event it sounds like Dee should cancel this hearing today for lack of a quorum of the board.

Best,  
Jared

Sent from my iPad  
[Quoted text hidden]

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Knox, John <knoxj@clarke.k12.ga.us>  
To: Jared Bybee <bybeej@clarke.k12.ga.us>  
Cc: boardmembers@clarke.k12.ga.us, "Means, Demond" <meansd@clarke.k12.ga.us>, "Michael C. Pruett" <MPruett@hallboothsmith.com>

Tue, Nov 13, 2018 at 12:37 PM

Jared,

With regard to my question of 8 days ago: I am sorry that you did not convey my question to Mike so that he could have already responded to it in his opinion.

What is the reason that (according to a search of my e-mails) even the name(s) of the accused abandoner(s)-



to Board leadership and at least some CCSD staff members. Why is this information not shareable with the rest of the Board?

I have many questions regarding the process surrounding these hearings, as well as past process in CCSD regarding abandonment of contract--more than were addressed by Mike and more than are addressed in Board policy.

Sincerely,

John Knox

On Tue, Nov 13, 2018 at 12:06 AM Jared Bybee <bybeej@clarke.k12.ga.us> wrote:  
[Quoted text hidden]

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Michael C. Pruet <MPruett@hallboothsmith.com> Tue, Nov 13, 2018 at 1:13 PM  
To: Jared Bybee <bybeej@clarke.k12.ga.us>, "Davis, Greg" <davisg@clarke.k12.ga.us>  
Cc: John Knox <knoxj@clarke.k12.ga.us>, "boardmembers@clarke.k12.ga.us" <boardmembers@clarke.k12.ga.us>, Demond Means <meansd@clarke.k12.ga.us>

I cannot explain it any better than Mr. Bybee already has, but will try to provide some supporting citations to authority.

In an employee termination hearing, the Board is the trier of fact, analogous to a jury in court proceedings. Accordingly, it is supposed to be "impartial" and "capable of judging a particular controversy fairly on the basis of its own circumstances." Alderman v. Appling County BOE, State Board Case No. 1992-9. It is true that the cases have set a high standard for employees in showing bias, and in that particular 1992 case, the teacher's allegations of bias did not carry the day. Nonetheless, it seems imprudent to open the door to an argument that that "the Board had prejudged [the employee] before the hearing took place" by having one side (the administration) share information with the Board ahead of time.

Holley v. Seminole Cty. Sch. Dist., 755 F.2d 1492, 1498 (11th Cir. 1985).

In contrast, in a student disciplinary appeal, the Board is *not* the jury but rather acts as an appellate court which reviews the record already created before the Hearing Officer. On appeal, "[t]he local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record..." O.C.G.A. § 20-2-754. In a student discipline appeal, "the Local Board's consideration of an appeal is based on the record and no new evidence is considered." G.L. v. Bibb County BOE, State Board Case No. 2004-43.

Michael C. Pruet  
Hall Booth Smith, P.C.  
440 College Ave., Suite 120  
Athens, Georgia 30601  
tel: (706) 316-0231  
fax: (706) 316-0111  
mcp@hallboothsmith.com  
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Michael C. Pruet <MPruett@hallboothsmith.com> Tue, Nov 13, 2018 at 1:19 PM  
To: Jared Bybee <bybeej@clarke.k12.ga.us>  
Cc: Demond Means <meansd@clarke.k12.ga.us>, "Carol S. Williams" <williamscar@clarke.k12.ga.us>, "Carol S. Williams" <jww99@aol.com>, Charles Worthy <worthyc@clarke.k12.ga.us>, Greg Davis <davisg@clarke.k12.ga.us>, "knoxj@clarke.k12.ga.us" <knoxj@clarke.k12.ga.us>, "Linda E. Davis" <davislin@clarke.k12.ga.us>, Ovifa Thornton <thorntono@clarke.k12.ga.us>, Sarah Ellis <selliss@clarke.k12.ga.us>, Vernon Payne <paynev@clarke.k12.ga.us>



Michael C. Prueff

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mcp@hallboothsmith.com

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Knox, John <knoxj@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 1:29 PM

To: "Michael C. Prueff" <MPruett@hallboothsmith.com>

Cc: Jared Bybee <bybeej@clarke.k12.ga.us>, Greg Davis <davisg@clarke.k12.ga.us>, boardmembers@clarke.k12.ga.us, "Means, Demond" <meansd@clarke.k12.ga.us>

Mike et al.,

And so *no one on the Board* should know anything about the case, *including the name(s) of those accused of abandonment of contract*, prior to the hearing(s).

Was this the case two Fridays ago?

Is this the case with regard to the hearings that were to be held today?

Thank you,

John

[Quoted text hidden]

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Jared Bybee <bybeej@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 1:55 PM

To: "Knox, John" <knoxj@clarke.k12.ga.us>

Cc: "Michael C. Prueff" <MPruett@hallboothsmith.com>, Greg Davis <davisg@clarke.k12.ga.us>, boardmembers@clarke.k12.ga.us, "Means, Demond" <meansd@clarke.k12.ga.us>

All,

I will let Mike give the law/legal advice on whether we can know the names prior to the hearing, but John seems to be alluding to a question of whether Linda or I knew/know the names of the individual teachers for whom we are having hearings. We don't. Didn't know the name before the last hearing and don't know the names of the folks for whom we planned a hearing today.

I do know of one teacher that abandoned his contract - but only because he was my daughter's math teacher, but I have no idea if he was to be the subject of one of the hearings. Of course CCSD staff know the names, but they play a different role in this than the board does and so it may be appropriate

We have been working hard to get John, Greg and others that have concerns with these hearings the information sufficient to make an educated decision about how you will engage - that's it. There is no agenda other than all of us understanding and executing our jobs efficiently. If any of you have many more questions, it would be ideal to get them all articulated to the extent possible so that we can get the law from Mike and the practice from Dr. Means as succinctly as possible.

Dr. Means and his team are also working on a memo to help us understand the HR practices better, but please do read Mike's letter thoroughly. There are all sorts of reasons why these hearings make sense as a means of employing teachers to educate our students, which we could debate the strength of all day long, but at the end of the day we adopted a policy that says we will use the Fair dismissal act, and these hearings are part of making that happen. Voluntarily refusing to abide by our own policy opens a can of worms that is very problematic.

Jared

Sent from my iPad  
[Quoted text hidden]

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Michael C. Pruett <MPruett@hallboothsmith.com>  
To: Jared Bybee <bybeej@clarke.k12.ga.us>, "Demond Means (meansd@clarke.k12.ga.us)" <meansd@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 2:11 PM

Gentlemen, I have a suggestion: rather than a never-ending back and forth of hypotheticals, could the board members who have reservations be asked to simply articulate what those reservations are? For example, if – and this is only speculation – they feel there are conditions at ██████████ in CCSD as a whole, so terrible they entitle teachers to quit without consequences, then the rest of the Board needs to know that and address it.

[Quoted text hidden]

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Jared Bybee <bybeej@clarke.k12.ga.us>  
To: "Michael C. Pruett" <MPruett@hallboothsmith.com>  
Cc: "Demond Means (meansd@clarke.k12.ga.us)" <meansd@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 2:41 PM

Agreed - that is what I was asking for in my email to John. Candidly I'm not sure John and Greg have reservations that they are able to articulate, merely the situation just makes them feel uncomfortable for some reason. That said they should wrestle with it more than they are.

Is there any reason why we can't have the names before the hearings? It's a small town, so you could make the argument that even the names could be prejudicial, but what do you think?

Sent from my iPad  
[Quoted text hidden]

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Michael C. Pruett <MPruett@hallboothsmith.com>  
To: Jared Bybee <bybeej@clarke.k12.ga.us>  
Cc: "Demond Means (meansd@clarke.k12.ga.us)" <meansd@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 3:04 PM

Pasted below is the answer I typed out to John Knox but decided not to send – I probably need to avoid back-and-forth "reply all" emails and give you two guys space to bring some structure to this thing.

*Knowing the name alone is not a problem; but we are led to the unavoidable next question: what could a Board member do with that knowledge? By way of analogy, a juror would not be disqualified simply by having seen the names of the cases on the trial calendar ahead of time. If, however, the juror actively sought out the trial calendar and then attempted some preliminary investigation about the cases on it (e.g., reading pleadings from the case files (which are typically available online); talking to parties or witnesses), then the juror has committed misconduct and is disqualified. From the American Bar Association's "How Courts Work": "Mistrials can occur for many reasons:... juror misconduct (e.g., having contacts with one of the parties, considering evidence not presented in the trial, conducting an independent investigation of the matter)..." [https://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network/how\\_courts\\_work/mistrials/](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/mistrials/)*

*Although the standards for disqualification of a juror in court and a board member in a hearing are not necessarily perfectly identical, it's unclear what upside exists to having prior knowledge, given the known downsides.*

[Quoted text hidden]

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Means, Demond <meansd@clarke.k12.ga.us>  
To: Lynn Duke <dukel@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 6:52 PM

Lynn,

Please see below. Also, there is an email exchange that you should read as well.

Do you have time to connect tomorrow to discuss how we want to describe the process from an operational perspective? Here is a very rough draft:



*In the case of a teacher abandoning their contract with the Clarke County School District, the administration must determine if the rationale for the abandonment of said contract is due to hardship reasons:*

1. *The Educator submits a letter of resignation prior to June 1st for the upcoming school year.*
2. *The Educator submits a letter of resignation with at least a two-week notice after June 1st for the following reasons.*
  - a. *A documented personal health problem or family medical problem that requires the Educator's full-time care and attention.*
  - b. *A documented spousal transfer and relocation out of a reasonable commuting distance of the contracted position.*
  - c. *A documented promotion within the field of education.*

*Prior to current administration, the district's Human Resources Department submitted the names of teachers who abandoned their contracts to the Georgia Professional Standards Commission and simply presented the names of said teachers to the Board of Education as "resigning" their position in CCSD. In short, the current administration is following the proper process, per GA PSC protocol. Further, administration morally believes that we have an obligation to identify educators who are willing to create a gap in the instructional program of students due to their willingness to abandoning a contractual agreement to serve the children of the Clarke County School District. Until these matters are settled through a hearing before the board, the employee remains on the district's payroll. Finally, the process of presenting teachers who have abandoned their contracts to the Board of Education through a hearing is not an attempt to convey a message to the faculty. It is simply our attempt to address a breach in professionalism and break in service to our students.*

----- Forwarded message -----  
From: Jared Bybee <bybeej@clarke.k12.ga.us>  
Date: Tue, Nov 13, 2018 at 1:55 PM  
Subject: Re: Employee Hearings - opinion letter  
[Quoted text hidden]  
[Quoted text hidden]

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Duke, Lynn <dukel@clarke.k12.ga.us>  
To: "Means, Demond" <meansd@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 7:44 PM

Hi Dr. Means,

An interesting read. I have a 9:00 and 10:00 and 4:00. Other than that, I am available.

Lynn  
[Quoted text hidden]

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Means, Demond <meansd@clarke.k12.ga.us>  
To: "Duke, Lynn" <dukel@clarke.k12.ga.us>

Tue, Nov 13, 2018 at 7:46 PM

Please give some thought to the potential response about our practice. We can chat tomorrow.  
[Quoted text hidden]

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Dr. Demond A. Means  
Superintendent of Schools  
Clarke County School District

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Duke, Lynn <dukel@clarke.k12.ga.us>  
To: "Means, Demond" <meansd@clarke.k12.ga.us>

Wed, Nov 14, 2018 at 8:45 AM

I added a paragraph at the end.

*In the case of a teacher abandoning their contract with the Clarke County School District, the administration must determine if the rationale for the abandonment of said contract is due to hardship reasons:*

1. *The Educator submits a letter of resignation prior to June 1st for the upcoming school year.*
2. *The Educator submits a letter of resignation with at least a two-week notice after June 1st for the following reasons.*
  - a. *A documented personal health problem or family medical problem that requires the Educator's full-time care*





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# Exhibit B



Means, Demond <meansd@clarke.k12.ga.us>

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## Request for Amendment - Executive Session - Personnel

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Mattox, Tawana <mattoxt@clarke.k12.ga.us>

Wed, Jun 12, 2019 at 5:14 PM

To: Board Members <boardmembers@clarke.k12.ga.us>, Demond Means <meansd@clarke.k12.ga.us>, "Michael C. Pruet" <MPruett@hallboothsmith.com>

Hello,

I would like to request an Executive Session regarding personnel. Specifically, the way the Alps principal selection was thrown on the special meeting, personnel list last week. The email was sent out the day before so I didn't realize the vote. I was out of town and came into the meeting. I wanted to say something but out of ignorance of what is permitted to be said about personnel I chose not to, and I voted yes because again I wasn't sure of the impact of my vote of teachers who resigned I have had voting remorse since my vote last week. If we are to build trust these types of actions can not continue. I should have said something then but I am not going to rest until I voice my concern about this process and more so, the selection, and the concerns I heard from a third party about the hiring process. We really need to discuss this and work on consistency going forward when hiring principals.

I hope the contract hasn't yet been extended. On tomorrow, I plan to move for a motion to rescind the decision of the principal hire. If another principal's contract has been rescinded, I don't understand why this one can't. I don't like taking away contracts but my belief is based on the information attached. I really don't see why this person would be chosen over local candidates based on her track record. With our poverty rate, and the dedicated people who are here locally, I just don't understand hiring outside of our district unless it is absolutely hands down a person much better positioned to serve than the other candidates. I know people applying for positions over and over in this district while people just come here from other places, and they are not so impressive. It is not right.

Moving forward, as it relate to personnel and voting, I would like an understanding of the process for how principals how hired, and indirectly, the process for leadership candidates. I have seen principals slid over to other schools, I have seen a principal being given a contract, and then it be taken away.

I know we are busy with the budget but I can't shake my concern on this issue. I would like to have a better understanding of the process, and a real discussion about this selection. I am not trying to micromanage but this is blatantly wrong.

[https://www.canr.msu.edu/news/parliamentary\\_procedure\\_what\\_is\\_a\\_motion\\_to\\_reconsider](https://www.canr.msu.edu/news/parliamentary_procedure_what_is_a_motion_to_reconsider), this is the 11th edition of parliamentary rules.





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# Exhibit C



**RESOLUTION OF CLARKE COUNTY BOARD OF EDUCATION  
CONCERNING RESPONSE TO NOTICE OF COMPLAINTS RECEIVED BY  
ADVANCED/SACS CASI**

WHEREAS, the Clarke County Board of Education (the "Board of Education") is the governing authority of the Clarke County School District the "School District");

WHEREAS, the Board of Education is charged by law with the responsibility for the operation of the School District;

WHEREAS, the School District has received notice (the "Notice") that AdavanEd/SACS CASI has received complaints regarding the Clarke County School System;

WHEREAS, the Notice provides that the complaints relate to, among other things, alleged actions by some unidentified members of the Board of Education that allegedly undermine the leadership of the Superintendent;

WHEREAS, the Notice provides that the Clarke County School System is required to respond to the complaints:

WHEREAS, the School District's attorney has stated that, while he firmly believes that the first assumption is not true and positively states that the second assumption is not true, there seem to have been at least two assumptions made about the complaints and allegations referred to in the Notice: (1) that the Superintendent will agree with those allegations in his response to AdvanceED and thereby pursue an agenda that could result in loss of accreditation, and (2) the School District's attorney will assist him in doing so;

WHEREAS, given the complaints and the allegations that have been made as well as the seeming assumptions referred to by the School District's attorney, it is in the best interest of the School District that the complaints and allegations referred to in the Notice be investigated by a person that is, and has the appearance of being, neutral, objective, unbiased, and independent of the Board of Education, any Member of the Board of Education, the Superintendent, and the School District's Attorney;

WHEREAS, given the complaints and allegations that have been made as well as the seeming assumptions referred to by the School District's attorney, it is in the best interest of the School District that the School District's response to the complaints and allegations referred to in the Notice be prepared by a person that is, and has the appearance of being, neutral, objective, unbiased, and independent of the Board of Education, any Member of the Board of Education, the Superintendent, and the School District's legal counsel; and

WHEREAS, it is in the best interest of the School District that the person that investigates and prepares the response to the complaints and allegations referred to in the Notice be a member in good standing of the State Bar of Georgia.

IT IS THEREFORE RESOLVED THAT:

The Board of Education shall retain a member in good standing of the State Bar of Georgia ("Special Legal Counsel") to investigate and prepare a response to the complaints and allegations referred to in the Notice on behalf of the School District. Special Legal Counsel shall be selected by a special committee consisting of members of the Board of Education that will be appointed by the President of the Board of Education. Subject to the approval of the Board of Education, the terms and conditions of Special Legal Counsel's relationship with the School District (including compensation) shall be set by the President of the Board of Education.

IT IS FURTHER RESOLVED THAT:

Each member of the Board of Education will fully cooperate with and assist Special Legal Counsel in the performance of his or her duties. Additionally, the Superintendent and the members of his staff are hereby directed to fully cooperate with and assist Special Legal Counsel in the performance of his or her duties.

THIS 29<sup>th</sup> DAY of AUGUST, 2019.

THE ABOVE RESOLUTION PASSED BY A VOTE OF \_\_\_\_\_.

The following Members of the Clarke County Board of Education voted in favor of the Resolution:

\_\_\_\_\_

The following Members of the Clarke County Board of Education voted in opposition to the Resolution:

\_\_\_\_\_

\_\_\_\_\_  
Secretary, Clarke County Board of Education



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# Exhibit D



***Youtube Links for Exhibit D***

August 29, 2019 meeting: <https://www.youtube.com/watch?v=ZNf7fQ9eqCc&t=627s>

June 12, 2019 meeting: <https://www.youtube.com/watch?v=ZrVIHk65fMg&t=438s>

Attachments area

[Preview YouTube video Clarke County School District Board of Education Meeting August 29th, 2019](#)



[Preview YouTube video CCSD BOARD OF EDUCATION MEETING 06-13-19](#)





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# Exhibit E



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## Personnel

4 messages

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Tawana Mattox <mattoxt@clarke.k12.ga.us>

Wed, Aug 28, 2019 at 8:47 AM

To: meansd@clarke.k12.ga.us, MPruett@hallboothsmith.com, boardmembers@clarke.k12.ga.us

Dr. Means,

I want to address this here and hope it won't be leaked by whomever leaked my previous email about the Alps principal. Anything here, I am not afraid to discuss publicly but I am trying to get understanding.

I see we have another Fulton County person being recommended for the central office to the board. In the future, is it possible for the board to have an updated list of of central office staff, assistant principals, and principals. For central office staff could we highlight new hires, and whether positions are new or a replacement, and where the persons came from. I know we get these in reports but I am asking for this to be in one place.

I will be transparent, I am not trying to micro-manage but I am disturbed that it appears to me many professional jobs are being awarded to people outside of Our veteran staff. I am not asking for anything illegal to happen but I am concerned that local people will lose interest in applying when it is perceived they are not good enough and from my understanding being told as much. I understand some persons will be great from other places but when many of your seasoned teachers and assistant principals are not chosen over and over, and we hire outsiders with less experience in some cases so it is perceived anyway, and the local veterans have vested time with the families in this district. I understand the people hired may fall in line with the new administration plan for leadership but I am concerned they have not had a fair opportunity to adjust from the last administration's way of doing things and that is not equitable. It's like they are being penalized, and there's an overhaul taken place.

I continue to have a hard time with this small district being heavily populated with people in positions that provide an opportunity for a good quality of life are passed on to people outside of here, and I want to be clear of the actual break down. I have heard from people of people who say some will not apply again, They feel black-balled, they feel there's a message that if you are from Athens you will not move up unless you are personally liked and I was told if I look closely those people are not from Athens. I will not share too much but I am hopeful that names being brought forward are truly what is best for our children.

Since I perceive an influx of people in professional positions from Fulton and Dekalb, is it fair to understand what those districts are doing differently than ours that our veteran people are not fitting the new job descriptions. If it is the case will those strategies be included in career trainings for persons in the district wanting to move up?

With that being said, when will we see the overview of the training for principals who weren't selected and persons wanting to move up in leadership?

Also, can we still expect to see the exit interview report during September's meeting?

I don't want to put the board in a place of stepping outside the line

.....  
better information. I want to trust the process but this trend of hiring outside is unsettling, and I don't want to see our local people leave for other places because they are over looked when there has not been a clear vision for what is needed and training before all these people were hired over them to get them there. We are a poor city, limited opportunities, and local people give inside and outside the classroom. I hope these non-district hires, make a difference, stick around and not use us for a promotion board then leave while our locals are still not advancing. I respect all employees. It's not personal but again tied in being equitable.

This has weighed heavily on my mind. Mike, please direct and train me on what or how I best address this topic. My intent is not to micro-manage but to get an understanding of what I perceive as a real issue.

Tawana

Sent from my iPad

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Means, Demond <meansd@clarke.k12.ga.us>

Wed, Aug 28, 2019 at 9:07 AM

To: Lynn Duke <dukel@clarke.k12.ga.us>, Xernona Thomas <thomasx@clarke.k12.ga.us>

FYI.

Dr. Demond A. Means  
Superintendent of Schools  
Clarke County School District

[Quoted text hidden]

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Michael C. Pruett <MPruett@hallboothsmith.com>

Wed, Aug 28, 2019 at 4:34 PM

To: Tawana Mattox <mattoxt@clarke.k12.ga.us>, "meansd@clarke.k12.ga.us" <meansd@clarke.k12.ga.us>, "berryf@clarke.k12.ga.us" <berryf@clarke.k12.ga.us>, "davisg@clarke.k12.ga.us" <davisg@clarke.k12.ga.us>, "davislin@clarke.k12.ga.us" <davislin@clarke.k12.ga.us>, "dyckmank@clarke.k12.ga.us" <dyckmank@clarke.k12.ga.us>, "knoxj@clarke.k12.ga.us" <knoxj@clarke.k12.ga.us>, "LaKeisha Gantt (ganttl@clarke.k12.ga.us)" <ganttl@clarke.k12.ga.us>, "worthyc@clarke.k12.ga.us" <worthyc@clarke.k12.ga.us>

Hi Dr. Mattox,

I appreciate your thoughtful comments and questions. Regarding your specific question to me, the Board works at the policy level, and the recruitment policy is GBC as supplemented by its regulation, GBC-R(1). As currently written, these simply say job postings should be both internal and external, with no stated preference for candidates from either source.

If you think changes to that policy should be considered, at least one appropriate way to proceed might be as follows:

- First talk with the superintendent, and perhaps include the Board officers in that conversation.
- If you feel that step reaches a dead end, you could ask the Chair of the Policy Committee to place the matter on that committee's agenda for discussion (letting the Superintendent and Board officers know you are doing so), or you could ask the Superintendent and Board officers to place it on a full board agenda pursuant to Policy BC, "Agenda Development and Approval."
- If those requests do not result in the matter being placed on either a committee agenda or full board agenda, you could seek to add it to a full board agenda at the beginning of a meeting pursuant to Policy BC, "Amendment of the Agenda."

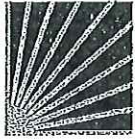
I know that's kind of a short answer and I'll be glad to discuss further if you'd like, but hopefully it's somewhat helpful for a start.



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# Exhibit F





Clarke County  
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OFFICE OF THE SUPERINTENDENT

Demond Means, Ed.D.  
Superintendent

August 28, 2019

Dear Dr. Mattox,

Thank you for your email message of August 28, 2019. In a healthy superintendent-board member relationship, a board member would have called the superintendent and discussed the myriad issues included in your email message. I continue to offer an opportunity for us to arrange a meeting to discuss any pressing issues.

The administrative team recommends for hire the best qualified candidate for all positions. As a board member, you are not, nor should you be, privy to all of the details of the hiring process. In addition, board members are not involved in the performance evaluation process of current employees that may positively or negatively impact advancement opportunities.

The depth and breadth of your questions, while on the surface seeming inquisitive in nature, are in fact an indirect form of micromanagement. Your tendency to assume ill intent and your demonstrated need to challenge the stance of administration are forms of micromanagement. While we encourage healthy, unbiased conversations and questions, the current approach and tone of questioning will continue to be counterproductive and is preventing us from improving teaching and learning in CCSD.

I am concerned that we continue to discuss the race or current residence of recommended candidates, publicly and/or in writing. It is the responsibility of administration to hire the best-qualified candidate, regardless of race or residence. It does not matter if the candidate is from Athens, Milwaukee, Fulton, or DeKalb. The line of questions and inquiries from the board related to the race or residence of recommended candidates exposes the district to potential litigation. I will defer to legal counsel on this issue.

Respectfully, your line of questions challenges the professional integrity of our administrative team. The real issue is that we have an overabundance of low achievement in this school district for all children, and in particular, students of color. Please allow my team to focus on the work, not the personal agendas, unsubstantiated claims, and ill-informed perspectives of certain people.

My offer that I made to you in January 2019 stands. I would welcome a one-on-one meeting to discuss your aspirations and concerns regarding the school district.

Sincerely,

Dr. Demond A. Means



Clarke County  
School District  
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# Exhibit G



August 28, 2019

Re: Witness Statement

Dear Sir or Madam:

This statement is written during the previous school year, 2018-2019, my name, [redacted] met with an especially vexed mother of [redacted] student of [redacted] various members of Clarke County School District to express her anger about disciplinary action towards her daughter for not following school rules and violating Clarke County School District's code of conduct.

[redacted] and my [redacted] told me after she met with one of the members, that she did not have to worry because [redacted] "will no longer be working at [redacted] anyway" months before she was [redacted] to a new position, alluding to [redacted] would not have a job. After these meetings, my [redacted] disdain for [redacted] escalated, to the point she became verbally aggressive and hostile on several occasions.

Next, on August 17, 2019, I was in a meeting with Clarke County Appraiser to get a petition signed for Donald and Dr. Debra Williams. He asked my [redacted] to sign the petition and she stated, "Well, no! I am glad they are getting rid of this [redacted] Mr. Knox said they were going to clean house." Mr. [redacted] was in the meeting during all of this and he stated that [redacted] had to sign the petition about [redacted]

If you have any questions, contact me at [redacted]

Sincerely







Clarke County  
School District  
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# Exhibit H

Received on 5 PM Tuesday

4/9/2014 @ 5:20p.m.

Provided by John Knox

# Mixed Messages

March 22, 2019:

Additionally, I have been concerned about [redacted] ability to effectively lead [redacted] instructionally. [redacted] has focused all of his attention on building relationships with students, staff and selective community members in his entry plan this school year. He has failed miserably in establishing an instructional infrastructure, a focus on academic improvement, and developing order, systems, and expectations for behavior in the school. To that end, I have placed [redacted] on a plan of improvement, effective immediately, relying on his personality and charm to lead [redacted]. However, he has lacked the instructional and structural focus necessary to transform the high school.

April 4, 2019:

"He's going to be fine."

I require data demonstrating and documenting [redacted]

- Inability to effectively lead [redacted] instructionally.
- Miserable failure at establishment of instructional infrastructure.
- Miserable failure at focusing on academic improvement.
- Miserable failure at developing order, systems and expectations for behavior in the school.
- Lack of instructional and structural focus necessary to transform [redacted]

Time 5:57pm

**I require data justifying:**

• [REDACTED] need for an immediate plan of improvement

**I desire:**

- A clear and explicit explanation of what this immediate plan of improvement entails.

**I strongly encourage:**

- Communication between the Superintendent and [REDACTED] indicating that he is not about to be moved out of [REDACTED] or terminated.

**Failure to retain [REDACTED] for the 2019-20 school year is likely to result in:**

- Significant and immediate number of teacher resignations in Spring 2019
- Public outcry on the Eastside
- Undermining of any positives from the upcoming principal changes at the pre-HS level on the Eastside
- Loss of public confidence in the Superintendent
- Loss of Board confidence in the Superintendent
- Additional loss of Board membership and leadership





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# Exhibit I



Clarke County  
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Demond Means, Ed.D.  
Superintendent

May 10, 2019

Mr. Jared Ruiz Bybee  
President  
Board of Education  
Clarke County School District

Ms. Linda Davis  
Vice President  
Board of Education  
Clarke County School District

Re: **Violation of Board Policies by Board of Education Member Dr. John Knox**

Dear Board President Bybee and Vice President Davis:

As the Superintendent of the Clarke County School District, I am responsible for the administration of all District policies pursuant to Board Policy CEB. Specifically, that policy provides that:

*The Superintendent is responsible for the management of the schools and the School District's educational programs, as well as the administration of all District policies.*

Board policy CF also provides that:

*The Board is charged with setting district policy and the Superintendent is charged with carrying out and enforcing that policy.*

Pursuant to my responsibilities to administer and enforce Board policies, this letter serves as notice to the Board of Education of the Clarke County School District that Dr. John Knox has violated the policies of the Board. The violations of Board policies by Dr. Knox occurred during a meeting with me that had been requested by Dr. Knox and took place on April 9, 2019. A detailed summary of that meeting is attached. Also attached is a document prepared by Dr. Knox titled "Mixed Messages" that was presented to me at the meeting. The document challenged concerns I had previously identified regarding [REDACTED] performance and demanded data to support my assessment of [REDACTED] performance as well as the specifics of his performance improvement plan. Dr. Knox's attempt, as an individual Board member into the management and operations of the District, specifically the evaluation of school principals, was very concerning to me. Even more concerning and troubling were his threats in the document, which

were echoed by Dr. Knox during the meeting, about the "bad" things that would happen to me if I did not follow his "guidance" concerning [redacted] employment .

During this meeting, Dr. Knox became increasingly confrontational and aggressive, at one point, slamming his hand on the table, stating that he was "angry and frustrated." I told Dr. Knox that I was uncomfortable continuing the meeting. Despite my having said this, Dr. Knox continued voicing his personal criticism of me as the Superintendent.

By his conduct, summarized above and outlined in greater detail in the attached documents, Dr. Knox violated the following Board policies:

**Board Policy BBD – School Superintendent Relations**

*As the legally designated governing body, the Board retains final authority within the District. The Superintendent is the chief executive officer to whom the Board designates executive and administrative responsibility.*

*The Board is charged with setting District policy with the focus on student achievement and the Superintendent is charged with carrying out and enforcing that policy. It is essential that each recognizes and respects one another's areas of responsibility.*

***I. Board Superintendent General Relationship Guidelines***

*To clarify this relationship, the following principles are adopted;*

*3. Individual Board members will not hold the Superintendent accountable for meeting expectations that do not have the majority vote of the Board.*

*4. Except of issues involving the Superintendent as an employee, the Board will act on personnel issues after consultation and upon recommendation by the Superintendent, and will issue all orders affecting employees through the Superintendent.*

***II. Board-Superintendent Communications***

*The Board and the Superintendent will maintain a system of communication and interaction that builds on mutual respect and trust.*

*3. Communications between the Board and the Superintendent will be governed by the following practices:*



- 1. *Exercise honesty in all written and interpersonal interaction, avoiding misleading information*
- 2. *Demonstrate respect for the opinions and comments of each other*
- 3. *Maintain focus on the District's strategic plan*

*III. Board, Superintendent, and District Staff Relationships*

*This policy delineates several key aspects of the relationship between the Board of Education, Superintendent, and District staff:*

- 2. *Board members and the Superintendent should support and affirm the authority, leadership, and decision-making responsibilities of each other.*

**Board Policy BH – Board Code of Ethics**

*The Clarke County Board of Education desires to operate in the most ethical and conscientious manner possible and to that end the board adopts this Code of Ethics and each member of the board agrees that he or she will:*

**Domain I: Governance Structure**

- 1. *Recognize that the authority of the board rests only with the board as a whole and not with individual board members and act accordingly.*
- 2. *Support the delegation of authority for the day-to-day administration of the school system to the local superintendent and act accordingly.*
- 5. *Not undermine the authority of the local superintendent or intrude into responsibilities that properly belong to the local superintendent or school administration, including such functions as hiring, transferring or dismissing employees.*

**Domain VI: Personnel**

- 2. *Support the employment of persons best qualified to serve as employees of the school system and insist on regular and impartial evaluations of school system staff.*

**Board Policy CE – School Superintendent**

*The Superintendent is the executive officer of the Board.*

*The Superintendent is charge with the overall responsibility of the operation and administration of the Clarke County School District within the framework established by the policies and directives of the Board of Education.*

**Board Policy CF – Board – School Superintendent Relations**

*The successful operation of schools requires an effective working relationship between the Board and the Superintendent.*

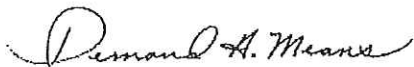
*Board Responsibilities*

*Delegate to the Superintendent responsibility for all executive functions, refrain from directly handling any administrative details....*

Immediately after this meeting, I met with the Board President and Vice-President and told them about this very troubling meeting with Dr. Knox and his attempts to intimidate me in the performance of my responsibilities and the threats he made if I failed to follow his "guidance" regarding a personnel matter. Due to the egregious violations of Board policy by Dr. Knox, I have filed a formal complaint with AdvancEd and it my understanding that AdvancEd intends to initiate an investigation into this situation. It is my belief that the Board must take meaningful and decisive action against Dr. Knox for his conduct or risk AdvancEd take corrective action it determines to be appropriate not only to address Dr. Knox's conduct but the failure or unwillingness of the Board to govern itself.

It is very unfortunate that this situation potentially tarnishes the important work of providing students with the best possible education.

Sincerely,



Demond Means, Ed.D.  
Superintendent