



**United States Department of Education
Office for Civil Rights**

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item twelve of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An on-line version of this form, which can be submitted electronically, can be found at: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Before completing this form please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

1. Name of person filing this complaint:

 Posey Kila
Last Name: _____ First Name: _____ Middle Name: _____
 192 Degrass Avenue NE
Address: _____
 Atlanta GA 30307
City: _____ State: _____ Zip Code: _____
 678-458-5208
Home Telephone: _____ Work Telephone: _____
 mrs.kyposey@gmail.com
E-mail Address: _____

2. Name of person discriminated against (if other than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

 Posey Parker (minor)
Last Name: _____ First Name: _____ and Dylan (minor) Middle Name: _____
 192 Degrass Avenue NE
Address: _____
 Atlanta GA 30307
City: _____ State: _____ Zip Code: _____
 N/A N/A
Home Telephone: _____ Work Telephone: _____
 N/A
E-mail Address: _____

Discrimination based on disability (specify)

Discrimination based on age (specify)

Retaliation because you filed a complaint or asserted your rights (specify)
See attached Sworn Statement, hereto attached.

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

See attached Sworn Statement, hereto attached.

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is **not required**, but it will be helpful to us.

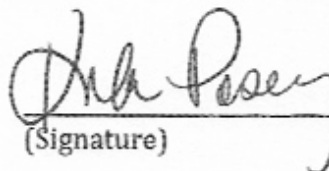
Shields, Esq. Sharese (Legal Rep.)
Last Name: _____ First Name: _____ Middle Name: _____
404-880-3328
Home Telephone _____ Work Telephone: _____

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

See attached Sworn Statement, hereto attached.

12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

3.19.23
(Date)


(Signature)

(Date)

(Signature of person in Item 2)

Please mail the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

CONSENT FORM - FOR REVEALING NAME AND PERSONAL INFORMATION TO OTHERS

(Please print or type except for signature line)

Kila Posey

Your Name: _____

Name of School or Other Institution That You Have Filed This Complaint Against: _____

Atlanta Public Schools/Mary Lin Elementary School

- This form asks whether the Office for Civil Rights (OCR) may share your name and other personal information when OCR decides that doing so will assist in investigating and resolving your complaint.
- For example, to decide whether a school discriminated against a person, OCR often needs to reveal that person's name and other personal information to employees at that school to verify facts or get additional information. When OCR does that, OCR informs the employees that all forms of retaliation against that person and other individuals associated with the person are prohibited. OCR may also reveal the person's name and personal information during interviews with witnesses and consultations with experts.
- If OCR is not allowed to reveal your name or personal information as described above, OCR may decide to close your complaint if OCR determines it is necessary to disclose your name or personal information in order to resolve whether the school discriminated against you.

NOTE: If you file a complaint with OCR, OCR can release certain information about your complaint to the press or general public, including the name of the school or institution; the date your complaint was filed; the type of discrimination included in your complaint; the date your complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Any information OCR releases to the press or general public will not include your name or the name of the person on whose behalf you filed the complaint.

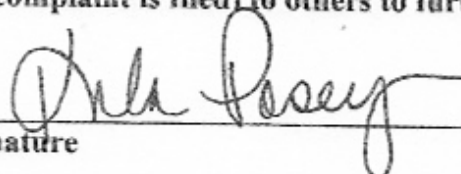
NOTE: OCR requires you to respond to its requests for information. Failure to cooperate with OCR's investigation and resolution activities could result in the closure of your complaint.

Please sign section A or section B (but not both) and return to OCR:

- If you filed the complaint on behalf of yourself, you should sign this form.
- If you filed the complaint on behalf of another specific person, that other person should sign this form.

EXCEPTION: If the complaint was filed on behalf of a specific person who is younger than 18 years old or a legally incompetent adult, this form must be signed by the parent or legal guardian of that person.

- If you filed the complaint on behalf of a class of people, rather than any specific person, you should sign the form.
- A. I give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others to further OCR's investigation and enforcement activities.



Signature

3.19.23

Date

OR

- B. I do not give OCR my consent to reveal my identity (and that of my minor child/ward on whose behalf the complaint is filed) to others. I understand that OCR may have to close my complaint.

Signature

Date

I declare under penalty of perjury that it is true and correct that I am the person named above; and, if the complaint is filed on behalf of a minor child/ward, that I am that person's parent or legal guardian. This declaration only applies to the identity of the persons and does not extend to any of the claims filed in the complaint.

SWORN STATEMENT OF KILA POSEY

In Support of Retaliation Complaint

Filed on 3/20/2023

As a preliminary matter, this is my third 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. OCR indicated that it would investigate that complaint and sent a notice of investigation to all parties on November 14, 2022.

I filed my second complaint on August 29, 2022 when Mary Lin discontinued the after-school program I ran at the school without cause or explanation. I have not received a response to the second complaint from OCR or advised whether the complaint would be merged with the first complaint which currently is under investigation.

This current and third complaint is based upon the inappropriate, unfair and discriminatory treatment my two daughters have been receiving from administrators and staff at Mary Lin since the filing of my first and second complaints with OCR.

Specifically, there have been two incidents that have caused my family despair and serious concern about whether the school district can truly operate in the best interest of our children, as well as other children. My husband and I have attempted to address our concerns directly with the school district, but our concerns have not been sufficiently addressed, and the district has failed to institute any disciplinary action against the principal at Mary Lin, whom we believe is largely responsible for creating a hostile environment and levying retaliatory acts against my family.

As a preliminary matter, I would like to first share a little background information to provide context. Mary Lin is located in a small, close-knit community on the east side of Atlanta. At the time of the events described below, it was a matter of common knowledge in our local community that not only did I own and operate The Club After School, but I also had initiated an OCR complaint against Mary Lin and its' administration for designating black classes, which received nationwide news coverage.

My husband and I have worked diligently to insulate our girls from any fallout associated with reporting our complaints. So, needless to say, when our two daughters shared the following experiences at the school, we were deeply disturbed and took immediate steps to address our concerns with the administration at APS.

1. November 29, 2022 Inappropriate Staff Comment to P.P. and APS's Subsequent Mishandling of Investigation

On November 29, 2022, my daughter, P.P., who currently is in fourth grade at Mary Lin, had a disturbing encounter with a paraprofessional, Morgan Woods, during lunch time in the presence of other students. Ms. Woods told P.P. that she did not like the owner of The Club, referring to The Club After School program that I owned and operated at Mary Lin until Principal Sharon Briscoe eliminated it in May 2022. (See Statement of P.P., which was submitted to APS on or about 12/2/22 as part of the school district's investigation, hereto attached as **Exhibit A**.) P.P. told Ms. Woods that her mother owned The Club and Ms. Woods said, "ok." Ms. Woods' comment and overall behavior toward P.P. was rude, unprofessional and completely uncalled for, particularly as an adult-child interaction. P.P. felt that Ms. Woods was being mean to her and treating her differently than the other girls who were with P.P. at the time of the incident.

When I picked up P.P. from school and asked her how her day was, she responded that she had had the worst day of her life. She shared what happened with Ms. Woods, and I immediately contacted the school district and requested a meeting with Ms. Briscoe's superiors. Because of the history of retaliatory acts by Ms. Briscoe, as described in my complaints previously filed with OCR, my husband and I had no confidence that either Ms. Briscoe or her administrative team at the school would take our complaints seriously and conduct a thorough investigation into the matter.

On December 2, 2022, my husband and I met with Paul Brown, the Associate Superintendent for the Midtown Cluster, and Ms. Briscoe to discuss Ms. Woods' unprofessional conduct toward P.P. We specifically requested the matter be handled directly by the Office of Employee Relations ("OER"), not Ms. Briscoe. Mr. Brown assured us that OER would interview the other student witnesses present at the time of Ms. Woods' remarks to P.P. and would handle all aspects of the investigation going forward. (See audio recording of meeting with P. Brown and S. Briscoe, hereto attached as **Exhibit B**.)

However, on or about January 3, 2023, we learned that rather than allow OER to handle the witness interviews and investigation, as promised by Mr. Brown, Ms. Briscoe herself contacted the student witnesses and interviewed them without first obtaining consent of the students' parents. As you will see from the copy of the statement provided by Nicole Butler, the mother of student witness A.W., Ms. Briscoe interrogated A.W. in a manner that appeared calculated to intimidate A.W. and her family and deter them from getting involved in the investigation initiated by my family. (See Statement of Nicole Butler, hereto attached as **Exhibit C**.)

Ms. Briscoe's efforts to interfere with the investigation ultimately proved unsuccessful, as OER concluded that there was sufficient evidence to substantiate our complaints against Ms. Woods. However, we believe that APS's repeated failure to take any disciplinary action against Ms. Briscoe for her defiance of a clear directive by her superiors and her continued pattern of engaging in harassing and retaliatory conduct against my family, coupled with the Superintendent's letter sent to the Mary Lin stakeholders stating that "APS stands by Principal

Briscoe" (following OCR's opening of the investigation of APS), has fostered an incubating environment for this kind of retaliatory and harassing conduct and blatant disregard for my children's well-being. (See Letter from APS Supt. Lisa Herring, hereto attached as **Exhibit D**).

2. D.P. Incident in Classroom with Another Student and Subsequent Failure to Follow Protocols and Timely Complete an Investigation

On April 21, 2022, my younger daughter, D.P., was injured when a student pushed her into a doorframe in her classroom. D.P.'s teacher called me to inform me of the incident and stated that the student had rammed D.P.'s shoulder and arm into the doorframe as the student was trying to run away. Although the student reportedly was not targeting D.P. during the incident, we were deeply concerned because this incident marked yet another in a series of offensive encounters D.P. had with the same student over the course of that school year.

On that day, I had already intended to pick up D.P. early to take her to a dental appointment, so I immediately headed to the school to check on D.P. when her teacher called me. When I arrived, D.P. told me what happened and said she was ok, but complained that her head, which hit the doorframe, had begun hurting. Neither D.P.'s teacher, Kristin Guthrie, nor any other school employee, sent D.P. to the school nurse following the incident to get her checked out or to simply allow her to take a little time to recover from the incident, as is customary in these types of situations.

I requested to speak with Principal Sharon Briscoe regarding the incident when I arrived, but I was directed to instead speak with a math coach about the incident. At no time when I arrived, did anyone provide me with a written report describing both the incident with D.P. and the responsive actions taken by the school, as required by APS protocol.

That same day, I sought medical attention for D.P., and her doctors placed her on concussion protocol for next several days. (See Doctor's Note from Piedmont Pediatrics, hereto attached as **Exhibit H**).

A few weeks after the incident, my husband and I met with Ms. Briscoe and her superior, Mr. Paul Brown, to express my concerns regarding how the incident was handled.¹ I was deeply concerned that no one had sent D.P. to the school nurse to assess her after the incident; nor did anyone provide me with a *Student Accident and Injury Report*, as per school protocol. I wanted to know what actions were being taken to address the series of offensive encounters D.P. had been experiencing with the same student who pushed her. When I explained this to Mr. Brown during our meeting, he agreed that we should have received the *Student Accident and Injury Report* on the day of the incident, and he instructed Ms. Briscoe to provide the report to me immediately. The following day--more than two weeks after the incident--Ms. Briscoe gave me a

¹ Ms. Briscoe audio recorded the meeting. Despite my repeated requests for a copy of the recording, APS has yet to provide me with a copy of it.

copy of the injury report, as directed by Dr. Brown. (See *Student Accident and Injury Report*, hereto attached as **Exhibit E**).

When I explained during the meeting that D.P. had suffered a concussion as a result of the student pushing her into the doorframe, Ms. Briscoe offered no apology or acknowledgement that perhaps she and her staff had made a bad call by not having D.P. checked out by the school nurse. Further, when my husband stated that he did not believe Ms. Briscoe had displayed concern for the safety of our children, Ms. Briscoe sat quietly and offered no response or rebuttal to my husband's remark.

My family has lost complete confidence in Ms. Briscoe and in the APS administration overall. We believe Ms. Briscoe's apathy and failure to take matters concerning our children seriously constitute a continuing pattern of retaliation and harassment against my family. As such, my husband and I filed a complaint against Ms. Briscoe with OER and the Office of Internal Relations on or about April 22, 2022 for her mishandling of the incident with D.P. We spoke with Fonda Price who took the report. My husband subsequently emailed a copy of our statement regarding the matter to Ms. Price. (See Email from Jason Posey to Fonda Price, hereto attached as **Exhibit F**).

In May 2022, Ms. Price called me to discuss the status of her investigation of my complaint against Ms. Briscoe. I asked her if she had received a copy of the doctor's note that I provided to Dr. Brown indicating that D.P. had sustained a concussion, and she stated no one had advised her that D.P. suffered a concussion. I explained that I had met with Ms. Briscoe and Mr. Brown a few weeks earlier and that the meeting had been recorded by Ms. Briscoe. Ms. Price was not aware of the recording of the meeting and said she had not received a copy of it from either Mr. Brown or Ms. Briscoe. By the end of the summer 2022, Ms. Price was no longer working for APS.

As of this writing, the investigation into the matter still has not concluded. The Director of Employee Relations, Dr. Isis Manboard, emailed me on March 2, 2023, stating that the matter was still under review. (See Email from Dr. Manboard, hereto attached as **Exhibit G**).

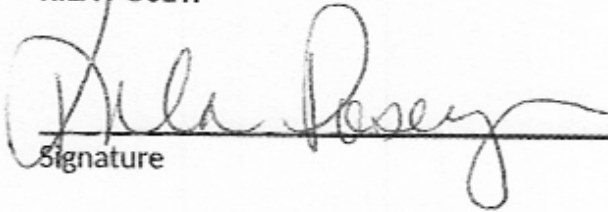
Next month, one year will have passed since the filing of my initial complaint regarding the handling of the incident with D.P. This means that nearly a full school year has passed without resolution of a complaint involving the safety and well-being of my child and the school administration's improper handling and failure to promptly document the incident.

We are renewing our request for the removal of Sharon Briscoe and her entire administrative team at Mary Lin, as well as reimbursement of all legal fees my family has incurred in our efforts to protect our family's interest by filing our complaints with OCR.

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.

KILA POSEY:

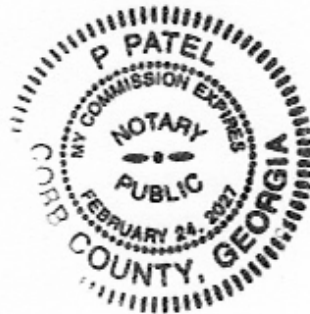

Signature

3.16.23
Date

Sworn to and subscribed before me
this 16th day of MARCH 2023.



NOTARY PUBLIC
My Commission Expires: 02/24/2027



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