

SWORN STATEMENT OF KILA POSEY, AS OWNER OF THE CLUB AFTER SCHOOL, LLC

In Support of Retaliation Complaint

Filed on 8/29/2022

As a preliminary matter, this is my second complaint filed with the Office of Civil Rights (OCR) pertaining to the racially discriminatory and retaliatory acts taken by school officials at Atlanta Public School (“APS”), namely Mary Lin Elementary School, against my family. I filed my first complaint on or about July 22, 2021, and multiple packets supplementing that complaint were filed with OCR on August 18, 2021, October 20, 2021, and December 17, 2021. As of this writing, we have not received any word on whether OCR will initiate a formal investigation of any of these allegations. The matter was assigned to Willie Black, and it is my understanding that the investigation is slated to conclude in September 2022.

By way of background, I am a mother of two students who have attended Mary Lin in the APS from kindergarten through the present. My husband, Jason Posey, and I have worked in public schools our entire careers as veteran certificated education professionals. We both previously have worked for APS—myself, as a program specialist; my husband, as a school psychologist. My husband resigned from his position at APS after the end of the 2021-22 academic year after enduring retaliatory acts taken against him the entire school year.

I am the owner of The Club After School, LLC, which is a company that provides public schools with after-school services for their students. The Club After School, LLC provided after-school care to students at Mary Lin from the 2018-19 school year through 2021-2022.

However, on April 25, 2022, the principal at Mary Lin, Sharon Briscoe, advised me that Mary Lin would no longer be utilizing The Club After School, LLC after-school services going forward. (*See 4/25/22 email communication from S. Briscoe, hereto attached as Exhibit 1*). Ms. Briscoe offered no explanation for her decision. Ms. Briscoe served as the primary point of contact for the program, although Ms. Briscoe had virtually no day-to-day contact with my employees or myself.

On April 25, 2022, I filed a whistleblower grievance with the central office of APS based upon Ms. Briscoe’s unilateral decision to terminate the after-school program run by my company at Mary Lin. (*See APS Grievance, hereto attached as Exhibit 3.*)

After I filed my initial OCR complaint in July 2021 which contained allegations that Ms. Briscoe had improperly designated black classes at Mary Lin, I became concerned that Ms. Briscoe might retaliate against my family and my after-school program. This concern was in large part due to Ms. Briscoe’s efforts during the 2020-21 academic year to eliminate my after-school program after I first filed a complaint against her with her superiors at APS central office.

In May 2021, I had a phone conversation with APS Chief Academic Officer, Yolanda Brown, and Chief of Schools, Anita Williams. Ms. Williams informed me that she had advised Ms. Briscoe that she could not remove my after-school program from Mary Lin after Ms. Briscoe expressed that she planned to do so. During that same phone call, Ms. Williams also said that APS was revising

its policy regarding how principals were to select and deselect after-school programs so that principals would not be able to arbitrarily eliminate programs without cause.

On July 28, 2021, I emailed Ms. Brown and requested a copy of the revised policy pertaining after-school programs, but no one ever responded. (*See 7/28/21 email communication to Y. Brown, hereto attached Exhibit 2*).

Notably, at no time has Ms. Briscoe or any other person with supervisory authority at Mary Lin ever expressed to either me or anyone else working for my company any measure of dissatisfaction with the after-school services my company has been providing from 2018 until May 2022 when I was told we would no longer be providing services to Mary Lin.

Although I had asked APS to provide me with the criteria used to evaluate providers of after-school services, such as those offered by my company, I never was provided any such information. I asked for the criteria because I suspected that Ms. Briscoe would place my after-school program under unfair scrutiny after her superiors told her she could not arbitrarily discontinue the program. I wanted to make certain that my program was abiding by all rules and requirements expected of after-school service providers. But even after I made several requests for a copy of any and all evaluation guidelines (*see e.g., Exhibit 2*), criteria or policies and never was provided any information and even though I never was given any indication that Ms. Briscoe or anyone else at Mary Lin or APS was unhappy with the after-school services my company was providing¹, my company's program nonetheless was eliminated without any explanation whatsoever.

On April 25, 2022, the same date that Ms. Briscoe advised me that my program would be discontinued, I called Ms. Williams, regarding the discontinuation of the program. Ms. Williams offered no basis for the decision and merely stated that school principals had the autonomy to select the after-school program of their choice. Ms. Williams indicated that a meeting would be arranged with me to discuss the decision to discontinue the program, but such a meeting was never scheduled. Because this conversation was more of the same type of run-around I have experienced when I have voiced concerns with the APS administration, I audio recorded the conversation. (*See audio recordings of my conversation with Anita Williams, hereto attached as Exhibits 4 and 5.*) Ms. Williams acknowledged that the policy indeed was revised pertaining to how principals could select and deselect after-school programs at their respective schools, but Ms. Williams nor anyone else ever provided a copy of the revised policy to me.

On August 24, 2022, I received notification from APS that my complaint that Ms. Briscoe had engaged in retaliation by discontinuing the services offered by The Club After School LLC was deemed unsubstantiated. (*See APS Grievance, hereto attached as Exhibit 3.*)

¹ In November 2020, Ms. Brown, the Chief Academic Officer, told me that Ms. Briscoe told her that The Club After School, LLC was doing a good job providing after-school services.

I do not believe there was any non-retaliatory legitimate basis for my company's after-school program to be discontinued at Mary Lin. I have suffered monetary losses as a result of my program being terminated, and I wish to be compensated accordingly.

I would appreciate your corresponding with my attorney, Sharese Shields of The Shields Law Firm, LLC, regarding any questions pertaining to this statement.

I affirm that the statements contained herein are true and correct to the best of my knowledge.

Signature

Date

Sworn to and subscribed before me
this ____ day of _____, 2022.

NOTARY PUBLIC

My Commission Expires:

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