

STATE BOARD OF EDUCATION  
STATE OF GEORGIA

In re: )  
 )  
SUSPENSION HEARING OF THE )  
BOARD MEMBERS OF THE )  
DEKALB COUNTY )  
BOARD OF EDUCATION, )

**CONSENT ORDER AND AGREEMENT**

The DeKalb County School District (the “School District”), the DeKalb County Board of Education (the “Local Board”), the members of the Local Board, and the State Board of Education (the “State Board”) do agree to and do hereby enter into this Consent Order and Agreement (“Consent Order”), including any findings of fact and conclusions of law contained herein, unless a specific finding of fact or conclusion of law is expressly noted herein as being the currently unsubstantiated representation of one or more of the parties to this agreement and included for informational purposes only.

1. On or about December 17, 2012, the School District was placed on the status of “Accredited Probation” by SACS Council on Accreditation and School Improvement, Inc. (“SACS CASI”), d/b/a as SACS and as Advance Education (“AdvancED”) (and sometimes collectively referred to herein as “SACS”). SACS is an accrediting agency as that term is defined in O.C.G.A. § 20-3-519(6.1)(A). The status of Accredited Probation is the level of accreditation immediately preceding loss of accreditation. The School District was placed on Accredited Probation for, among other things, school board governance reasons. The State Board received notice from AdvancED on December 18, 2012, that the School District had been placed on Accredited Probation.

2. The current members of the Local Board are Dr. Eugene P. Walker; Dr. Melvin

Johnson; Ms. Nancy Jester; Mr. Marshall Orson; Ms. Sarah Copelin-Wood; Mr. Jim McMahan; Mr. Jesse “Jay” Cunningham, Jr.; Ms. Donna Edler and Dr. Pamela A. Speaks. The State Board properly noticed a hearing to be held on Thursday, January 17, 2013, to determine whether the State Board would recommend to the Governor that the members of the Local Board should be suspended with pay. The School District, the Local Board, and the members of the Local Board received notice of that hearing.

3. Prior to the scheduled hearing on January 17, 2013, the Local Board, the members of the Local Board, the School District, and counsel for the State Board worked on a mutual, substantive consent order to be presented to the State Board on January 17, 2013. Despite these efforts, after commencing the January 17, 2013 hearing, the State Board rejected the negotiated consent order submitted during the hearing. The Local Board, the members of the Local Board, and the School District have therefore requested that the January 17, 2013 be suspended to allow them additional time to prepare for the remainder of the hearing.

ACCORDINGLY, it is hereby AGREED TO AND ORDERED that:

(1) The School District, the Local Board, the individual members of the Local Board, and the State Board do hereby agree to suspend the January 17, 2013 hearing held pursuant to the State Board’s authority under O.C.G.A. § 20-2-73(a)(1) at a point in time within the sole and unfettered discretion of the State Board subject to the terms of this Consent Order;

(2) The School District, the Local Board, and the individual members of the Local Board do hereby waive any claims or rights concerning notice of or attendance at the January 17, 2013 hearing before the State Board concerning whether to recommend suspension of the members of the Local Board to the Governor;

(3) The School District, the Local Board, and the individual members of the Local

Board do hereby waive any claims or rights that they may have had individually or collectively to have the hearing held or a recommendation made pursuant to a statutory or regulatory timeframe, including but not limited to the statutory timeframe contained within O.C.G.A. § 20-2-73(a)(1) or the regulatory timeframe contained within Ga. Comp. R. and Regs. r. 160-5-1-.36(7), but do not waive any other defenses available to them;

(4) The School District, the Local Board, the individual members of the Local Board, and the State Board do hereby agree to reconvene the hearing at a time, date and place to be determined within the sole and unfettered discretion of the State Board. The State Board agrees that it will send notice, via electronic mail or facsimile, to counsel for the Local Board at least fourteen (14) calendar days prior to the initial time, date and place set by the State Board, within the State Board's sole and unfettered discretion, to reconvene the hearing held pursuant to the statutory authority contained within O.C.G.A. § 20-2-73(a)(1). Should unforeseen circumstances arise, which will be determined within the sole and unfettered discretion of the State Board, then the School District, the Local Board, the individual members of the Local Board, and the State Board do hereby agree that the State Board will have the right to alter the initial time, place and date initially set to reconvene the hearing, provided that the time and date set to reconvene the hearing is at a time or date later than the initial time and date set to reconvene the hearing. Should such a move of the initial time, date or place be necessary in the sole and unfettered discretion of the State Board, the State Board will make reasonable efforts to send notice of the hearing at least five (5) calendar days in advance via electronic mail or facsimile to counsel for the Local Board. Failure to provide at least five (5) calendar days' notice of a change in the time, date or place of the initial hearing to any of the parties to this Consent Order and Agreement will not invalidate the ability of the State Board to conduct the hearing, or to make a

recommendation to the Governor at the conclusion of the hearing. The School District, the Local Board, and the individual members of the Local Board do hereby agree that notice to the Local Board or to the individual members of the Local Board under this or any other provision of this Consent Order and Agreement may be satisfied by sending notice via electronic mail or facsimile to:

Rocco Testani, Esq.  
Sutherland Asbill & Brennan LLP  
999 Peachtree Street, NE, Suite 2300  
Atlanta, Georgia 30309-3996  
404.853.8390  
404.853.8806 (facsimile)  
[Rocco.Testani@sutherland.com](mailto:Rocco.Testani@sutherland.com)

With copies to:

Dr. Eugene Walker  
Chairman of the DeKalb County Board of Education  
1701 Mountain Industrial Boulevard  
Stone Mountain, Georgia 30083  
678.676.1200  
678.676.0785 (facsimile)  
[EUGENE\\_P\\_WALKER@fc.dekalb.k12.ga.us](mailto:EUGENE_P_WALKER@fc.dekalb.k12.ga.us)

Dr. Cheryl Atkinson  
Superintendent of the DeKalb County School District  
1701 Mountain Industrial Boulevard  
Stone Mountain, GA 30083  
678.676.0010  
678.676.0709 (facsimile)  
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Glenn A. Delk, Esq.  
LIGHTMAS & DELK  
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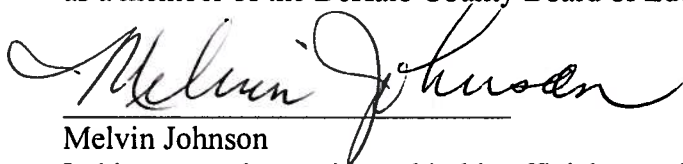
Agreed to this the 17<sup>th</sup> day of January, 2013.



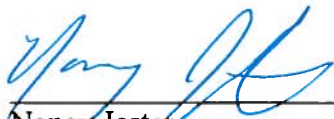
Barbara E. Hampton, Chair  
State Board of Education



Eugene P. Walker  
In his personal capacity and in his official capacity  
as a member of the DeKalb County Board of Education



Melvin Johnson  
In his personal capacity and in his official capacity  
as a member of the DeKalb County Board of Education



Nancy Jester  
In her personal capacity and in her official capacity  
as a member of the DeKalb County Board of Education



Marshall Orson  
In his personal capacity and in his official capacity  
as a member of the DeKalb County Board of Education



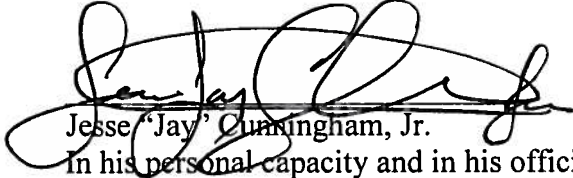
Sarah Copelin-Wood  
In her personal capacity and in her official capacity  
as a member of the DeKalb County Board of Education

*Signatures continued on next page.*



Jim McMahan

In his personal capacity and in his official capacity  
as a member of the DeKalb County Board of Education



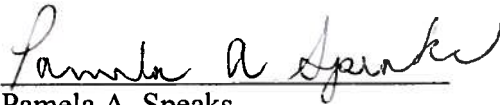
Jesse "Jay" Cunningham, Jr.

In his personal capacity and in his official capacity  
as a member of the DeKalb County Board of Education



Donna Edler

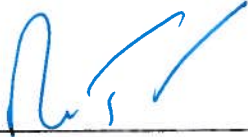
In her personal capacity and in her official capacity  
as a member of the DeKalb County Board of Education



Pamela A. Speaks

In her personal capacity and in her official capacity  
as a member of the DeKalb County Board of Education

*Signatures continued on next page.*



Rocco Testani, Esq.

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Attorney for the School District, the Local Board,  
and individual members of the Local Board except for Nancy Jester



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