

**Sworn Statement of Kila Posey
In support of OCR Complaint
(Violation of Title VI)**

My name is Kila Posey, and my husband and I are proud parents of two children who attend Mary Lin Elementary School in the Atlanta Public Schools system. My daughter, P.P., was in second grade at Mary Lin during the 2020-21 school year and is the subject of this complaint.

By way of background, I am a 17-year veteran educator who previously worked in the Fulton, Cobb and APS school districts. In 2018, I left APS where I briefly worked as a program specialist prior to leaving and starting my own business, The Club After School, LLC, which provides after school services.

My husband, Jason Posey, is a 23-year veteran school psychologist who has worked in APS for the past ten (10) years. He has been assigned to Mary Lin for the past eight (8) years.

During the 2020-21 school year, my husband and I addressed with school administrators a number of concerns we had related to our child's assessment, disclosure of information protected under the Family Educational Rights and Privacy Act (FERPA) and discriminatory placement in a particular teacher's classroom. We did not have confidence that our concerns were being taken seriously and that we were receiving accurate information. We also feared that APS would not take appropriate action to address our concerns. As such, we decided to exercise our right to audio record the conversations we had with school officials to memorialize what was being communicated by all involved parties.

Below is a description of a student class assignment practice at Mary Lin that we believe violates Title VI of the Civil Rights Act of 1964. We also attach as supporting evidence two recordings of conversations where the practice was discussed with APS officials.

During the 2020-21 school year, my husband and I expressed great concern and displeasure regarding our daughter's placement in a particular second-grade class at Mary Lin. Because my husband is employed at the school, we are allowed to request that our child be placed in a particular teacher's classroom.

We learned that the classes had been formulated, in part, based upon race of the students. The principal, Sharyn P. Briscoe, designated Ms. Delvory Armstead's and Ms. Missy Synder's classes as the "black classes", and about thirteen (13) black second-grade students at Mary Lin were assigned only to these two (2) second-grade classes. Notably, Ms. Briscoe is herself black.

During a phone conversation on an unrelated matter, Mary Benton, the Assistant Principal at Mary Lin, admitted that she was aware that Ms. Briscoe had developed second-grade class rosters based upon, in part, the race of the students. Ms. Benton said that class lists are always tough, that it was Ms. Briscoe's decision on where to place the black students and that she wished that the school had more black children. Please refer to the audio recording on August 5, 2020 (**Exhibit 1**) at the 11:29 time stamp to hear our discussion with Ms. Benton.

To our knowledge, Ms. Briscoe designated these black classes without the knowledge or consent of the families of the affected black students. Instead, she unilaterally decided what was in the best interests of the black students, relegating them to only those classes she deemed appropriate. Meanwhile, the placement of white students was not restricted; they were able to be placed in any of the six (6) second-grade classes.

On November 18, 2020, we took our complaints to the Chief Academic Officer of APS, Yolanda Brown. On March 12, 2021, Ms. Brown advised us that Ms. Briscoe admitted that she had indeed designated black classes for black students. Please see the recording from March 23, 2021 (**Exhibit 2**) at the 9:00 time stamp for a discussion of APS's investigative findings.

As you can see, my husband and I made clear that we did not condone Ms. Briscoe's discriminatory practice. Since doing so, we have both suffered retaliatory acts. For example, Ms. Briscoe requested several times that my husband be transferred from Mary Lin to another school. Ms. Brown advised my husband that he would not be transferred despite Ms. Briscoe's requests. Ms. Briscoe is continuing her efforts to retaliate against my husband. Just a few weeks prior to the filing of this complaint, Ms. Briscoe unsuccessfully attempted to require my husband move out of his office space at the school, but school district officials intervened and stopped her from doing so.

As I mentioned above, I own and operate The Club After School, LLC, which is a company that offers after-school programs at schools in APS and DeKalb County School District. My company has operated the after-school program at Mary Lin since 2018. We have never had any complaints from anyone APS and have never been told our services would be terminated at any time.

However, after my husband and I raised our concerns, Ms. Briscoe requested that my company no longer provide after school services for Mary Lin, according to Ms. Brown. Ms. Brown advised me that Ms. Briscoe could not terminate our services out of retaliation and that school district officials were keeping a watchful eye on Ms. Briscoe to make sure she did not act out of retaliation.

Nonetheless, at the end of the 2020-21 school year, Springdale Elementary School terminated my company's after-school program, completely out the blue. Notably, Springdale is located in the same Grady cluster of schools as Mary Lin and is run by Principal Terry Harness, a close personal friend of Ms. Briscoe. I have personal knowledge of Mr. Harness's and Ms. Briscoe's friendship from the period when I worked as a program specialist for APS in 2018. Additionally, Ms. Brown advised me that school district officials indeed suspected that Ms. Briscoe had something to do with the termination of my company's after-school program contract at Springdale.

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

Jane Rosy
Signature

7.22.21

Date

Sworn to and subscribed before me
this 22 day of July, 2021.

Jane Rosy
NOTARY PUBLIC
My Commission Expires: 7/13/2025

