

**COMMONWEALTH OF KENTUCKY
EDUCATION PROFESSIONAL STANDARDS BOARD
AGENCY CASE NO: 20-03725
CERTIFICATE NO. 200301086
ADMINISTRATIVE ACTION NO. 22-EPSB_**

EDUCATION PROFESSIONAL STANDARDS BOARD

PETITIONER

VS.

KIMBERLY JOHNSON

RESPONDENT

**RESPONDENT'S
MOTION TO DISMISS WITH PREJUDICE AND TO ABSOLVE THE RESPONDENT'S
OFFICIAL FILES AND EPSB FILES OF ANY EVIDENCE OF THESE CHARGES**

The Respondent respectfully requests that the Hearing Officer dismiss with prejudice. The Petitioner has secured this hearing including, but not limited to a pre-hearing, requiring both the Hearing Officer George Seay and Kimberly Johnson to participate under false pretenses. Pursuant to these grounds, the Respondent respectfully requests that the Court dismiss the case brought by the Petitioner, Education Professional Standards Board, in agency case no. 20-03725 and administrative action no. 22-EPSB_.

The Respondent asserts that the Petitioner has violated various laws and procedures, and that the Respondent's rights have been seriously infringed upon as a result. Given the seriousness of these violations and the impact they have had on the Respondent, the Respondent believes that it is in the best interest of justice to dismiss the case, clear the Respondent's official files, personnel files, and any other harm which has been inflicted to prevent further harm to the Respondent.

Introduction

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. It states that it is unlawful for an employer to fail or refuse to hire, discharge, or otherwise discriminate against an individual due to their protected characteristic, or to limit, segregate, or classify employees in a way that deprives them of employment opportunities or adversely affects their status as employees. The Act specifically prohibits disparate impact, disparate treatment, and retaliation. It is important to note that this Act prohibits both quid pro quo harassment, which occurs when submission to or rejection of harassing conduct is used as a condition of employment or as the basis for employment decisions, and hostile work environment harassment, which occurs when the conduct is so severe or pervasive that it creates an intimidating, hostile, or offensive work environment. Finally, it is also unlawful for a labor organization to cause or attempt to cause an employer to discriminate against an individual.

The Fourteenth Amendment contains the Equal Protection Clause, which prohibits states from discriminating against individuals on the basis of their race, national origin, religion, or other protected characteristics. It states that no state shall "deny to any person within its jurisdiction the equal protection of the laws." In addition, the Fourteenth Amendment includes the Due Process Clause, which protects individuals from arbitrary or capricious government action. It states that no state shall "deprive any person of life, liberty, or property, without due process of law." Finally, the Privileges or Immunities Clause protects the rights of individuals to engage in activities that are protected by the Constitution, such as freedom of speech or freedom of religion, and it ensures that all citizens are protected from state action that violates their fundamental rights."

Sovereign immunity cannot be used as a vehicle to deny any person of their constitutional rights.

Jefferson County Public Schools and Education Professional Standards Board
Procedural History

EPSB ACTIONS: On October 17, 2022 dated for October 11, 2022, Johnson received The Notice of Administrative Hearing and Statement of Charges and Issues. This notice contained the following: “Procedural History” section with the following:

- “On or about March 2, 2020, Dr. Martin Pollio, Superintendent of JCPS, sent EPSB a report detailing the information contained hereinbelow.
- On or about April 8, 2020, EPSB sent Respondent..notice of the allegations from JCPS..
- On or about June 15, 2020, EPSB reviewed the allegations against Respondent submitted by Superintendent Pollio [no mention of Johnson’s two rebuttals submitted to JCPS (February 28, 2020 and February 29, 2020, and another one submitted to EPSB on or around May 7, 2020)]...
- By letter dated June 18, 2020, EPSB notified Respondent that the Board voted to refer her case for attorney review and investigation..to an EPSB attorney to review and evaluate the evidence, determine if more evidence is needed...”

There is no mention of the EPSB contacting Johnson’s lawsuit attorney in or around the end of May 2022 (about three months after Johnson’s discrimination, retaliation, harassment, hostile work environment, and whistleblowing lawsuit against JCPS was settled at the end of February 2022). It does not mention that Johnson was presented with an agreed order, which included, but not limited to the following:

- Johnson was to admit wrongdoing of her write-ups, bad evaluations, etc.;
- surrender her school counseling license with no future pursuit of one;
- Suspension of her other professional licenses;
- attend and pay for hours of professional development;
- undergo physical, mental, and neurological examinations by a Board [EPSB] approved medical doctor;

- and following suspension Johnson's other licenses would be on probation for five years.

Also, this procedural history fails to mention that Johnson rejected two agreed orders in June, and had to find an attorney who specialized in administrative law only to find out after Johnson paid him a retainer that he was still waiting on the "blessing" of Todd Allen, KDE General Counsel in order to fully represent Johnson. Then, Johnson repeatedly told him that Johnson wanted a 13B hearing only for that request to be ignored by EPSB, so that EPSB could continue to contact said attorney costing Johnson more than \$1400 in attorney fees. Johnson had to hire another attorney with the same results, EPSB ignored the requests for 13B hearing, and ran up Johnson's attorney fees to over \$1500. At this point, Johnson realized that EPSB was trying to take all of her money from the settlement in attorney fees, so Johnson decided to represent herself. At that point, Johnson had been dealing with EPSB from June 2022 to September 2022. Her whole summer had been filled with threats and attempts from EPSB to coerce her into signing an agreed order.

When Johnson inquired about her constitutional rights, the EPSB Attorney allegedly stated that they had "sovereign immunity", so they did not have to allow Johnson to exercise her constitutional rights.

Finally, the October 11, 2022 vote by EPSB for Johnson's case (No. 2003725) to be referred for a hearing was not mentioned.

Regulation: Pursuant to KRS 161.120(2)(a) a superintendent must submit a report to the Kentucky Education Professional Standards Board (EPSB) **within 30 days of an event** that gives rise to the duty to report. This duty to report exists without regard to any disciplinary action, or lack thereof, by the superintendent.

EPSB Actions: As for the Superintendent's Notice dated March 2, 2020, EPSB had been notified as JCPS was notified that it contained erroneous information, and yet more than 1,000 days later, EPSB has still not addressed the issue with JCPS nor has JCPS sent EPSB the revised version. The following issues were on The Notice of

Administrative Hearing and Statement of Charges and Issues dated October 11, 2022:

- October 11, 2018 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1466 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- November 15, 2018 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1431 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- February 1, 2019 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1355 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- April 29, 2019 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1266 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- April 29, 2019 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1266 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- December 18, 2019 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 1033 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- February 25, 2020 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 964 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- February 27, 2020 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 962 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- May 12, 2020 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 887 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.
- May 12, 2020 - Johnson found out this was a “charge” on October 17, 2022, when she received the notice (about 887 days later). This “charge” was never on the March 2, 2020 Superintendent Report as suggested by EPSB.

- December 16, 2021 - Johnson's deposition from Johnson's lawsuit against her as retaliation.

The actual dates on the March 2, 2020 Superintendent's Report were the following; however each of these dates still were not submitted to EPSB "**within 30 days of an event** that gives rise to the duty to report":

- December 9, 2019 (about 94 days from March 2);
- December 12, 2019 (about 91 days from March 2);
- December 17, 2019 (about 86 days from March 2);
- December 18, 2019 (about 85 days from March 2);
- December 18, 2019 (about 85 days from March 2).

Therefore, JCPS was in violation of even sending these reports outside of the 30-day regulation window. They sent them, and since JCPS's General Counsel was acting as the Interim Commissioner of Education, these reports were not only submitted by JCPS, but accepted by EPSB.

Regulation: The Executive Director and staff of the EPSB will review all reports and complaints to determine whether there is sufficient credible evidence that a violation of KRS 161.120(1) may have occurred. If the report or complaint contains sufficient credible evidence that a violation of KRS 161.120(1) may have occurred, the EPSB staff will open a case file and assign that file a number. If multiple reports or complaints are received about an educator before any action is taken, they will all be combined into a single case file. If a new report or complaint is received after the matter has been referred for attorney review and investigation, it will be added to the existing case file. The educator or their attorney will be given the opportunity to submit a rebuttal, which will be included in the case file if provided.

EPSB Actions: EPSB did not require JCPS to submit all relevant information and/or documents pertaining to Johnson's case. Specifically, JCPS did not send the revised March 2, 2020 Superintendent's Report nor did they send Johnson's second rebuttal sent to JCPS on February 29, 2020. Both of these documents contained the statement that Johnson was not "SCM trained". It appears that since JCPS's Chief of

Human Resources was the former executive director of EPSB, he was knowledgeable about how to write the superintendent's report in a way that would prompt further investigations and maybe even bring sanctions against Johnson's professional license. JCPS intentionally withheld the fact, among others, that Johnson was not SCm trained; however, on or around April 8, 2020, EPSB sent Johnson a letter notifying her of her right to file a rebuttal with the EPSB within thirty (30) days from the date that Johnson received the complaint. Johnson's attorney sent Johnson's rebuttal on or around May 7, 2020. Even today, EPSB is still in denial of having received this letter as this letter provides wrongdoings by other educators not Johnson. EPSB did not want to address these other educators, but rather chose to continue to pursue Johnson. JCPS's General Counsel and Chief of Human Resources had an opportunity and a means to obstruct justice, it seems they may have chosen to do that against Johnson.

Regulation: EPSB may determine the case should be referred for attorney review if the alleged conduct, if proven, would justify sanctions. After the Board refers a report or complaint for attorney review and investigation, an attorney will be assigned to handle the report or complaint. The EPSB shall be responsible for sending a Notification of Referral for Attorney Review and Investigation (Notice of Referral) to the educator. Furthermore, the Notice of Referral should notify the educator that the Board has referred the report or complaint for further review and investigation; shall notify the educator of the right to provide evidence that the educator's conduct did not constitute a violation of law or ethics; and shall be sent to the educator's address on file with the EPSB.

ESPB Actions: The EPSB Board did vote on June 15, 2020 to refer Johnson's case (Case No. 2003725) for attorney review and investigation. In addition, Johnson received a copy of the Notice of Referral on or around June 18, 2020. However, the notice failed to "...notify the educator [Johnson] of the right to provide evidence that the educator's conduct did not constitute a violation of law or ethics". Instead the letter sent to Johnson stated the following: "..The case will be assigned to one of the Board's attorneys to review and evaluate the evidence, determine if more evidence is needed and prepare a recommendation for the Board. The assigned attorney will contact you, or your attorney, once they have had the opportunity to review the file." Other concerns with EPSB's actions are the following: JCPS's

General Counsel was still in the role of Interim Commissioner of Education. In addition, Kim Chevalier voted at this meeting while she was in the role of JCPS's Chief of Special Education on June 15, 2020.

Regulation: The assigned attorney will review the evidence in the investigative case file and determine what additional information is needed to assess the case. They will also take steps to gather any necessary evidence. The EPSB staff has the authority to try to resolve the case through an "agreed order" with the educator or their attorney, which is a resolution reached through mutual agreement and involves the educator accepting sanctions without going through a hearing. An agreed order must be approved by a majority of the Board and signed by the Board chair. The educator has the right to request a hearing if they do not accept the agreed order. If the Board believes the allegations warrant sanctions, they will refer the case to a hearing, which will be conducted according to KRS Chapter 13B. The disciplinary process begins when the Board approves and issues a Notice of Hearing and Statement of Charges and Issues, which is prepared by the assigned attorney.

EPSB Actions: EPSB sent Johnson the Notice of Referral for Attorney and Investigation. However, it is questionable if it was a fair vote since many regulations had already been violated prior to this step including, but not limited to JCPS's employees working on behalf of the state against Johnson, who at the time had an active lawsuit against them. Then, Johnson was offered several agreed orders of which she rejected them all. She paid about \$3000 in attorney's fees because of EPSB's actions and asked for a 13B Hearing multiple times.

Regulation and EPSB Actions: Finally, on October 17, 2022, Johnson received the Notice of Administrative Hearing and Statement of Charges and Issues for the 13B Hearing dated for October 11, 2022. However, according to the Kentucky Open Meetings Act (KRS 61.805 to 61.850), the Education Professional Standards Board (EPSB) is required to follow certain procedures in order to hold a closed session outside of regularly scheduled meetings. These procedures include giving advance notice of the closed session and stating the specific reason for holding the session in the notice, as well as keeping a record of the closed session, including the minutes of the meeting and any action taken during the session. According to

Kentucky Revised Statute (KRS) 13B.050(1), a hearing should be conducted as soon as practicable. Prior to June 2022, it has been about two years since EPSB's Notice of Referral for Attorney Review and Investigation. Furthermore, the Petitioner (EPSB) waited until after the Respondent (Johnson) settled a discrimination, retaliation, harassment, and whistleblowing lawsuit against Jefferson County Public School before threatening, harassing, and attempting to coerce her into signing an agreed order. Johnson had rejected multiple agreed orders and there continued to be a delay of justice.

Furthermore, the delay in holding the hearing is unreasonable and in violation of KRS 13B.050(1), and KRS 13B.050(3)(a) requires that the notice of the hearing include a statement of the date, time, place, and nature of the hearing. KRS 13B.050(3)(b) requires that the notice include the name, official title, and mailing address of the hearing office. KRS 13B.050(3)(d) requires that the notice include a statement of factual basis for the agency action and a statement of the issues involved, in sufficient detail to give the parties reasonable opportunity to prepare evidence and argument. Upon review of the notice provided in this case, it has been determined that the notice does not meet the requirements of KRS 13B.050 and, as a result, is not legally binding.

Finally, if EPSB did in fact hold a closed session on October 11, 2022 and voted to refer EPSB Case No. 2003725 to a hearing, it would have violated the Kentucky Open Meetings Act. An examination of the EPSB's regularly scheduled meetings near October 11, 2022 revealed that a regularly scheduled meeting was held on October 10, 2022. An examination of the minutes from this meeting showed that EPSB Case No. 2003725 was not voted to be referred to a hearing under KRS 13B, but rather was voted for attorney review (**see below**):

2111989	Attorney Review
2110799	Attorney Review
2110841	Attorney Review
0911618	Dismiss w/Prejudice
1611905	Dismiss w/Prejudice
0808975	Dismiss w/Prejudice
1209552	Dismiss w/Prejudice
2202115	Dismiss w/Prejudice
1505228	Dismiss w/Prejudice
2254263	Dismiss w/Prejudice
2108545	Dismiss w/Prejudice
220139	Dismiss w/Prejudice
2254275	Dismiss w/Prejudice
220137	Dismiss w/Prejudice
1108617	Dismiss w/Prejudice
2108561	Dismiss w/Prejudice
2254264	Dismiss w/Prejudice
2108531	Dismiss w/Prejudice
2108567	Dismiss w/Prejudice
1609635	Dismiss w/Prejudice
2254252	Dismiss w/Prejudice
2202125	Dismiss w/Prejudice
2204393	Dismiss w/Prejudice
2107423	Dismiss w/Prejudice
220289	Dismiss w/Prejudice
2104283	Attorney Review
2003725	Attorney Review
20071261	Refer to Hearing
2111919	Dismiss w/Prejudice
2254286	Defer for Training
2254285	Defer for Training
2254267	Dismiss w/Prejudice
2254251	Dismiss w/Prejudice
2254257	Dismiss w/Prejudice
2254278	Dismiss w/Prejudice
2254280	Dismiss w/Prejudice
2254253	Dismiss w/Prejudice
2254255	Dismiss w/Prejudice
2254276	Dismiss w/Prejudice
2254360	Dismiss w/Prejudice
2254364	Defer for Training
2254363	Dismiss w/Prejudice
2254374	Dismiss w/Prejudice
2254370	Defer for Training
2254369	Dismiss w/Prejudice
2254383	Dismiss w/Prejudice

October 10, 2022 Meeting

Minutes

Finally, it appears that EPSB Board Chair, Justin Mitchell (signed the letter attached to the Notice of Administrative Hearing) and Cody Hollan, EPSB Attorney responsible for the paperwork involved in this case, have broken the law by stating that Johnson’s Case (No. 2003725) was referred for a hearing on October 11, 2022. When in fact, it was still under “Attorney Review”. This disregard for laws, statues, policies, ethical standards, etc., has been prevalent throughout this entire case.

In addition, EPSB contacted the Attorney General’s office to begin the hearing process when there was in fact no hearing voted on Kimbelrly Johnson, Cody

Hollan, and the Hearing Officer from the Attorney General's Office had a pre-hearing conference telephonically on December 9, 2022. This also was illegal and demonstrates how the law is disregarded by EPSB in the case of Kimberly Johnson. Johnson spent her entire two week winter break working on this case without the help of an attorney. This is cruel and egregious mistreatment of a person.

Supporting Narratives and Further Evidence

The following section contains information relevant to this case. Copies of this entire document should be sent to Johnson's official personnel file, EPSB file, and Dr. Martin Pollio should be attached with any and all proceedings attached to this case in any way unless an agreement is made to clear Johnson's personnel file, and any other records.

CONTEXTUAL BACKGROUND

JCPS and KDE

Dr. Martin "Marty" Polio became the acting superintendent of the Jefferson County Public School (JCPS) District on July 2, 2017. In the fall of that year, JCPS was placed under an initial action plan by then-Kentucky Department of Education (KDE) Commissioner Stephen Pruitt due to the district's special education issues needing immediate attention. The school board unanimously decided to appoint Dr. Pollio as the superintendent of JCPS. In April 2018, Kentucky Interim Commissioner of Education, Dr. Wayne Lewis, recommended that JCPS be placed under state management due to a range of issues, including: a lack of up-to-date employee file audits; a lack of protocols to ensure the implementation of curriculum, instruction, and assessment frameworks with fidelity; a lack of protocols to use data analysis findings to inform changes to policies, procedures, and practices; a lack of alignment between the evaluation system and the district's goals and action plan; widespread misunderstanding of the use of physical restraint and seclusion in public schools (as specified in 704 KAR 7:160), leading to the use of mechanical, prone, or supine restraints and unnecessary physical restraint and seclusion; the use of inappropriate positive behavior supports for special education students (in

violation of 7 KAR 1:320, Section 5(2)(a)), which impeded their learning; a lack of decision-making regarding educational placements for students with disabilities during the Admissions and Release Committee (ARC) process (violating 707 KAR 1:320); and a lack of a system to ensure consistent and timely handling of referrals for special education services (Child Find) (violating 707 KAR 1:300 and IDEA).

In summary, there were deficiencies in the implementation of special education, improper use of seclusion and restraint (both in general and specifically with special education students), organizational problems, disproportionate discipline of Black students with disabilities, and wide achievement gaps.

Shortly after becoming superintendent, Pollio began building his cabinet-level administrators. In July 2018, he hired Jimmy Adams as the Chief of Human Resources. According to Pollio, "Like me, Jimmy will have an intense focus on and commitment to ensuring compliance with all laws and regulations." Before working for JCPS, Adams was the executive director of the EPSB. In October 2018, Pollio also hired Kevin Brown, stating that he was "a leading expert on education law in this region and the right person to guide our district through legal questions and provide expertise on a variety of matters. His background as associate commissioner and general counsel for KDE will be tremendous for JCPS."

A settlement between JCPS and the Kentucky Board of Education (KBE) was reached in August 2018. This agreement allowed the JCPS school board to retain most of its authority, but gave the Education Commissioner final say on certain problematic areas. The settlement also required JCPS to hire a cabinet-level special education chief and follow a corrective action plan (CAP) to fix identified issues. In May 2019, JCPS hired Kim Chevalier as the chief of special education, and the district added implementation coaches at the school level to handle special education plans. By August 2019, JCPS had made progress in implementing the CAP.

In December 2019, Kevin Brown temporarily left his role at JCPS to assume the position of Kentucky Interim Commissioner of Education. This meant that JCPS was now reporting progress of the CAP to one of their own. In or around July 2020, JCPS entered into an agreement with the Office of Civil Rights related to a complaint regarding the mistreatment and issues surrounding special education at Maupin

Elementary School. Brown served as Interim Commissioner until around September 2020, when Dr. Jason Glass became the education commissioner. Although some problems remained, on November 20, 2020, Glass stated in a letter to JCPS Superintendent Marty Pollio and the Jefferson County Board of Education that the audit had determined "neither state management nor state assistance is necessary to correct any inefficiencies and ineffectiveness within the district."

Maupin Elementary

In 2014, the Jefferson County Public Schools (JCPS) board approved the implementation of a Waldorf-inspired curriculum at Maupin Elementary School, a persistently low-performing school. In 2015, the Kentucky Department of Education approved a waiver allowing Maupin to deviate from the Common Core standards and implement this new curriculum. However, by November 2015, the school was struggling with implementing the curriculum and student behavior was disrupting learning. In 2016, data analysis revealed that Maupin could fall into priority status due to not meeting its annual improvement goals for the past two years and being in the bottom 5% of all elementary schools in the state. In 2016, state assessments showed that Maupin's reading and math proficiency rates had significantly dropped. In 2017, an audit by the Kentucky Department of Education found that the school had low ratings for curriculum, using data to make adjustments, and learning environments. The audit also found that students were not being challenged with learning activities that met their needs, there was a lack of high yield instructional strategies, and instructional time was frequently wasted. The audit report also noted a divisiveness in the school's culture and climate and reported that students, parents, and staff members described the school as "different, unique, disaster, hopeful, encouraging, bad, fights, crazy, educational, bullies, wild, easy, respectful, confusing, sarcastic, fun, joyful" and "caring." The principal of Maupin was Maria Holmes during the 18-19 school year, and Charita Kimbrough served the 19-20 school year.

Dr. Kimberly Johnson

Dr. Kimberly Johnson was born and raised in the West End of Louisville, KY. While in head start and kindergarten, Johnson loved school. She would often have her siblings and cousins play school with her and she was always the teacher. Johnson's

grandmother noticed this spark and would bring her granddaughter carbon paper and pencils, so that Johnson could make "dittos" for her siblings and cousins to complete. Johnson's father also recognized her insatiable appetite for school. He told her that when she was little, she would cry if she had to miss school even if she was ill. Having to go to a babysitter with her siblings due to her mother's work shift, trying to think of ways to evade the bus stop bullies, and disengaging from school due to a lack of challenging and engaging curriculum, quickly waned her feelings about school and learning. By fourth grade, Johnson had totally disengaged and was retained at the recommendation of her teacher. However, by the time she got in middle school, Johnson Middle School, she was able to find solace in her teachers who had high expectations and seemed to genuinely care. The librarian and her husband owned Old Louisville Florist, and they would have Johnson work for them after school and on weekends. During the school day, if Johnson finished her work, then her teachers would allow her to go to the class with students who were functionally disabled. With them, she was able to find her "happy place" by reading to them, helping them with things they could not do, and even just talking to them.

Unbeknownst to her mother, Johnson decided that she did not want to go to her home school, Valley High School, so he completed the necessary paperwork and signed her mother's name in order to attend Central High School's new magnet program. Johnson felt that during her first two years of high school, she was in a daze; however, by her 11th grade year, Johnson began to excel academically. By then, she was in her second full year of the Computer Technology Magnet. With her renewed mindset, Johnson earned a four-year academic scholarship to the University of Louisville. Also, she joined the U.S. Army Reserves.

Due to a mixture of bad life decisions and trauma, Johnson struggled to focus on school, especially after she began to have children. Depressed and stressed, Johnson decided to turn to the Lord, and she was not disappointed. She found a new church home and became active in church. As a divorcee with two Black sons in tow, Johnson became a first generation college graduate. Johnson desired to be with her children, so began working at their daycare, and when they were both enrolled in elementary school, she became a parent SBDM council member and taught Junior Achievement at their school. Eventually, she met a man at church who

accepted her and her two sons. They married and have been married for over 24 years.

Around 2001, Johnson earned a masters degree in business administration, and she became a substitute teacher while going through an alternative certification program. By 2003, Johnson had her masters degree in teaching; In 2007, she earned her doctorate degree in education leadership, and not long after she earned her principal certification. Johnson left JCPS for a brief time in March 2008 to assume the role of Campus Manager at the School for the Blind. Due to having a medical emergency and some illegal activity that Johnson was getting close to discovering, Johnson returned back to JCPS in or around September 2, 2008. Around 2014, Johnson earned the distinct honor of being on the LearnZillion Dream Team. Soon after, Johnson became a school and district goal clarity goal (academic coach). In or around December 2017, Johnson earned a masters degree in K-12 school counseling and obtained certification as a Professional School Counselor. In August 2018, Johnson was selected to become the school counselor at Maupin Elementary School.

In May 2020, Johnson was demoted (twice) from a counselor (not back down to an academic coach) to classroom teacher.

Dr. Kimberly Johnson is a 51-year-old Black woman with more than two decades of being an educator. It is important to note that Johnson did not have any disciplinary issues or negative evaluations before or after Maupin.

The Roles of State and Local Actors

1. Kevin Brown, the JCPS General Counsel, served as the Interim Commissioner of the Kentucky Department of Education. Brown left his position at JCPS around December 18, 2019 to serve as the Interim Commissioner until Dr. Jason Glass took over in September 2020. After that, Brown returned to his position as the JCPS General Counsel. Brown joined JCPS around November 1, 2018. The JCPS Superintendent, Dr. Marty Pollio, said, "Kevin Brown is a leading expert on education law in this region and the right person to guide

our district through legal questions and provide expertise on a variety of matters. His background as associate commissioner and general counsel for KDE will be tremendous for JCPS." In addition, Brown is friends with the Kentucky Department of Education's General Counsel, Todd Allen, and Todd Davis, the former ESPB Executive Director and current Director of the Division of Educator Certification and Preparation. According to KRS 161.028(2)(g), "The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties."

2. Kim Chevalier is the JCPS Chief of Exceptional Child Education. She began this position around May 6, 2019. During this time, she was a voting board member of the Education Professional Standards (EPSB). On June 15, 2020, Chevalier was present and voted when Johnson's case was heard by the EPSB (Case No. 2003725). As a result, she participated in the referral of Johnson's case for attorney review and investigation.
3. Jimmy Adams was the Chief of Human Resources for JCPS from July 2018 to June 2021. Dr. Marty Pollio said, "Like me, Jimmy will have an intense focus on and commitment to ensuring compliance with all laws and regulations." Before working at JCPS, Adams was the executive director of EPSB. Currently, he is the Director of Member Engagement for the National Association of State Directors of Teacher Education and Certification (NASDTEC). In addition, he is friends with the Kentucky Department of Education's General Counsel, Todd Allen, Interim Commissioner/JCPS General Counsel, Kevin Brown, and Todd Davis, the former ESPB Executive Director and current Director of the Division of Educator Certification and Preparation.
4. Aimee Green-Webb is currently the Chief of Human Resources for JCPS, a role she began in June 2021. Before this, Green-Webb was the Executive Administrator of Personnel for JCPS. She has also held several roles in JCPS Human Resources, including specialist and project coordinator for minority teacher recruitment. Green-Webb is the niece of Sharon Porter Robinson, a member of the Kentucky Board of Education, and Diane Porter, a member of the Jefferson County Board of Education.

October 11, 2018

Johnson was introduced to the parent sometime in August 2018. Johnson was told that the parent had just gotten out of prison after serving around 10 years.

On September 25, 2018 at 10:12 AM, John Custis, Family Resource Coordinator, sent an email to Andrea Heick, special education teacher and copied Kimberly Johnson. The email stated the following: "We have noticed that you have called SRT several times on [Student's Initials]. In Gardner's [general education teacher] class, but have not completed a single IC referral for him. Do you need assistance for this documentation? We really need the documentation for him if we are going to get him moved to an appropriate placement."

Johnson, as counselor and ARC Chair, was directed by school and district personnel to schedule an ARC meeting, so that the student could be placed in his least restrictive environment (LRE). Johnson, who was new to special education paperwork, followed the guidance of district personnel. Johnson was told to call the placement office to determine what school the student could go to based on his disability (as Maupin did not have a self-contained behavior disability class). The placement office told Johnson that the school closest to the student with the LRE he needed was Foster Elementary School. Also, the placement office stated that the district would provide transportation.

Johnson engaged in multiple conversations with the parent prior to the meeting on October 11, 2018. One of the phone conversations involved Johnson having to call the mother back and explain to her that Johnson was supposed to give her a seven-day notice; however, the mother had the option to waive it and they could still meet as planned. The mother explained that she was not going to waive her right but that she would still be at the meeting on October 11, 2018.

Johnson asked multiple district staff to assist her with the meeting as she had not done a meeting like this before. No one was available. Also, Johnson called the counselor at the receiving school and asked him to attend the meeting. He did not

answer Johnson, but the principal answered Johnson. The principal did not want the student at her school. She stated that she had a student already at her school who would be taking the slot that was available. The principal asked Johnson to reschedule her meeting with the parent. Johnson explained that she had gotten the information from the district placement office and Johnson explained that she did not want to reschedule with the parent as the parent had already shown some hostility (audio recordings of Johnson and the parent).

On the morning of October 11, prior to the meeting, Johnson received a call from the district, specifically Mr. Reed, informing Johnson that the student was now going to a different school. Since Johnson had already told the mother the original school, as soon as the mother got to the school, Johnson told her that the school had been changed and it was outside of Johnson's control.

The parent made a face and motioned for her son and his case management to come to Johnson's office. Already in Johnson's office was the special education teacher and the general education teacher shortly joined. Everyone sat down at the table, and then the parent said to Johnson, "You are a liar. I don't like you...I don't even want to see your face..I'll take care of you...This meeting is not taking place...I'll catch you in the streets...You can catch these hands...". The general education teacher ran out of the room and came back with the parent. Witnesses say that the principal asked Dr. Johnson to leave, but Johnson only heard her say to go get the security guard. Johnson left the room and came back with the security guard. The parent kept trying to get closer to Johnson to attack her. The security guard eventually got the parent out of the school.

After this, Johnson was shaken and called her father. He told her to get notarized statements from the witnesses and file a warrant against the parent. Johnson retrieved notarized (notarized by Gina Johnson, school secretary) witness statements from both the general education teacher and the special education teacher. The principal had not called law enforcement to ensure Johnson's safety, so after school, Johnson went to the Hall of Justice to file a warrant and an emergency protective order.

Johnson had arrived too late as they were closed, but someone at the office told Johnson that she needed a police report. Johnson asked for instructions on how to complete the necessary steps in order to protect herself. Johnson was told to go back to the school and call the police. When the police arrive, tell them what happened so they can provide Johnson with a police report. The police completed the report and gave it to Johnson; however, Johnson was required to put her personal address (although it happened at school and she had gone back to the school to call the police). This exposed Johnson's private information to the parent as she would eventually get a copy of the police report.

The next morning, October 12, 2018, Johnson texted the principal and told her, "I may be late. I'm at the Hall of Justice filing a warrant on [Parent's Name]. The principal responded, "Ok thanks for the heads up. Sorry you have to do that." At the Hall of Justice, Johnson completed a "Victim's Complaint" form and met with Adrienne Earley, Division Chief/Warrant Review. Also, Johnson gave Earley the witness statements. Ms. Earley stated that the school district should take care of this. She mentioned that they do this all the time. Then, she called Mike Mulhall, JCPS Compliance and Investigations and briefly told him the information. Mulhall agreed that JCPS should take care of it. Earley gave Johnson her business card with Mulhall's name and number on the back.

Johnson sent the principal an email on October 15, 2018. In the email, Johnson tells the principal the following: "Hi. Mr. Mulhall, JCPS Compliance and Investigations, need a statement about what happened last week. Would you all so kindly write down what happened and email it to him? The principal wrote, "Regarding [student's initials]'s mom?". Johnson wrote, "Yes". Johnson trusted that the principal wrote the statement and did not ask her anything else about it. After submitting all documents and information to Mulhall and several email exchanges, on October 30, 2018, Johnson sent Mulhall an email, "Hi Mike, what is going on with the case that you are working on? The parent keeps calling my number and her son is not at the school anymore. At this point, it is harassment." Not long after this, Mulhall called Johnson at the school and told her that they would not be pursuing the case.

Afraid for her safety without the help of her employer, Johnson called Adrienne Earley's office. Johnson was told that Earley had retired. Johnson briefly described the situation and was assisted by Patti Eschner. With a protective order in place for Johnson, The parent was arrested for threatening Johnson on December 22, 2018. She was released shortly thereafter. Since the school district refused to pursue the case, Eschner made it a "Commonwealth of Kentucky v. [Parent Name]" case. Immediately, she submitted an open records request on Johnson emails, phone calls, etc. In addition, the parent kept calling Johnson's phone repeatedly. Johnson asked the principal if Johnson was required to submit to the parent's open records request since the Kentucky Open Records Act (KRS 61.870 to 61.884) exempts a criminal investigation. The principal told Johnson that Johnson had to give the parent the documents that she asked for. This interfered with a legal proceeding and deprived Johnson her rights.

Then, in January 2019, the principal told Johnson that Johnson was being investigated by JCPS Compliance and Investigations (C & I). When Johnson asked why, she was told that C & I would tell her. On or around January 17, 2019, Johnson was interviewed by a JCPS Investigator. The investigator revealed that the parent stated that when her son was at Maupin, Johnson made disparaging remarks to him. Johnson was shocked that JCPS would harass her in this way when she was the victim; they dropped the case; and she used her right to protect herself legally. Now, they were punishing her for exercising that right. Also, the general and special education teachers were interviewed. According to them, the investigator kept pressing them to say that "Johnson argued with the parent" or that "Johnson was unprofessional" on October 11, 2018. The special education teacher stated that she told them that "Johnson was calmer than I ever could have been in that situation." Because JCPS investigators could not find anything, they decided to write that the investigation was "unsubstantiated" regarding the disparaging remarks; however, "it could be" construed that Johnson was insubordinate when she did not leave the room the first time when the principal asked her to leave.

Sometime in March 2019, the investigation came back with a completion date of February 7, 2018; however, as Johnson was reading the report she noticed two things of interest: one the investigator had contacted the case management at the

meeting on October 11, 2018, to ask about Johnson's demeanor. What had supposedly been a case of Johnson making disparaging remarks to the student turned into an investigation on how Johnson handled October 11, 2018. In addition, this case was now with the Commonwealth of Kentucky, so why was JCPS investigating it? Also, Johnson noticed that the investigator had interviewed the case manager on February 8, 2019. Johnson inquired with Georgia Hampton, Director of C & I about this "interview" occurring after he completion date, and Hampton simply changed the completion date to February 27, 2019, so then in Johnson's files it would appear as two different investigations.

Johnson was questioned about this report from the principal. When Johnson told the principal that Dr. Gardner had said the parent showed up with a bonnet on then, the principal used that statement and falsified a write up by stating that Johnson was judging or showing bias toward the parent. Johnson was written up for this on April 29, 2019. This whole situation had already added to Johnson's stress of wondering if the parent was going to act on her threats and then compound that with a hostile work environment.

In October 2022, the Education Professional Standards Board opted to bring charges to Johnson regarding this write up.

Johnson was subpoenaed to appear in court four or five times, each time with a threat of a \$1000 fine if she did not show up. Johnson showed up each time.

Eschner asked Johnson what Johnson wanted out of the situation as the parent was on parole and this could possibly send her back to prison. Johnson was not interested in the parent going back to prison, so Johnson asked that the parent go to counseling, do community service, and stay away from Johnson. When the parent had completed her counseling and community service, she saw Maupin's security guard and asked him questions about Johnson. The security guard told Johnson, and Johnson reported it to Patti Eschner. As a result of this, Patti had the emergency protective order extended.

This parent would call Johnson's new principal in the 2019-2020 school year, and that principal would engage in dialogue with the parent concerning Johnson. In Kentucky, threatening school personnel while they are performing their duties is a criminal offense, which falls under Kentucky Revised Statute KRS 508.055. This offense is generally referred to as "terroristic threatening" and is defined as the intentional threat to commit violence, either verbally or in writing, with the intent to cause fear or terror in another person. Under Kentucky law, terroristic threatening is a Class D felony, which is punishable by imprisonment for up to five years. When a school staff member is threatened by a parent, it is important for them to take the threat seriously and report it to the appropriate authorities. Threats of physical harm or death should not be taken lightly, and it is important to take steps to ensure the safety of all students and staff members.

Under Kentucky law, employers are required to provide a safe and healthy work environment for their employees. This includes taking steps to protect employees from physical harm and ensuring that the work environment is free from hazards that could cause injury or illness.

Additionally, the Kentucky Educational Professional Standards Board (EPSB) has a Professional Conduct Code for Educators that outlines the expectations for the professional conduct of teachers in the state. The code includes provisions related to maintaining a safe and positive learning environment, including the requirement to "maintain a safe and positive learning environment and take reasonable precautions to protect students, colleagues, and self."

In general, teachers in Kentucky have the right to expect a safe and healthy work environment, and it is the responsibility of their employer and the educational system to provide this. If a teacher feels that their working environment is unsafe or unhealthy, they have the right to report the issue to their employer or the appropriate authorities. Not only did Johnson have this right, but she had this right without the retaliation of being harassed, investigated, and written up by her employer.

November 15, 2018; February 1, 2019; April 29, 2019

Prior to November 15, 2018, Johnson exposed many discriminatory practices and other unethical or illegal issues at Maupin. In September 2018, Johnson exposed the failure of the school to provide an education in student's least restrictive environments (special education). The principal and assistant principal dividing a self-contained special education class and dispersing them to multiple classrooms. This was denying the students' right to a free and appropriate public education. The school was then required to offer and to provide compensatory education to these students, which means that the school had to spend more money to provide education to these students outside of the regular school day.

Johnson asked special education and general education for data on special education students including, but not limited to progress monitoring data as teachers were making arbitrary decisions about students based on personal feelings and/or opinion as they had failed to utilize best practices in educating some of Maupin's most vulnerable - black and special education.

When the ECE Implementation Coach came, Johnson noticed that she was not scheduling ARC meetings as required by law. Of particular note, parents were not receiving their invitations to attend meetings where decisions were being made about their children with disabilities. Many times, parent invites were being left on the printer, mailed without stamps, or mailed with the parent's address missing as witnessed by the school secretary. In addition, the implementation coach refused to follow students' IEP and/or require teachers to do so. There was even a long-time substitute in the special education self-contained class. The substitute kept asking for the student's IEPs repeatedly, so that she could provide them with proper instruction and grade-level curriculum. This was ignored and/or met with oppressions from the implementation coach. These are just some of the atrocities that happened at the hands of this implementation coach to Maupin's predominantly Black student population. When Johnson reported these wrongdoings to the principal, then she was met with retaliation and hostility. Also, the principal allowed the implementation coach to show contempt to anyone (including the counselor) who attempted to advocate for special education students.

The principal gave the ECE implementation coach the Johnson's office, which forced the Johnson to create a makeshift office in a storage room. When Johnson said (out of frustrated, "Black people don't get treated right around here..", then the one adult who heard her went and told the principal and later in the school year, the principal would admit to Johnson that Johnson's statement was what caused things to go "south" for Johnson.

Also, the principal, assistant principals were doing a book, Black Male(d) and required to complete reflections - both individually and as a school. Johnson wrote via email that the Black males at the school were not being treated and she expressed her reasoning. The principal punished Johnson for making such statements by antagonizing her through additional and changing work duties.

In addition, there was a shooting at a Kroger store in Louisville, Kentucky at the end of October 2018. Johnson told the principal that she was still processing the situation as she knew the mother of the lady who was killed. The principal wanted Johnson to disregard Johnson's personal need for time and space and use district resources to expose elementary students to trauma by talking to them about the shooting. Johnson told the principal that Johnson had consulted with three social workers who had elementary age children, and they all were not talking to their own children about the shooting, so Johnson did not feel it was best to talk to Maupin students about the shooting.

Parents and students initially contacted Johnson regarding Centerstone not providing services as agreed upon. Johnson, acting as an advocate, began to notice that the therapist was not signing-in or out as was the policy of the school. Johnson inquired with the school secretary who had no idea how the therapist was getting in or out of the school without coming through the front doors. It was discovered that the Mental Health Practitioner had given the therapist the employee-only code, so that the therapist was able to enter and exit through a side door. Johnson reported to the therapist's supervisor only for them to write an email to the district counselor, Michelle Sircy, accusing Johnson of being hostile toward and harassing the therapist without any shrewd of evidence, and Sircy accepted and published the word of the Centerstone supervisors by reporting it as fact to JCPS assistant

superintendents and the principal. Although the Maupin's principal knew the truth of the matter, she succumbed to her supervisors' pressure and decided to go against Johnson. Left without options, on or around November 4, Johnson reported the things that she felt were illegal including, but not limited to students not receiving mental health services but yet their insurance, Passport, being billed, and Johnson reported that special education students were not getting their needs met to the U.S. Office of Civil Rights.

On or around November 8, 2018, Johnson and another Black woman were the only two Black women at the Behavior Team meeting when the Centerstone therapist and Maupin's mental health practitioner began to ridicule a Black parent for obtaining a job as a caregiver. They made comments such as "...she can't even take care of her own children." Also, they made other disparaging remarks about the parent. Johnson reported this incident to the principal on the next day, and on that same day, the principal required Johnson to attend a meeting with her on November 15, 2018. The principal wrote and stated many disparaging things about Johnson including, but not limited to what was written on the November 15 E2.

After seeking help from JCPS's Chief of Schools and Chief of Human Resources, Johnson felt she had no other choice but to file a discrimination report with JCPS's Compliance & Investigations. When Johnson was threatened by the Director of C & I and the said Director told the principal and her supervisors, assistant superintendents, about Johnson's discrimination complaints (along with increased scrutiny), Johnson filed a discrimination claim with the Equal Employment Opportunity Commission (EEOC) in December 2018.

The retaliation, harassment, and hostile work environment continued, but Johnson continued to call out wrongdoings. At the end of January 2019, Johnson advocated for a special education student who was in the wrong grade. This is discussed later in this document in detail. Since Johnson insisted that the student be placed in her correct grade, on or around February 1, 2019, Johnson was subjected to negative evaluations, write-ups, hostility, etc. Johnson received her right to sue letter in or around February 2019, but Johnson hoped she would not have to file another lawsuit as she had just settled one in December 2017. Things continued to get

worse, and Johnson sent letters of complaint to EPSB on Maria Holmes, Kim Wagner, Georgia Hampton, and Michelle Sircy. Things continued to get worse until Johnson filed a discrimination lawsuit in May 2019.

The harassment and hostility continued as Johnson received a negative evaluation in June 2018. Johnson appealed the evaluation and awaited answer back in 30 days as was policy. When the 30 day deadline had passed, she contacted the Chief of Human Resources, Jimmy Adams, who told her that the 30th day fell on the weekend, which suggested to Johnson that he felt he did not need to follow the policy, and she should accept a denial of her rights.

December 9, 2019; December 12, 2019; December 17, 2019; December 18, 2019;
December 18, 2019

On December 2, 2019 at 11:58 am, Charita Kimbrough participated in an email exchange with James Hughley, JCTA Teacher's Union. The conversation went as follows:

Hughley: Please send me the name of the teacher that we're doing the grievant on.

Kimbrough: It's the counselor, Kimberly Johnson

Hughley: And what's the teacher's name?

Kimbrough: Katherine Stoltz is the teacher.

Around November 2019, Johnson sent an email to Jimmy Adams and Amy Diennes asking for options. Adams agreed to meet with Johnson in person on or around December 12, 2019. At that meeting, Adams told Johnson that she had two options: (1.) Do what your principal tells you to do. Or (2.) Take a voluntary demotion. Johnson told him that she was not interested in either one of those options, but

Adams ignored him and kept insisting that Johnson tell him what her teaching certifications were in. Adams would later confirm this conversation via email.

Concerning the allegations from December 2020, Kimbrough met with Johnson and her representative on January 6, 2020. On January 7, 2020, Kimbrough completed a district form titled "Confidential" to request an Employee Practices Review Committee (EPRC) meeting concerning the allegations Kimbrough was accusing Johnson of violating. It states on the "Confidential" form the following:

"EPRC is a review process for the benefit of you the supervisor so that the decisions you reach are informed decisions. This is a confidential meeting and should not be discussed with the employee. EPRC does not make decisions. The decision rests with the supervisor. A due process hearing should be held before the committee meeting..."

At the bottom of this "Confidential" form, Kimbrough lists Johnson previous alleged discipline as the following:

- **E2 November 15, 2018:** "demonstrate behaviors that reflect collaboration, mutual respect, and positive communication with colleagues.."
 - **It is important to note here that Johnson was told by both Maria Holmes and Odell Hendersont that this was not discipline.**
- **E2 November 16, 2018:** "...guidance to Dr. Johnson and the former MHP related to a working relationship between the two. It is noted that this MHP transferred out of Maupin"
 - **It is important to note here that Johnson was told by both Maria Holmes and Odell Hendersont that this was not discipline.**
- **Written Warning E2 April 29, 2019:** "Dr. Johnson received a written warning stating, 'Due to repeated concerns regarding Dr. Johnson's lack of professionalism and adherence to the Kentucky Professional Code of Ethics and Kentucky Framework for Counselors, this shall serve as a written warning."

On this same form, under the "Please describe circumstances and your recommendation", Kimbrough only lists two of the six allegations. At the meeting

on January 6, 2020, the meeting on February 28, 2020, and on the March 2, 2020, Superintendent's report, six allegations were mentioned. Yet, when Kimbrough completes the "Confidential" form on January 7, 2020, in order to request a meeting with the anonymous EPRC committee, Kimbrough only mentions mentions the December 9, 2019 and one of the December 18, 2019 (specifically a student allegedly "threatening to bring a gun to school and kill everyone" allegations) of which Kimbrough wrote, "..She [Johnson] could not recall this incident." This indicated **that true due process did not occur on January 6, 2020, as Johnson had no idea of the exact "allegations" prior to the meeting, so that she could adequately prepare.**

On January 16, 2020, Kimbrough and unknown EPRC committee members (according to Odell Henderson's testimony, JCPS Employee Relations, committee members' names are not documented) met to "consult" with Kimbrough regarding the "Confidential" form" that Kimbrough submitted on January 7, 2020. A new form titled, **EPRC**, was created with a different list of Johnson's alleged "past disciplines". This different list included the following:

- Substantiated/Unsub C&I - **"Date 2/27/19"**
- Substantiated/Unsub C&I - **"Date 2/7/19"**
 - **It is important to note here that these are the same documents. In the 2/7/19 version, Johnson pointed out to Georgia Hampton, Compliance and Investigations that the document was erroneous because they had "investigated" something on 2/8/19, so how could the investigation had been completed on 2/7/19. So, Hampton just arbitrarily changed the date of completion to 2/27/19.**
- E2 - **"Date "12/18/19"**
 - **Here Kimbrough included Rollerson's accusations against Johnson as discipline.**
- E2 - **"Date 4/29/19"**

Following the meeting on February 28, 2020, JCPS sent an online Superintendent's report on March 2, 2020 at 1:51 pm EST. More than a month later, EPSB sent

Johnson the Superintendent's report by certified mail. However, it was missing the additional rebuttal stating inaccuracies of the Superintendent's letter and E2. Although Johnson had submitted an initial rebuttal based on the January 6, 2020 meeting, after the February 28, 2020 meeting, she provided a second one via email to Henderson, Kimbrough, and Pollio on Saturday, February 29, 2020. On March 2, 2020, Henderson and Kimbrough acknowledged receipt of the second rebuttal and the fact that Johnson was not Safe Crisis Management trained. Kimbrough stated that this information would be corrected. However, that was never sent nor corrected at EPSB.

The facts and circumstances surround the six allegations on the March 2, 2020 report are as follows:

Allegation #1 - December 9, 2019

Kimbrough wrote, "A student with a history of self-harm comments brought a razor to school on December 9th, 2019 (**approximately 83 days** prior to March 2) . Dr. Johnson was asked if she returned it to the student after he made another comment indicating he wanted to kill himself... Dr. Johnson replied, 'Yes, it was a shaving razor.' She also shared that she contacted the parent...In the future, Dr. Johnson is expected to confiscate any unsafe items from students, call the parent to report it, and notify the AP or Principal, so that disciplinary action can be taken."

Background Information on Student#62

For confidentiality purposes, this student will be referred to as Student#62. This student was a special education student who struggled with reading. He was one of several students who were supposed to receive counseling services from Centerstone during the 18-19 school year. Johnson had reported that the therapist was not providing services to students on a consistent and/or agreed upon basis. Therefore, he, along with others, had been denied their right to medical attention from one of the school's community partners. This current school year, Student#62 had been placed by Johnson on the mental health practitioner, Tina Speight's, caseload. Johnson worried about the student's mental health as he had told

Johnson that he was being made fun of because he could not read. In addition, Johnson had witnessed him being placed in the hallway for behavior issues when he was with his special education teacher, Kelly Bryant. So, even when he was supposed to be getting his special education minutes in a resource special education class, the student was being removed from the classroom. This loss of instructional time was not recorded in Infinite Campus.

Also, during the prior school year (18-19), Student#62 was one of the participants in a school program called Maupin Men. There were approximately ten boys that participated and they were mainly, if not all, Black males. This school program was facilitated and coordinated by John Custis, Family Resource Coordinator - a White man. It was determined by Custis that the boys were mainly from single parent homes and needed to have a male role model. One of the activities that Custis modeled for the boys was shaving. Custis supplied the boys with disposable razors, shaving cream and balloons. The boys practiced learning how to "shave" using their balloons. Months later in the 19-20 school year with a different principal, specifically December 9, 2019, a sub teacher followed Student#62 to his locker, so he could get some paper. The sub teacher, who is Black, saw the disposable razor inside of Student#62's backpack. She removed it from his locker and called Johnson, who is Black, rather than the assistant principal, who is White, because according to the sub teacher, the assistant principal would have "...blown this out of proportion". In addition, the teacher told Johnson that Student#62 had mentioned something about staying over someone's house for the weekend, which suggested to both the teacher and Johnson that Student#62 and his mother could be homeless and were using the backpack to transport hygiene items.

Johnson assessed Student#62 and the student did not indicate any signs of self-harm. Then, Johnson called Student#62's mother while the student was still in her office. Student#62 did not mention self-harm to Johnson nor had he ever communicated using a disposable razor to kill himself. After he had been introduced to a disposable razor during a school program, they had "shaved" balloons - blown up balloons, which can easily pop. However, the disposal razor did not "pop" the balloons. The mother stated that the disposal razor was hers and asked if Johnson would allow him to bring it back. Johnson mentioned to the

mother that the student had mentioned being somewhere different over the weekend, and the mother did not want to talk about it, so Johnson respected her privacy. Johnson agreed to put it back into the backpack with the stipulation that it must remain in his backpack for the remainder of the day, he should not bring it back to school. After escorting the student to his locker and back to class, Johnson told his teacher verbally the steps that Johnson had taken concerning this matter. Then, Johnson immediately emailed the student's special education teacher, the school psychologist, the special education implementation coach, the principal [Kimbrough], and the Mental Health Practitioner on 12/9/2019 at 2:44 PM to tell them the steps she had taken. Johnson never hid the fact that she put the disposal razor back into the student's backpack. Not long after sending this email, Tina Speight came running out of the front office toward the student's locker yelling, "She [Johnson] gave it back to him. She [Johnson] gave it back to him." When Speight got to Student#62's locker, she searched through his backpack, found the disposal razor, and took possession of the disposable razor.

Two days later on 12/11/19 at 8:02 AM, Kimbrough replied to Johnson's email about the disposal razor with , "Thank you all of [sic] the updates!" In addition, Johnson did not hear anything further about this incident until she was confronted with it by Kimbrough on January 6, 2020. Following this meeting, Johnson looked up this student's behavioral history using Infinite Campus (IC), a database system the school uses to store student information, Kimbrough had waited until 10 days later (it happened on 12/9/19 and she did not document it until 12/19/19) to put this "weapon" charge on Student#62's records. Also, while Kimbrough noted that the counselor had talked to the parent, it was not noted that when Kimbrough made the decision, ten days later, to call a disposable razor a weapon that she had informed the parent of this change on her son's school record. As of February 28, 2020, Student#62's parent was not aware that Student#62's school records had been changed to list the disposable razor incident from December 9, 2019, as a weapon. The parent stated, "I did not hear from anyone but you [Johnson] concerning that." This was made a weapon charge on December 19, 2019. However, the principal had not notified the parent by February 28, 2020, which was more than 70 days later. This is a violation of both Student#62 and his parent's due process rights. In one of Johnson's rebuttals on this incident, Johnson asked

Kimbrough to remove the weapon charge from this student's record as it could cause irreparable damage to his academic career and reputation as a Black male. Kimbrough refused.

Unfortunately, this is a familiar case to many Black people, Essentially, the disposable razor was a disposable razor when the White Family Resource Coordinator gave it to the student. However, it was a weapon in the Black hand of the student, and it was a weapon in the Black hands of Johnson. This is a case of an object changing meaning in the hands of different people. This is clearly discriminatory. In addition, this Black principal had no problems leading this discriminatory practice onto the Black student and Black counselor.

Laws and policies concerning Student#62

JCPS's Student Support and Behavior Intervention Handbook 2019-20 (SSBIH) states the following regarding due process: "Whenever a student is accused of committing a violation of the SSBIH, he or she has the right to due process. This means that he or she must: 1) Be informed of the charges, 2) Be provided with an opportunity to present his or her side of the case, and 3) Be provided with an opportunity to appeal the decision."

JCPS's SSBIH 2019-20 states the following concerning student rights:

- Learn in a safe environment that is free of bullying, harassment, and discrimination.
- Receive instruction in order to learn school behavior expectations and social and emotional skills.
- Tell their side of the story and/or report unfair treatment to a person in authority.
- Access appropriate supports and services to succeed in school.
- Maintain personal privacy. Personal belongings may be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons, or other illegal or prohibited items (JCBE policy).

JCPS's SSBIH 2019-20 states the following concerning parent rights:

- Engage in regular, two-way, meaningful communication with school staff regarding their child's academic and behavioral progress. This includes the right to be notified in a timely manner when their child is removed from the instructional environment for a substantial amount of time due to his or her behavior.
- Actively participate with school staff in solving problems related to the child's behavior.
- Advocate for their child and report any unfair treatment to a person in authority.

JCPS's SSBIH 2019-20 states the following that school administrators have the following responsibilities:

- Apply the SSBIH in a fair, equitable, and consistent manner and accurately record inappropriate student behavior and interventions and disciplinary responses following the established protocol.
- Follow procedures for student removals from the learning environment.
- Notify parents, in a timely manner, of an inappropriate behavior and the response, if there is not an out-of-school suspension.
- Respect the right of students to maintain personal privacy. Personal belongings may be searched only if the principal has a reasonable suspicion that the student possesses evidence of a crime, stolen goods, drugs, weapons, or other illegal or prohibited items (JCBE policy).

Also, JCPS's Student Support and Behavior Intervention Handbook 2019-20 (SSBIH) states the following regarding search and seizure: "No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law. Search of a pupil's person shall be conducted only with the express authority of the principal/designee."

In addition, the SSBIH states "[s]earches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the

conduct of the pupil or the principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (e.g., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his or her personal effects. Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.”

Furthermore, the SSBIH states, “The disciplinary consequences set forth in the SSBIH apply to students at all times while they are on JCPS property or attending a JCPS event. JCPS property includes any school or other JCPS facility, including grounds owned or operated by JCPS, JCPS buses, and other JCPS vehicles, and the facility and grounds of any JCPS-sponsored activity involving students. Any student who is present when another student(s) is actively engaging in behavior that violates the SSBIH **and** the act is a law violation, may also be subject to disciplinary action if the behavior constitutes active participation.”

Pursuant to KRS 527.070, “(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution.” Having one of the above named weapons on school grounds is a Class D felony.

According to Kentucky Revised Statutes 158.155, an administrator, teacher, or other employee of a public or private school shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if she/he knows or have reasonable cause to believe that someone has carried, possession, or used a deadly weapon on school premises or

within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

The Student Support and Behavior Intervention Handbook 2019-20 states the following about the definition of a weapon:

- Weapons/Dangerous instruments are not tolerated in the district. Any student who is knowingly in possession of or who is involved in the transfer, storage, or use of a firearm or explosive device will be referred to an alternative school site for a period of one calendar year and not be allowed to return to his or her previously assigned school: Handgun; shotgun/rifle; pellet/BB/air gun; paintball gun; replica/toy gun; stun gun/taser gun, knife, blade length less than 2.5 inches; knife, blade length 2.5 inches or greater; blunt object; other object; noxious substance; substance used as weapon

Definitions of State Reported Weapons is handgun (Firearm): any firearm that can be held and fired with one hand. This category also includes revolvers and pistols. Shotgun/Rifle: a shoulder firearm with spiral grooves cut in the inner surface of the gun barrel to give the bullet a rotatory motion and thus a more precise trajectory.

Furthermore, The Student Support and Behavior Intervention Handbook 2019-20 states the weapons/dangerous instruments are a law violation and reported to the Kentucky Department of Education.

Issues

- A search and seizure of Student#62's personal belongs was completed outside of JCPS's policies, which is a violation of Student#62's rights. In addition, Tina Speight, mental health practitioner, had this student on her counseling caseload. By searching, seizing, and accusing Student#62 in this way, she caused irreparable damage to the counselor-client relationship, which is a violation of counselors ethical standards.
- In addition, if Speight felt this student was in danger of self-harm, then she had a duty to assess him or contact his mother for a mobile assessment, so that he could be assessed by an outside agency. Also, if Kimbrough

suspected that this student was in danger of self-harm, then she had a duty of ensuring his safety by asking Johnson, Speight, the school psychologist, or an outside agency to assess this student for self-harm. Kimbrough indicated this student had mentioned self-harm, and she suggested that he was/could potentially use the disposable razor for self-harming, yet, she did nothing to ensure his safety.

- This was recorded in Student#62's academic record without due process.
- Furthermore, an ARC should have been called to determine if this was a manifestation of the student's disability, so that adjustments could be made to his IEP and/or services. Prior to December 9, 2019, this student stated to Johnson on several occasions that he mentions self-harm because he cannot read and his teachers were not teaching him how to read. He felt embarrassed by not being able to read. By email, Johnson referred him to the implementation coach and the school psychologist for further assessment. At Johnson's request, the school psychologist had evaluated the student prior to December 9, 2019, she did not feel he was in danger of self-harm. Johnson was still advocating for counseling as a related service to be added to the student's IEP to ensure he received services. This was not completed.
- Since JCPS's SSBIH states, "The disciplinary consequences set forth in the SSBIH apply to students at all times while they are on JCPS property or attending a JCPS event...", and Student#62 had been introduced, modeled, and indirectly told that a disposable razor was not a weapon, then Johnson did not treat it as such. Nor did Johnson hid putting the disposal razor into Student#62's backpack. In addition, Johnson knows that you can pass through Transportation Security Administration (TSA) and board a plane with a disposable razor in his/her carry-on bag/luggage. The disposal razor did not become a weapon until 10 days later after multiple email exchanges regarding it. A disposable razor is not listed nor described in any state or local definitions of what constitutes a weapon. Therefore, to go back and accuse Johnson of giving a student a weapon could not be seen as nothing but discrimination, retaliation, and harassment.
- Kimbrough stated on the E2 dated January 6, 2020 (with some of these statements on the March 2 Superintendent's Report regarding this allegation)

the following: "In the future, Dr. Johnson is expected to confiscate any unsafe items from students, call the parent to report it, and notify the AP or Principal, so that disciplinary action could be taken...In this situation, the item was not only unsafe for students of this age, but self-harm was also indicated, so the student should not have been allowed to keep it and should have had a plan of action for the rest of that day with a follow-up crisis plan if needed after counseling and possible referral to the Mental Health Counselor."

Johnson trained Maupin staff on Suicide Prevention and Awareness on August 27, 2019. At that training, Maupin staff signed a log which verified that they had been trained and they understood the protocols and duties surrounding suicide and/or self-harm.

Allegation #2 - December 12, 2019

Although Kimbrough did not have these allegations on the January 7, 2020 form to request EPRC, both of these allegations were on the E2 dated January 6, 2020 (completed after January 7, 2020 and before February 28, 2020, the actual "conclusion" meeting date), and March 2, 2020 Superintendent Report, which indicates that at some point that were "added on". EPSB only listed one of the allegations on December 12, 2019; however, both allegations will be discussed here. December 12, 2019 allegations will be referred to as Allegation 2.1 and Allegation 2.2. During the January 6, 2020 meeting, Kimbrough had been so vague concerning these allegations that Johnson actually had to search and filter Infinite Campus to find behavior incidents that occurred on December 12, 2019.

Background and Response to Allegation 2.1

On December 12, 2019, at approximately 3:45 PM, Johnson was on duty in the hallways right outside of her office as Kimbrough had assigned her at the beginning of the school year. Johnson's storage room office where she had been forced to move was right beside the Plant Operator/Custodians' office. It was not unusual for custodians arriving for second shift to enter the hallway from the Plant Operator's office around dismissal time. It was also not unusual for Johnson to greet, give

information, or talk to the Plant Operator while completing her duty of supervising students during dismissal.

At 3:45 PM, the school secretary was usually doing the afternoon announcements while at the same time, students are exiting every classroom and the majority of the student population (except second run bus students who stay behind in the classroom until first run leaves) would be walking down the hallway without adult supervise except for Johnson (at or near her office), Jacoby (at or near his office down the hallway and on the opposite side of Johnson), and Kimbrough (front lobbying). It goes without saying that dismissal time was loud and busy. It is important to note here that the following people were SCM trained in the school: Nancy Peden, Behavior Coach; Fred Smith, Security Guard; John Custis, Family Resource Coordinator; Charita Kimbrough, Principal; and Will Jacoby, ECE Implementation Coach (special education). The school security guard, Fred Smith, would be outside loading buses, and Nancy Peden and John Custis would be duty-free during this time to address any crisis calls. Children walking down the hallway would get to Johnson first, then Jacoby, then John Custis' office, and then Kimbrough, and if Kimbrough left her post, then she would go past John Custis' office, then Jacoby, and finally Johnson's office.

In addition, it must be noted here that although Kimbrough stated on the E2 dated January 6, 2020, "Ms. Kimbrough said there was a code red and began running to room 110. Dr. Johnson remained in place where she was. Dr. Johnson was asked why she failed to respond....Dr. Johnson replied, 'I didn't hear a code red. Will have to see what was going on at the time.'"

Kimbrough goes on to write, "In the future, Johnson is expected to be listening to her radio, observant of activity around her, and responsive - being especially observant when she is in the hallway, during supervision, and during dismissal, and opening of school. She is expected to have her radio on unless she has informed the other administrators of the need to be off-radio."

There are several issues with Kimbrough's directives. First, Kimbrough was well aware at the January 6, 2020 meeting that Johnson did not know what allegations to

prepare for. Although this had been called a “due process” meeting, Johnson and her attorney went into this meeting blindly. Also, it had been almost a month since these allegations had taken place. Kimbrough did not ask Johnson why she failed to respond on December 12, 2019 like this E2 suggests, but rather Kimbrough ensured that Johnson was unaware of what the allegations were until Johnson was questioned about the allegations on January 6, 2020 without an opportunity for Johnson to prepare an answer. Prior to the receipt of this E2 dated January, received on February 28, Johnson had not been expected to have her radio on at all times, and since Johnson did not receive this E2 until February 28, 2020 and was unaware of the directives until February 28th, Johnson continued to perform her duties including but not limited hallway duties the same she had from August 2019 - February 28, 2020.

Since Johnson was the school counselor and expected to perform whole group, small group, and individual counseling, the expectation was not for her to have her radio on at all times unless she had permission from the other administrators. This was also new as Johnson’s direct supervisor was the principal, and now Johnson was being directed to “inform the other administrators”. Normally, the other administrators would be the assistant principal and Family Resource Coordinator (classified administrator); however the assistant principal, Cabrina Bosco, had recently lost her father and took a voluntary demotion to take care of her aging mother; therefore, Kimbrough expected Johnson to inform her or John Custis, a White male, who was of lower rank than Johnson when she needed to perform her counseling job duties and turn her radio off.

Also, Nancy Peden, Behavior Coach and a White female was the first responder to radio calls. She had been given permission by Kimbrough, prior to this directive, to turn her radio off whenever she wanted in order to do small group sessions with students. This shows that it is difficult, if not impossible to perform counseling or even talk to someone with a radio on. In addition, it shows the discriminatory policies of allowing a White Behavior Coach of lower rank than Johnson, a Black Counselor, to exercise privileges, even when outside of the Behavior Coach’s primary duties while making it difficult for Johnson to perform her counseling

duties without “inform[ing]” someone of a lower rank

In addition, Kimbrough directed Johnson to be “...observant when she is in the hallway, during supervision, and during dismissal, and opening of school”. Kimbrough knew that Johnson supervised in the cafeteria every morning and would not be in the “hallway” during the opening of school.

Kimbrough’s allegations appeared to stem from a meeting on or around October 11, 2019 involving teacher Katie Stoltz and her union representative. At that meeting, Stoltz accused Johnson of “always congregating”. Johnson wrote in her rebuttal, “This is discriminatory as it is alluding to Black Code Laws during the 1700 - 1800’s when it was illegal for black people to ‘congregate’ or ‘group’ because this was interpreted as a threat. This is historical discrimination and oppression being exercised in a 21st century workplace. White people [including Stoltz] have secret meetings or ‘congregate’ all the time at the school and it is not a problem.”

JCPS’s SSBIH 2019-2020, states the following regarding emergencies (a.k.a code red): “School personnel implementing the physical restraint are appropriately trained as required by Section 6 (3) of this administrative regulation, except to the extent necessary to prevent physical harm to self or others in clearly unavoidable emergency circumstances where other school personnel intervene and summon trained school personnel as soon as possible.” Regarding seclusion, it states the following: “School personnel implementing the seclusion are appropriately trained to use seclusion.” Based on the notes in Infinite Campus, this was clearly a “code red” for personnel trained in physical restraint and seclusion (Safe Crisis Management trained or “SCM”). Johnson has never received such training. In addition, the state is aware of who has received such training as they required access to such information in JCPS’ Corrective Action Plan. Therefore, both the local and state levels are aware that Johnson holds no such training yet it was written that Johnson was SCM trained on the March 2, 2020 Superintendent’s report from that date until now, Johnson has asked that it be removed. Although it was promised to be removed by Kimbrough in March 2020, and stated that it had been removed by Kimbrough’s direct supervisor, Assistant Superintendent Nate Meyer, as December 2022, it has not been corrected. In addition, EPSB was notified by

Johnson's rebuttal dated on or around May 2020 of these errors. Yet, more than 1,001 days later, it still has not been corrected and EPSB is using this erroneous information to try to impose sanctions against Johnson's professional licenses, which violates Johnson's rights.

Johnson is an U.S. Army veteran; therefore, she has been highly trained in supervision and monitoring. In addition, at that time, she had been an educator for almost two decades. So, it is insulting for Johnson to be accused of failing to supervise. Johnson had never been reported of lack of supervision or failing to respond to behavioral issues. In fact, Johnson had performed her job duties from August 2019 - December 2019 the same way, and it did not become an issue until January 6, 2020. JCPS has a policy and Maupin had a plan of how to address radio calls, specifically emergencies. "Code red" calls were to be handled by trained personnel. John Custis was present on that date, she ran past his room first. She got to Jacoby's office and yelled, "Code Red" (she did not yell "code red" to Johnson, but rather Jacoby) and then Jacoby, who like Kimbrough is SCM trained, Jacoby followed behind Kimbrough to the crisis situation. Also, Jacoby followed Kimbrough because one of the students was a special education student. This specific special education student was extremely volatile and had not been given the services needed for him to be successful. There was no manifestation determination scheduled for this student following the fight. As the special education implementation coach, Jacoby was responsible for ensuring that additional supports were identified and implemented based on the student's needs. This situation involved two students who were fighting, and the special education student had been manifesting behaviors that should have been addressed in special education. Although Johnson was the special education backup person, Kimbrough and Jacoby did not give Johnson access to student's information, allow Johnson to attend special education update meetings, and give her a key to special education students' files which were locked in Jacoby's office. At that point, children were in the hallway and Kimbrough and Jacoby's posts were unattended. At that point, Johnson had to cover three posts."

Background and Response to Allegation 2.2

This was another allegation not addressed at the EPRC committee meeting held on January 7, 2020.. Allegation 2.2 occurred on or around Thursday, December 12, 2019. Kimbrough states on the E2 dated January 6, 2020 but not received by Johnson until February 28, 2020. "Ms. Peden called Dr. Johnson on the radio and told her she [Peden] had a student in crisis in Room 122. Dr. Johnson responded that she was in the Learning Lab doing 2nd run bus duty. Ms. Peden stated that the situation was urgent and if you [Johnson] would come she [Peden] would trade places with you [Johnson]. Ms, Kimbrough came on the radio also and stated that she [Kimbrough] was reporting to the learning lab." If Kimbrough believed that Johnson did not respond appropriately based on the necessary supervision of the learning lab, then why did Kimbrough volunteer to come to the learning lab, so that Johnson could see about the one student with Ms. Peden and other teachers. Ms. Peden was supposed to be in the learning lab; however, she had been the one to go to the crisis call because she was SCM trained.

Kimbrough also wrote, "Dr. Johnson was asked why she responded in this way to Ms. Peden." Again, Kimbrough asked Johnson about these allegations on January 6, 2020 - almost a month later with no knowledge and only limited knowledge provided on January 6, 2020 of what the allegations were prior to this "due process". So, Kimbrough asking Johnson about the allegations without the opportunity to prepare was not fair.

To add insult, Kimbrough wrote, "..[t]here is no rule regarding the number of students and adult supervision in this case...As a building leader, Dr. Johnson should have directed the other adult in the Learning Lab to be vigilant with all of the students until Ms. Peden arrived and then assure Ms.Peden that she was on her way. A leader should offer a solution rather than simply posing the problem [this was an acknowledgement that supervision was a problem]. In this case, Ms. Peden offered the solution."

On this same date as Allegation 2.1, Kimbrough wrote Johnson up for allegedly not performing Johnson's first duty, which is to stand outside of Johnson's office and supervise students as they are exiting the building. Johnson's second duty was to go to the Learning Lab and supervise 2nd run bus students (with normally 4-5 other

adults). As stated by Kimbrough, Peden was in Room 122. When Johnson was radioed by Peden (at approximately 3:50 PM), there was only Johnson and one other adult in the Learning Lab (instructional assistant) supervising over 40 students. Ms. Peden was one of the adults that was supposed to be in the Learning Lab. When Peden radioed Johnson, Johnson reminded Peden about the situation in the Learning Lab. Johnson radioed back to Peden that Johnson could not leave the instructional assistant in the Learning Lab alone. In addition, Johnson noted on Thursday, March 5, 2020, while serving 2nd run bus duty in the learning lab, one of the teachers (who is one of the union reps for the building) was discussing this 2nd run bus duty with another person and stated that “..this duty cannot be done with one person. It’s too much.” If Johnson had left a teacher or instructional assistant alone with 40 children, then that would have been a violation of JCTA (teacher’s union) or the instructional assistant’s union agreement. Kimbrough was well aware that the instructional assistant could handle 40 students alone nor should she have been left with them. Instructional assistants were not to supervise children without a certified person (district policy) at the time of this incident.

Kimbrough heard this exchange and came to the Learning Lab to allow Johnson to be able to leave. Once Johnson arrived, she noticed that the student, for confidentiality purposes she will be referred to as Student#12, had destroyed Room 122. Student#12 had been in crisis while at the zoo and upon returning from the zoo. Once the class returned from the zoo, at approximately 3:17 PM, the Student#12’s behavior continued.

Based on Student#12’s referral, the teacher triggered Student#12 (who has a traumatic history and is a student who has a disability) by blocking the door, which means she secluded her into the classroom. Student#12 responded by destroying the classroom. In JCPS’s SSBIH, it states in Section 4. (1) that “[s]eclusion shall not be used in a public school for the following reasons:

- punishment or discipline;
- to force compliance or to retaliate;
- as a substitute for appropriate educational or behavioral support;

- to prevent property damage in the absence of imminent danger of physical harm to self or others;

In addition, "school personnel implementing the seclusion are appropriately trained to use seclusion", and in a seclusion setting, the door should be "unlocked and unobstructed". The teacher was obstructing the door. This student's triggers had already been identified, documented and shared. So, the regular education teacher and the special education teacher had a duty to use that information. Furthermore, Maupin teachers had been trained on trauma, and they are aware that triggering a student places him/her in a "fight-flight-freeze" mode. Apparently, this student attempted to flee (run), and when the teacher blocked the door, this student "fought" by destroying the classroom. Instead of "vandalism", it was written up as "intentionally throwing/releasing an object". At no time was the student's parents called nor was anyone other than Ms. Peden notified of this "crisis situation". The teacher, Ms. Jones had removed the other students from the classroom (before dismissal) when this student had begun destroying the room.

Instead of this one student being removed by Peden, who is SCM trained, they evacuated the other students and this student continued to vandalize the classroom. Johnson asked Peden and Student#12's teacher asked if Student#12's parents had been called and they both said no. After talking to the student in a calm voice, Johnson called the student's parents and asked Peden to take the student to the PAC room to prevent her from destroying anything else. Peden placed the student in a restraint to remove her from Room 122 and to get her to the PAC room. However, it was not noted in Infinite Campus (IC) that the student had been placed in a restraint, which is a violation of **704 KAR 7:160**. Furthermore, this is more than likely the reason why Kentucky Department of Education and EPSB choose to remove this allegation from Johnson's list of "charges" as Johnson had documented this in her rebuttal.

Johnson followed them to the PAC room. When the student's parents arrived, Johnson went to the front office and escorted them to the PAC room. The mother told the student to "...get up and let's go back to the classroom". Johnson, the parents, and the student went back to Room 122.

Once they got back, Johnson saw several teachers including Student #12's teacher trying to put the classroom back together. Immediately, the parents, student, and Johnson began to help them put the classroom back together. Johnson explained to the parents that they needed to have the student seen by a medical professional. They contacted the therapist while at the school and the therapist gave them an appointment to bring the student. The parent opted to keep the student home from school the following day; however, an ARC as it should have been, was held the following day and the parents were present for the meeting. However, Mr. Jacoby denied the parents and student's rights because the ARC did not include Student#12's regular, general education teacher. Jacoby allowed another general education teacher on the ARC rather than Student#12's general education teacher. According to 707 KAR 1:320 Section 3(b) and federal regulation 34 CFR § 300.321, ARC membership must include a general education teacher of the student. This invalid ARC made decisions concerning Student#12's IEP. In addition, even though, Student#12's progress data was not aligned with her behavioral data in IC. Jacoby led the group in the utilization of that data. This denied Student #12 with a free and appropriate public education in the least restrictive environment based on legal terms.

Furthermore, according to district and school directives, Mental Health Practitioners (MHPs) are not to be assigned before or after school duty because they need to be available to support students in crisis. Student#12 was on Tina Speight's caseload, and Speight was present and available when this student was in crisis mode. Kimbrough was aware that Speight did not have before and after school duties and that she was available to support Student#12 on December 12, 2019. However, Kimbrough did not bother to direct Speight to Room 122 on that day. Instead Kimbrough chose to degrade, humiliate and harass Kimberly Johnson by suggesting that Johnson should have violated student supervision policies. On December 12, 2019, when Student#12 and her parents were leaving the school at approximately 4:15 PM, Speight was standing at the counter in the front office waiting until 4:30 PM, so she could leave for the day. Finally, Speight, as someone at the school who provides services to Student#12, should have been a part of the

ARC Committee with detailed, evidence-based data of frequency and progress of the counseling that Speight had allegedly provided to Student#12.

Allegation #3 - December 17, 2019

This allegation was also not written on the EPRC document. Like all of the allegations provided by the district against Johnson, there was a violation of due process, and like all of the allegations on the March 2 Superintendent's report, they were not an issue before, during, and even after as Johnson did not learn about them until February 28, 2020.

According to Kimbrough, "On December 17th, 2019, a disturbance was heard coming from Room 110 where two students had gotten into a fight. Mr Jacoby, ECE Implementation Coach, responded to the call on the radio and Ms. Kimbrough saw him moving toward the room and noticed that he was further away from the room than Dr. Johnson was, as she was observed out in the hallway close to the room."

According to Infinite Campus (IC), this fight happened at 3:45 PM. IC does not mention that Mr. Jacoby responded to this issue, but rather it states, "Behavior support staff assisted". In addition, according to the teacher's narrative, "..these students had been arguing all day." Johnson admitted to not answering this radio call to Room 110 because on that date, Johnson was with a student that required her immediate counseling attention. In her rebuttal, Johnson provided evidence (pictures) showing she was counseling a student who had been engaging in some inappropriate behaviors in his classroom. Johnson was on the phone with his guardian first and then explained to his teacher or the instructional assistant (who contacted Johnson regarding this incident) the results of the conversation with the parent.

Kimbrough wrote, "Again, in the future, Dr. Johnson must be responsive and not expect that others will respond when she is able to do so." Then, to act as if she asked Dr. Johnson about this incident on December 17, 2019, Kimbrough wrote, "If Dr. Johnson was observed with a student or involved with a situation, the principal

would have asked the question.” According the JCPs’s policy regarding a “School-based SRT call” should be handled in the following way:

1. One teacher initiates call
2. Two responders respond
3. One responder de-escalates
4. One responder re-focuses the class
5. Responders leave when student de-escalates and is engaged

Since this was a Student Response Team or SRT call or “call on the radio” and according to Kimbrough’s allegation, Jacoby responded by himself while Kimbrough watched. Kimbrough failed to follow district policy. The teacher documented that this was a fight between two students, although Mr. Jacoby is SCM trained, he should not have had to answer that call alone. Kimbrough, who is also SCM, should have assisted him.

Allegation #4 - December 18, 2019

Background and Response

According to Kimbrough, “On December 18th, 2019, a teacher reported a concern to Dr. Johnson regarding a 4th grade student who had threatened to bring a gun to school and kill everyone. The teacher was concerned that the counselor made light of the situation and attributed it to his behavior pattern. Dr. Johnson was asked how she responded to the reported concern.” Again, Dr. Johnson was told about this allegation at a meeting on January 6, 2020. Prior to the meeting, Johnson was not given any names of students, teachers, or dates. Dr. Johnson was not provided with any emails or other evidence demonstrating that Dr. Johnson was actually connected and “made light of the situation”. There are numerous witnesses that will testify that Dr. Johnson never “made light” of any behavioral situation, especially situations of homicide or suicide. Asking someone a question out of the blow without the opportunity to properly plan is setting that person up for failure.

Dr. Johnson had to search on Infinite Campus following the January 6, 2020 meeting to see if there were any students who had threatened to bring a gun to school and kill everyone on December 18, 2019. At the “due process” meeting dated January 6, 2020, Johnson originally thought that Kimbrough was referring to the student that brought a BB gun to school and Johnson found out about this incident when she saw staff members passing out letters to go home to parents. Kimbrough informed Johnson that this was not the incident that she was referring to and that the incident she was referring to had to do with a fourth grader (not the third grader). At the time, Johnson did not recall any situation with a fourth grader threatening to “..bring a gun to school and kill everyone.”

Johnson eventually found the incident in IC; however there was mention in the teacher’s narrative of talking to the school counselor, Johnson. Dr. Johnson was never approached by the teacher concerning this incident. This teacher had been taught the protocol for addressing behavioral issues. She knew to call SRT as she had on allegation 2.1 and allegation 3. Due to confidentiality, she would not have had a verbal conversation with Johnson regarding this student in the hallway. Johnson was never given the opportunity to question his teacher regarding this allegation.

Based on the 2018-19 school year and the current school year, Johnson would call a parent and request a mobile assessment if the teacher has indeed told Johnson what the student stated. However, this student as many of them was either in the referral process (for an extensive amount of time) or at this point, he was in special education. As Kimbrough stated, the student had a “behavior pattern” and this “behavior” was not being addressed according to the special education laws. In addition, he was receiving counseling services from Tina Speight. A manifestation determination or a special education referral should have been completed to determine if this student’s behavior and similar behaviors were part of his disability or suspected disability. This work was not completed. Furthermore, this student was sent out of the class on numerous occasions. Often his teacher sent him to Ms. King or Mr. Smith. This loss of instructional time was not documented in Infinite Campus and/or special education paperwork

Finally, when Johnson notified the school's Threat Assessment Team - John Custis, Family Resource Coordinator; and Tina Speight, mental health practitioner, concerning this threat, they did not know anything about it. The Threat Assessment Team would have followed a protocol established by the district. They have received Threat Assessment training, so they handle any threats made by anyone on school property.

At least three of Kimbrough's allegations were made by C.P. This teacher has a reputation of not liking Black students which Maupin was predominately (about 97%) Black. C.P. had allegedly told another White teacher, that C.P. told a group of Black girls, "...they needed to get on a boat and go back where they came from [Africa]." This other teacher allegedly told S.M., sub teacher at Maupin.

Allegation #5 - December 18, 2019

Background and Response

This is again one of the allegations missing from Kimbrough's ERPC request on January 7, 2020.

Kimbrough wrote, "Also, on December 18, 2019, a parent contacted the board regarding concerns about bullying, after she already contacted Dr. Johnson. The parent indicated that Dr. Johnson told her to call the board, and that the principal probably wouldn't do anything about it."

EPSB, who had apparently read through Johnson's first rebuttal concerning the March 2 Superintendent Report, decided to put on the Notice of Administrative Hearing and Statement of Statement of Charges and Issues a few statements, which were taken out of context to promote their position that Dr. Johnson's professional licenses should be permanently revoked, suspended, and a list of other sanctions. On or around October 11, EPSB wrote the following:

- "Respondent did not attempt to mitigate the bullying issue per her duties as the school's counselor..."

- **Johnson provided evidence to the contrary on her rebuttal and listed again below.**
- “Respondent advised the parent to report the bullying to the district and failed to ensure the parent felt confident that the school had specific steps to handle the bullying.
 - **Johnson is not obligated to deny her Christian faith by lying and making false promises to parents.**
- “After the E-2 meeting, Respondent involved the parent in her discipline by calling the parent and asking the parent to send an email regarding what was previously stated by Respondent.”
 - **As stated in Johnson’s rebuttal and listed again below, the parent volunteered to write the email when Johnson apologized for any miscommunication from previous conversations.**

In her rebuttal, Johnson showed multiple pieces of evidence concerning the bullying that this student and her family endured at the hands of staff and students. For the purposes of this document, this student will be referred to as Student#182.

Johnson stated at the January 6, 2020 meeting that she “would never tell the parent to call the board. However, Johnson did tell parents how to report bullying using the newly online method by detailing to them how to the district’s website and make a bullying report. This method of reporting had been broadcasted using various news outlets. Dr. Marty Pollio, Superintendent, announced that this new online reporting is “... part of the district’s commitment to help students and families document these types of incidents more easily.” Parents use the term “board” synonymously with “district”. Johnson was educating parents, not just Student#182’s mother, on how to use this method, particularly outside of school hours.

On December 18, 2019 (the same day that Kimbrough decided to “punish” Johnson for this), Johnson had sent both Kimbrough, principal, and Bosco, assistant principal an email. In the email sent to Kimbrough and Bosco, Johnson detailed how S.M., sub teacher, had reported to Johnson that Student#182 was being “terrorized” by multiple students in the class on a daily basis. S.M. stated that she “..did not know

what else to do with the situation.” Johnson did not put on the email that S.M. had also stated that she had already verbally reported this bullying to the principal and assistant principal. Johnson told S.M. to write referrals on the students, so that there could be a paper trail. In addition, Johnson sent Kimbrough and Bosco that Johnson had a conversation with Student#182 based on S.M.’s email. Johnson told Kimbrough and Bosco that Student#182 stated that she was constantly bullied about her skin color. Additionally, Student#182 stated that she had been the victim of the following comments by other students in the class:

- “I want to fight you.”
- “I’ll do it in front of everybody.”
- “You’re a loser and why don’t you just move to another school, white girl.”

Johnson asked Student#182 if her mother was aware of how she was being treated. Student#182 stated that her mother was aware. Johnson called Student#182’s mother who then reported to Johnson that some students at the school were calling her daughter “ugly”. Although Student#182’s mother desired for her daughters to be in a diverse school; she wanted her daughters to be safe. The mother stated her daughters had been “treated harshly because they were white.” Johnson offered compassion to the parent as Johnson does not believe in any type of racial violence.

Then, Student#182’s mother reported that her husband had come to the school and had been treated badly (because he’s Black) by the “School Resource”. This was in fact the Family Resource Coordinator, John Custis. Although Johnson did not tell the parent this, Johnson had personally witnessed Custis treat the girls’ dad as a criminal when he came to the school to eat breakfast with the girls. The parent wanted to transfer her daughter and asked for the number to Student Assignment. Johnson gave the number. The parent mentioned other incidents that had taken place at the school. Johnson told the parent that Johnson had no authority over the people involved, but that Johnson would report the entire incident to the principal. The parent asked what would happen and Johnson stated that she (Johnson) did not know.

On December 18, 2019, Bosco replied to Johnson's email and added John Custis to the conversation. Bosco wrote, "This is unfortunate...But for the record the father has been addressed several times in the morning...Mr. Custis has tried to work with them to address the lack of clothes that fit our school's dress code." Johnson was well aware that the Family Resource Center was not providing clothes as needed by families or providing resources where families can get such help. Johnson sent a father and son to get winter shoes as the father had just ridden the son on his bicycle to the school in the middle of snow and ice. Both father and son were wearing canvas shoes which were wet. Johnson sent them to the Family Resource Center. Custis turned them away and stated that he did not have anything for them. Johnson used her personal money to buy both the father and son some boots.

On December 18, 2019, Kimbrough replied to Johnson's email, "I spoke to the parent briefly this afternoon and will follow-up with her tomorrow." On December 20, 2019, Custis replied that he had not been "inappropriate".

On January 10, 2020 (after the meeting on January 6, 2020), Johnson reported by email the following to Kimbrough, "This student [Student#182] along with several other students are still reporting that she's {Student#182} being picked on and called names. I talked to the Mom and she informed me that she had already been at the school today, so she wanted me to be sure to tell you. Also, I informed [S.M.]"

Kimbrough replied, "Thanks for the update! I am still in the process of addressing some concerns from the parent."

As written in Johnson's rebuttal, "While Johnson was talking to the parent, Johnson told her that Johnson would report it to the principal and Johnson stated to her that Johnson was sorry that the parent misunderstood their conversation in December (where Johnson allegedly told the parent that the principal would not do anything). The parent stated that she did not tell anybody at the board that Johnson had stated that and the parent said that she even told the principal that

Johnson did not say that on or around December 19th or 20th. The parent stated that she would write an email which will state what exactly was said.”

Also, on January 10, 2020, Student#182’s mother wrote, “In regards to our conversation today, the incident that took place prior to Christmas break when [Student#182] was being bullied. I contacted the school board to let them know what was going on and that I wanted my girls transferred and to see if that could be done faster. Ms. Kimboro [sic] called me a day or so later and said she was contacted by the board office because of my complaint and they told her I said that I was told by you that nothing would be done. At that time I told her that during our [mother and Johnson] conversation I asked you what was going to be done, and that you said you had reported it, but did not know what would be done but that I could call the school board to also let them know what was going on. I feel like out of all the people who I have spoke to about this you’re the only one who has shown genuine concern for my girls. I appreciate that.”

Johnson wrote on her rebuttal, “As of March 6, 2020, the students that were “terrorizing” Student#182 were never disciplined. S.M. had been directed to write referrals on some referrals designed by Nancy Peden, the Behavior Coach rather than the district referrals. S.M. submitted these referrals to Peden and they were never documented in IC.

In JCPS’ SSBIH, all school staff have a responsibility to show respect and courtesy to all students, staff, families, and school visitors. This includes respecting individual differences, cultural diversity, and the property of others.

Also, in JCPS’ SSBIH, School Administrators have a responsibility to “[r]espond promptly on reports of bullying as required by JCBE policy. Furthermore, it states the following: “If, at any time, a parent, guardian, staff member, or other person(s) suspects or witnesses an event that compromises the emotional or physical safety of a student, it should be reported immediately. In JCPS, systems are in place to evaluate, investigate, support, and respond to situations that could present harm to a student. With interest in providing the best service possible to our students and

families, we have multiple ways incidences can be reported. " Also, it states the following:

1) If feasible, we urge parents and guardians to call the building principal and report concerns. If that is unsuccessful, the assistant superintendent supporting the school should be contacted.

2) If concerns involve the potential of bullying or harassment, please call our Bullying Tip Line at **1-888-393-6780** or visit our website to complete an online report. See the Bullying Prevention resources on page 14 for more support.

3) Parents and guardians may also call the JCPS Call Center at **(502) 313-4357**.

Finally, school administrators are responsible for "...[e]nsur[ing] that accurate and complete data-entry procedures are being followed and ensure that collection, monitoring, and evaluation systems are utilized at the school level. This includes using disaggregated data to allocate resources to support student behavior as well as evaluating program and staff effectiveness."

While there are no federal laws that directly address bullying, if it is based on certain characteristics such as race, national origin, color, sex, age, disability, or religion. it may be considered a form of discriminatory harassment. Schools that receive federal funding, including colleges and universities, have a responsibility to address instances of harassment that are based on these characteristics.

In order to be addressed by laws related to discriminatory harassment, the conduct in question must meet the following criteria:

1. It must be unwelcome and objectively offensive, such as through the use of derogatory language, intimidation, threats, physical contact, or physical violence.
2. It must create a hostile environment at school, meaning it is severe enough to disrupt or inhibit a student's ability to access the services, activities, or opportunities offered by the school.

3. It must be based on a student's race, color, national origin, sex, disability, or religion. Schools are required to address conduct that meets all three of these criteria.

December 18, 2019 (Rollerson)

On December 2, 2019, a "due process" meeting was held involving Dr. Kimberly Johnson, a counselor; Charita Kimbrough, the principal; Marilyn "Linsey" Shrewsbury, Johnson's attorney; and Kevin Brown, the General Counsel for the Jefferson County Public Schools (JCPS). Johnson was unaware of the purpose of the meeting until it took place. At the meeting, Johnson was confronted with a letter written by LaTonya Rollerson on October 18, 2019, in which Rollerson made defamatory and hostile statements about Johnson and invaded her privacy.

Rollerson's position at Price Elementary School had been abolished in July 2019, and she was subsequently transferred to Fairdale High School. Rollerson claimed that she was ignored at Fairdale and not well liked there. When she obtained a position at Maupin Elementary School, Johnson welcomed her (as shown in emails between Johnson and Rollerson). Around this same time, Rollerson discussed discrimination with Johnson. Johnson told her that she had a current lawsuit and had settled a previous lawsuit, but did not disclose the terms of the settlement, which would have been a breach. Rollerson mentioned that she remembered Johnson's case, as she had worked in Human Resources with Aimee Green-Webb. Johnson told Rollerson that Green-Webb had threatened her.

Johnson's previous lawsuit was settled on or around December 13, 2017. At the time, Johnson's work location was changing, and Human Resources informed her that they would inform her supervisor before the holiday break. On the last work day before the break, Johnson sent an email to her supervisors thanking them for the opportunity. However, to Johnson's surprise, her supervisors had not been informed, so they contacted Green-Webb in JCPS to ask what was going on. Green-Webb contacted Johnson and told her that she had breached the terms of the settlement. Johnson's attorney assured her that she had not breached the

agreement and contacted JCPS's attorney. On December 29, 2017, Green-Webb called Johnson and told her that everything was in order and that her credentials would be set up after the break (an audio recording of the conversation between Green-Webb and Johnson exists).

Given Rollerson's statement that she "remembered" Johnson's case and her work in Human Resources, Johnson believed her. Rollerson had not been a mental health practitioner prior to joining Maupin. She immediately attempted to implement the same forms and processes at Maupin as those used at Price. Rollerson and John Custis, Maupin's Family Resource Coordinator, were determined to get "enough" students' parents to sign up for Zachary Stewart's program, similar to the one he ran at Price. When Johnson pointed out that promoting only one program could be seen as favoritism and a violation of the policy against "knowingly distort[ing] or misrepresent[ing] facts concerning educational issues," Rollerson became angry and threw a paper at Johnson in the presence of Will Jacoby, the ECE Implementation Coach.

In addition, Rollerson worked with teachers Katie Stoltz and Whitney Gearlds, both of whom had histories of mistreating students. Stoltz, a kindergarten teacher, used physical force on students, while Gearlds, a special education teacher, failed to provide students with the proper accommodations. During the previous school year, Gearlds did not ensure that one of the students on her caseload was placed in the correct grade. This student was listed as being in second grade on Infinite Campus, but was actually in first grade. When Johnson spoke with the student (who had made suicidal comments), she realized that part of the student's mental anguish was due to other students telling her that she was not in second grade but rather first grade. Johnson approached the student's general education teacher about this situation and the teacher said the class was half split, so Johnson asked what other second graders were in the class. The teacher told Johnson that this student was the only second grader. Johnson asked how the teacher ensured that the student was receiving grade-level curriculum. The teacher stated that this second grader was not receiving grade-level curriculum because she "needed" to be in first grade. Johnson then spoke with Gearlds, as the student was on her caseload and Gearlds taught the student for part of the day. Gearlds admitted that she was giving the student first grade work. Johnson contacted the student's parent to see

what she knew, and the parent said she had been told that the student was in a half-split class. Johnson approached the principal and inquired about the situation. The principal acknowledged that she was aware of it. Despite Johnson's statement that this situation was causing harm to the student, the principal did not seem interested in changing the student's grade. So, on or around the end of January 29, 2019, Johnson again emphasized the issue to the principal, this time by email, and the student was placed in the correct grade.

Rollerson worked with many of Gearlds' students, including one who would often be in Rollerson's office or walking around with her while missing instruction. There was one instance in particular when the student was just sitting at a table inside Rollerson's office while Rollerson was "looking up" a counseling strategy to use with him on her computer. Johnson asked her to let Jacoby know when the student was with her, as special education students' time out of class must be documented.

Additionally, Rollerson disclosed confidential information about this same student to a woman, despite Johnson's request that she not do so. The student had transferred to Maupin from another elementary school, and there was a woman who claimed to be the student's "adopted" grandmother. Johnson received a call from the counselor at the student's previous school, who told her that this woman was not the student's "adopted" grandmother, but rather someone the student's parents had met at Kroger. Rollerson revealed confidential information about the student's mental health and special education to this woman. Rollerson ignored Johnson and continued providing confidential student information to this woman. At one point, she even stood with the woman in the middle of the cafeteria while students were eating breakfast and talked about the student openly.

Around the end of September 2019, Rollerson and Kimbrough announced that Rollerson would be returning to Price to serve as a mental health practitioner. Kimbrough mentioned that Rollerson had come from Price and was excited to go back. Kimbrough even included this in her online newsletter, "Smore." On or around October 3, 2019, Rollerson returned to Price.

When Johnson was presented with Rollerson's letter on December 2, 2019, she was not aware that she would be disciplined for it. On or around December 18, 2019,

Johnson met with Kimbrough and Amanda Herzog (as Kevin Brown had become Interim Commissioner of Education). Johnson had prepared a 32-page response to Rollerson's letter. When Johnson gave it to Kimbrough, Kimbrough seemed to become agitated and stated that Johnson should let her representative (attorney) know that there are additional allegations and a due process meeting will need to be scheduled after the break.

On December 19, 2019 (possibly after fully reading through Johnson's rebuttal), Kimbrough sent Johnson an email stating, "If possible, please reach out to your representative so we can meet for the due process meeting either today or Friday. Thanks!"

Since Johnson did not have her own copy of Rollerson's letter, on December 19, 2019 at 11:04 PM, Johnson sent an Open Records Request to Amanda Herzog (Open Records Coordinator). Johnson wrote, "I would like a copy of the pdf attachment on the email that LaTonya Rollerson sent to Charita Kimbrough and Whitney Gearlds on 10/29/19 at 10:23 PM." Herzog provided the email and attachments on December 20, 2019. The email revealed the following:

- Rollerson had written the letter on October 18, 2019 after she had already left Maupin on or around October 3, 2019.
- On October 29, 2019, Morteز sent Rollerson an email. The email from Dawn Morteز, JCTA (teacher union) included, but was not limited to: "..Had you still been at your previous school and were still being harassed by the guidance counselor (who is considered an administrator in JCPS), you would actually be able to file a formal complaint or file a grievance...However, since you are now at a new location working at Price ES and are no longer being harassed by your former guidance counselor, you do not have grounds for filing a grievance. It is a moot point." On October 29, 2019 at 10:23 PM, Rollerson forwarded this email with attachments to Charita Kimbrough and Whitney Gearlds.
- Kimbrough held onto this email for more than a month.

By writing this letter, Rollerson committed both ethical and legal violations. The Code of Ethics states that counselors should accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities, and should keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law.

Legally, Rollerson violated Johnson's right to privacy by either:

- Publicizing Johnson's private affairs with which the public has no legitimate concern;
- Wrongfully intruding into Johnson's private activities in such a manner as to outrage or cause mental suffering, shame, or humiliation to a person of ordinary sensibilities.

In addition, Rollerson defamed Johnson. Defamation occurs when a person is a plaintiff in a lawsuit. Rollerson knew that Johnson was a plaintiff in a lawsuit against JCPS. However, she made a false statement purporting to be a fact, published or communicated that statement to a third person, demonstrated fault amounting to at least negligence, and caused harm to Johnson's reputation.

Furthermore, by placing this letter into Johnson's personnel file without due process, Kimbrough violated the same principles. In addition, Kimbrough supported Rollerson's letter, which damaged Johnson's personal and professional reputation.

February 25, 2020

Student Needing 504 Plan Background

For the protection of this student's confidential information, this student will be referred to as Student#504. During the 19-20 school year, Student #504 was a kindergartener. She had a twin brother (Student #503), but they were not in the same kindergarten class. Also, she had a third grade sister (Student#505) and a fourth grade brother (Student #506). The twins along

with the third grader had sickle cell anemia. On or around August 23, 2019, the boy twin passed away from complications of the disease. Due to the emotional stress associated with the passing away of their brother, both sisters went into sickle cell crisis and were immediately hospitalized.

Upon the notification of this untimely death of one of her students, Johnson made arrangements to go to the family home. She went to the family home on or around August 25, 2019. The principal, Charita Kimbrough, was supposed to go with Johnson; however, when Johnson was driving to the family home, she was contacted by the principal, who told Johnson that her stomach was hurting because it was emotionally overwhelming. Johnson decided to go to the family home alone.

The mother was at the family home, and Johnson gave condolences on behalf of the school. The mother told Johnson that the two girls were in the hospital due to being in "crisis mode". Johnson gave the mother money (Johnson's personal money), so the family could buy food while at the hospital. Johnson asked the mother for permission to go to the hospital to visit the girls. Johnson went to the hospital. The dad, both grandmothers, and a host of family members were in the girls' hospital room. Johnson introduced herself to the family, and not long after arriving at the hospital, the maternal grandmother asked to talk to Johnson in the hallway. The maternal grandmother began to explain to Johnson that her grandson had passed away from bacterial infection, which complicated the sickle cell. She stated that the girls' were in a sickle cell crisis and explained what that meant to Johnson. Then, the grandmother stated that the school must have been dirty and how clean (sterilization) places have to be for children with sickle cell. She stated that the twins had missed many days of school in pre-K due to illness and how her daughter was forced to send them to school for kindergarten. In addition, she mentioned that her daughter was unsure if her children would be coming back to the school. Johnson advised the grandmother to have the mother get a doctor's statement and provide it to the school when they were ready.

On the same day, Johnson contacted the district counseling specialist, Michelle Sircy, and Sircy made phone calls to the grief team offered by the district. Johnson and the grief team leader worked out all of the details. The plan was the grief team

would be at the school on Monday, August 26, 2019, and they would guide Johnson on how to handle this grief with staff and students.

The next day, the grief team set up in Johnson's office and it was announced that they would be there all day for any staff or student who needed someone to talk to about the student. The grief team's team leader told Johnson that someone would have to go to the boy's kindergarten class and tell them about his death. Johnson volunteered to do it, and asked for some tips on how to tell the class. Latonya Rollerson, school's mental health practitioner, objected to telling the class that one of their fellow students had died; however, the grief team were trained psychologists in this area and knew best practices, so Johnson followed their advice.

The grief team leader told Johnson that she had to tell the class that [Student Name] had died. According to the grief team leader, kindergarteners do not understand abstract language such as "passed away"; therefore, Johnson would have to say "died". Also, Johnson and the classroom teacher would have to remove everything from the classroom with the student's name on it to help the students understand that Student #503 was not coming back.

On or around May 12, 2020, Johnson submits her rebuttal which included, but not limited to the following:

- On or around September 6, 2019 to September 10, 2019, Johnson had the teachers of Student#505 to sign an "Acknowledgement of Receipt of Section 504 Plan".
- On or around September 25, 2019, Johnson told Kimbrough that she still did not have a key to the special education file folders and as the backup chairperson, Johnson would need keys.
- On or around September 27, 2019, Johnson went to the family home because Student#506 had gotten in trouble at school, and Johnson could not reach his parents by phone. When Johnson arrived at the home, she saw the mother, Student# 504 and Student #505 getting groceries out the car. Since Student #505 already had a 504 Plan, Johnson discussed a 504 plan for

Student#504 at that time. Also, Johnson reminded the mother about Home Hospital since the girls had not returned to school.

- On that same date, September 27, 2019, Johnson coordinated with JCPS Home Hospital to begin services for Student#504 and Student#505.
- On or around September 30, 2019, Johnson contacted the mother by phone and the mother asked if there was a way for Student#506 to stay home. Johnson explained to her that he had to be in-person at school.
- On or around middle to late September, Katie Stoltz, Student#504's teacher and John Custis, Family Resource Coordinator visited the family's home. Stoltz came back to the school and made disparaging remarks about their house.
- Beginning September 2019, Kimbrough and Will Jacoby, special education (ECE) implementation coach/chair began to have meetings concerning special education, and even though it was part of Johnson's job responsibilities to be the backup chair, Kimbrough denied Johnson's request to be able to access the files.
- On or around October 22, 2019, Johnson sent Jacoby an email asking him to please keep her updated on special education information because she would have to be the backup if he was unavailable. She also mentioned to him that she did not have a key to special education folders.
- On or around October 31, 2019, Johnson contacted Student#504 and Student#505's mother because Home Hospital was over and the girls would be returning to in-person school. The mother stated that she would let Johnson know when she was ready.
- On or around November 1, 2019, Johnson attended the district's 504 training and she was taught that a student could not have both a 504 and an IEP.
- On or around November 15, 2019, Johnson attempted to call Student#504's mother; however, the mother did not answer and her voicemail was full.
- On or around December 5, 2019, Johnson contacted the district's Nurse Practitioner, Amanda Burks concerning Student#504. Johnson asked Burks what was needed, and Burks stated that a physician's statement was needed.
- On January 13, 2020, Kimbrough sent Johnson an email stating the following: "Hello Dr. Johnson, Mom [Student#504's mom] was wondering if you could follow back up with her at your earliest convenience regarding scheduling the

504 plan meetings. I informed her that she may hear back until tomorrow afternoon since you have a counselors meeting tomorrow." Johnson responds back to Kimbrough's email adding Samantha Kleber, School nurse; Amanda Burks, district Nurse Practitioner, and Erin Pittard, speech pathologist. Johnson states the following: "Hi, I just talked to mom [Student#504]. She stated the doctor faxed over the form months ago. I have not received this form." In this same email, Johnson asked Kleber if she had a copy; Johnson asked Burks about her availability; and Johnson asked Pittard about a speech evaluation. On January 14, 2020, Pittard stated, "I will do a screen on this student as soon as I can." Pittard did not seem to remember that she had completed a screening on this student on or around October 18, 2019. Also, on January 14, 2020, Kleber stated that she did have the physician's statement. The physician's form had been faxed to the district on August 26, 2019 (it had been held somewhere for almost six months). Johnson did not get a copy of it until around the beginning of February 2020.

- On or around the beginning of February until the end of February, there were a barrage of emails sent concerning getting this student a 504 plan. On February 5, 2020, Johnson sent an email to Tanya Bailey, district 504 specialist. In the email, Johnson asked her to please advise on if a student can have a 504 Plan for her medical condition and also an IEP for speech. Tanya Bailey replied with, "If the student qualifies for an IEP, all services should be documented on the IEP including what would otherwise be 504 accommodations."
- On February 18, 2020, the assistant principal, Sherri Harris, contacted the parents of Student#504 to come to the school because of some behavior problems regarding Student#506. When Ms. Harris tells Johnson that the parents (both mom and dad) are coming, Johnson tells Harris that dad had threatened Cheryl Dennis, one of the clerks, in December 2019. Harris calls JCPD Security to have a security officer at the school for the meeting. At the meeting, mom expressed that she wants a 504 Plan for both Student#504 and Student#505. She stated that someone told her that they both needed one. Johnson explained that Student#505 has a 504 Plan that has been in place for multiple school years. The mother expressed that Student#505's teachers must not know that she has a 504 plan because they were not

following her accommodations. Johnson gave mom a copy of the Acknowledgement of Receipt of the Section 504 Plan, which had been signed by teachers in September 2019. Johnson also told the parent that Student#504 had failed a speech evaluation, so she qualified for special education. Harris called Jacoby and asked him to come to the meeting. Jacoby stated that they [specifically him] had until May to start services. Harris asked Jacoby if they could start services within 30 days, and Jacoby agreed to start within 30 days. The mother hugged Johnson and thanked her for everything.

- On February 19, 2020, Kimbrough sent an email to Johnson and Jacoby asking, "Hello. I wanted to follow back up to check on the status of this student's 504 plan? Thank you in advance!" Johnson wrote, "This student has been referred for ECE [special education]. She has already been evaluated for speech; therefore, any of her health condition needs were to be documented on the IEP as stated by Dr. Tanya Bailey below."
- On or around February 25, 2020, Jacoby, Tanya Bailey, and several school staff members had a 504 meeting to provide Student#504 with a 504 plan. Johnson did not know anything about it until Dr. Gardner came and told Johnson. Johnson was the lead 504 Chairperson in the school. Since Johnson remembered the conversation with the person on February 18, 2020, she called and apologized to the parent for the confusion. On or around this same date, Johnson asked Jacoby about the 504 meeting. He stated that Tanya Bailey had suggested that they put a 504 plan in place while they did an evaluation for an IEP. The student had failed a speech screening on or around October 18, 2019, and she had failed another speech evaluation on or around February 4, 2020.

Finally, the general education teacher, Stoltz, never signed this 504 plan, and an IEP was put in place on or around March 10, 2020.

Background on IDEA 2004

The Individuals with Disabilities Education Act (IDEA 2004) is a US federal law that provides funding and support for special education services for students with

disabilities. In accordance with IDEA, the Kentucky Administrative Regulations for Special Education Programs (2008), special education is defined as "specially designed instruction that is provided free of charge to meet the unique needs of a student with a disability. This instruction can take place in a variety of settings, including the classroom, home, hospitals, institutions, and other locations." [707 KAR1:002, Section 1(56)].

Section 300.8 of IDEA defines a child with a disability as a child evaluated in accordance with §§300.304 through 300.311. This includes a speech or language impairment and other health impairments. According to Sec.300.8(c) (9), other health impairment means having limited strength, vitality, or alertness...that—Sec.300.8(c)(9)(i) Is due to chronic or acute health problems such as...sickle cell anemia...; and adversely affects a child's educational performance. Sec.300.8(c)(11) Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

According to 707 KAR 1:300, Sections 3(3)(a) and 3(3)(b), the local school district must provide students with appropriate, research-based instruction and intervention services in regular education settings before or as part of the referral process. These services must be provided by qualified personnel. The school district must also regularly collect and evaluate data-based documentation of the student's progress, using repeated assessments of achievement or behavior. This evaluation should occur at reasonable intervals and the results must be shared with the student's parents.

In Kentucky, school districts often use a three-tiered approach to support students who need interventions. This approach focuses on the level of support each student needs. Tier I is universal instruction that is provided to all students. Teachers and the speech-language pathologist (SLP) may identify students who have speech or language difficulties and provide models and strategies to help these students. Tier II interventions are provided to students who need more targeted support than what is provided through Tier I. A regular classroom teacher or an intervention teacher may conduct these interventions. Also, the SLP may be involved with building level teams to help determine interventions for individual

students and may also be involved in the data analysis process. Tier III interventions are provided to students who do not show sufficient progress with Tier II interventions. These interventions are more intense and are provided more frequently. They are typically conducted by specialists in groups of three or fewer students. The process for developing and revising interventions for a student should not end when moving from the intervention process to the evaluation process. If a referral is made before the completion of an intervention cycle, interventions and progress monitoring data collection should continue as part of the student's comprehensive multidisciplinary evaluation.

Progress monitoring is a key part of the intervention process and should occur at all tiers. The intensity, frequency, and duration of progress monitoring will vary depending on the student's needs and should increase as the student moves through the tiers. Intervention personnel should collect baseline data on the relevant skills before starting the intervention. This data is used to measure the effectiveness of the intervention by comparing it to data collected during intervention implementation. The SLP should assist teachers and present progress monitoring data as interventions are implemented at each tier.

In most cases, schools complete the intervention process before making a special education referral to ensure that the student has received appropriate learning experiences to meet their unique needs. However, in some cases, it may be appropriate or preferable to complete interventions with the student during the multidisciplinary evaluation period. Districts must not deny referrals or delay initial evaluation procedures for students suspected of having a disability, such as a speech or language impairment, due to a lack of participation in the intervention process (see OSEP Memorandum 11-07, January 21, 2011 at <https://sites.ed.gov/idea/idea-files/osep-memo-11-07-response-to-intervention-rti-memo>).

In Kentucky, students enrolled in kindergarten participate in a common screening that assesses five domains: cognitive, language, motor, social-emotional, and self-help skills [704 KAR 5:070, Section 2(2)]. This screening occurs no more than 15 calendar days before the start of school and no later than the 30th instructional day

of the school year [707 KAR 5:070, Section 3(2)]. There are no other grade requirements for mass screenings in the area of communication. Parental consent is not required for any screening administered to all students [34 CFR 300.300(d)(1)(ii) and 300.302].

According to, 707 KAR 1:300, Section 3(4) - 707 KAR 1:300, Section 3(4), "If the child has not made adequate progress after an appropriate period of time during which the conditions ... have been implemented, a referral for an evaluation to determine if the child needs special education and related services shall be considered." Anyone who suspects a student has educational needs can make a referral for an evaluation. If a teacher or other school personnel refer a student, then the following type information should be collected: personally identifiable data; educational history; patterns of attendance; current grade level; results of systematic screenings; summary of achievement; health background; written documentation of concerns; written documentation of appropriate and research-based instruction including interventions and support. When a written referral is submitted to designated school or district personnel, the district must hold an ARC (Admission, Review, and Dismissal committee) to determine if a special education evaluation is necessary. The district must ensure that the student's parents are invited to attend the ARC. Parents must give written consent for the district to evaluate their child.

The local school district must ensure that a thorough and individual evaluation is conducted for each student being considered for special education services before the services are provided. The evaluation must be comprehensive enough to identify all of the student's special education and related service needs. The local school district must also ensure that the evaluation is completed within 60 school days of receiving parental consent for an initial evaluation of a student. With parental input and involvement, the ARC will plan an evaluation to gather assessment data

Based on 707 KAR 1:310, Section 1(1), "Upon analysis of intervention and assessment data, the ARC shall determine whether the child is a child with a disability ... to the extent that specially designed instruction is required in order for the child to benefit from education." 707 KAR 1:310, Section 1(1).

According to 707 KAR 1:310, Section 1(6), "If a determination is made that a child has a disability and needs special education and related services, an IEP shall be developed for the child." 707 KAR 1:310, Section 1(6).

In sum, there are some advantages to a student having an IEP rather than a Section 504 plan. There are many benefits for being identified as special education. The Individuals with Disabilities Education Act (IDEA) is a federal special education law for children with disabilities with protections for the parent and student. Under IDEA, an IEP or an individualized education program has to be established by strict guidelines. While the goal of a 504 plan (Section 504) is to accommodate students with disabilities in general education classrooms without the educational benefit offered by the IEP such as direct services - speech or occupational therapy free of charge to the student and family. Furthermore, with an IEP, families can ask the school district to pay for an independent educational evaluation(IEE) by an outside expert. In addition, the IEP is a better option for students with a disability that is adversely impacting education. Students who need more than just accommodations to regular education would need an IEP.

Violations of IDEA for Student#504

The following is on Student#504's Referral for Multi-Disciplinary Evaluation, the ARC Decision Date is listed as "02/03/2020", and the Referral Date is left blank.

- The referral was made by her teacher, Katie Stoltz.
- It states Tier I interventions were made by Stoltz. "The classroom teacher provided correct speech modeling." On the form, it states that these Tier I interventions were made between 8/15/2019 - 2/03/2020.
 - Frequency of service - "daily"
 - Amount of time - "every opportunity"
- For Tier II interventions, it states, "Speech and language screening by the Speech-Language Pathologist". These Tier II interventions were made on "11/18/19 - 11/18/19".
 - Frequency of service - "One time screening"
 - Amount of time - "20 minutes"

- For Tier II interventions, it states, “Ms. Stoltz produced clear and correct speech models, provided corrective feedback with errors with target phoneme and verbal and tactile cues for correct production.” These Tier III interventions were made on “11/26/19 - 01/24/2020”.
 - Frequency of service - “daily”
 - Amount of time - “every opportunity”
- For the speech screening, it states, “Required as determined by the ARC”. With a screening date of “11/18/2019” and a check mark next to “Failed”.

There appears to be several problems with this data:

- There appears to be no evidence of research-based interventions provided to this student.
- After her brother died on or around August 23, 2019; the student suffering with her own illness; and receiving Home Hospital Instruction, this student did not come back to school until on or around October 31, 2019. This states on this form that the student had 31 “unexcused” absences. The fact that these were documented as unexcused absences pose a problem, in of itself, which will be addressed below; however, by the time the student returned to school on or around October 31, 2019, she had 31 or more unexcused absences, which indicates that this referral was written in or around October or November 2019.
 - JCPS’s Student Support and Behavior Intervention Handbook 2019-20 (SSBIH) states the following regarding attendance: “An excused absence or tardy is one for which work may be made up. Excused absences and tardies include such circumstances and occasions as a death or severe illness in the student’s immediate family, an illness of the student, religious holidays and practices, one day for attendance at the Kentucky State Fair, and other valid reasons as determined by the principal. When a student accumulates a total of ten full-day absences due to illness, parents are required to present a written statement from a medical professional (e.g., doctor, dentist, psychologist) for additional absences during the current school year in order for the student to be excused.” This student was denied the opportunity to do

make-up work resulting in the low grades listed on her report card and detailed on the Referral for Multi-Disciplinary Evaluation:

- Reading: "NI" [Not improved]
- Math: "NI" [Not improved]
- Science: "S" [Satisfactory]
- Social Studies: "NI" [Not improved]

The attendance committee was composed of John Custis, Family Resource Coordinator, LaTanya Rollerson, Mental Health Practitioner; Cabrina Bosco, assistant principal, the school's attendance clerk, and district personnel. That committee failed to ensure that Student#504's attendance was accurate.

- Tier I interventions supposedly occurred when the student was absent from school.
- Tier II interventions did not occur but rather a screening.
- Tier III, the most intensive intervention, should have occurred outside of the regular classroom.
- The student failed the speech screening on 11/18/2019, which was required by the ARC. This means that mother/parent should have been invited to an ARC meeting based on the referral. Parental consent should have been given prior to or on 11/18/19 for the screening. The parent should have been part of the planning of interventions, which should have occurred prior to the referral (all three tiers).
- If the student failed the speech screening, then this was evidence of a disability, so at that time, an ARC should have been scheduled (inviting the parent) to determine eligibility.
- Since Kimbrough, Jacoby, and Stoltz were withholding special education from Johnson, Johnson did not know any of this. So, on or around January 14, 2020, in the email which included the speech-language pathologist, Pittard, she stated, "I will do a screen on this student as soon as I can." When she had already completed a screening on 11/18/19. In addition, the mother mentioned her concerns about Student#504's speech. If the mother would have given consent for her daughter to be screened on 11/18/19, then she would have likely remembered.

As the ARC Chair, Will Jacoby would have written summary notes, the detailed notes of an ARC (Admissions and Release Committee), dated for 2/3/2020, states the the following: "The parent asked about a 504 plan and the committee discussed that [student's name], if eligible would have a IEP, which will address her educational needs, both for health and speech. The parent completed a medical release form."

Having the parent complete a medical release form and get parent consent for a speech screening when the speech-language pathologist, who was at this meeting, knew that the student had sickle cell (physician's form 8/26/19) and failed speech screening (dated 11/18/2019) is a denial and delay of special education services.

Also, the summary notes gave a different date for the speech screening: "The Speech-Language reported [student name] failed a speech screening on 10/18/2020. The Communication Written Report was missing the signature of the Speech-Language Pathologist.

When the parent came to the school on or around February 18, Jacoby stated that they [specifically him] had until May to start services. Harris asked Jacoby if they could start services within 30 days, and Jacoby agreed to start within 30 days.

With others including the parent, Jacoby chairs a Section 504 meeting to create a 504 Plan for Student#504 for the medical condition of sickle cell anemia on or around February 25, 2020. However, her regular classroom teacher, Katie Stoltz along with the music teacher do not sign the Acknowledgement of Receipt of the Section 504 Plan. On or around March 10, 2020, the student is provided with an IEP for speech impairment.

However, sickle cell anemia (physician's statement 8/26/2019) along with the absences due to illness from this disease are not taken into consideration and used to provide this student with an IEP for both medical and speech impairment. This student's special education services were denied and delayed for months.

During this time, JCPS was under a corrective action plan imposed by the state. Part of the corrective action plan including, but not limited to the following:

- IDEA.C6., states that [JCPS} must “..conduct regular checks with the placement specialists, ARC chairs, and principals to determine if there are delays in placements.”
- IDEA.D2., states that JCPS must “..conduct ARCs with the goal of consensus in decision making and if consensus cannot be reached, parents are informed of dispute resolution under IDEA, and parent input is documented.”
- IDEA.E1., mandates JCPS to “...provide training on the Child Find requirements and Referral Process to all administrators, ARC chairs and all teachers at each school.”
- IDEA.E3., JCPS was to develop a process to review discipline data to ensure referrals are being made and acted upon with fidelity.”

Furthermore, the corrective action plan calls for JCPS to provide training and oversight requiring IDEA.

Finally, Johnson was allegedly reprimanded for not providing a 504 Plan when in reality, the student had already been identified as special education based on the laws and statues. Yet, Maupin staff including, but not limited to the principal, implementation coach, teachers, and others (both at the school level, district level, and state level) withheld information, withheld data, failed to act on IDEA, and other atrocities. Then, because they were systematically acting to discriminate against Student#504 and Johnson, they retaliated and harassed Johnson. Outside of Johnson, none of these other actors received any discipline.

February 27, 2020 [February 17, 2020]; May 12, 2020

May 12, 2020 - Heated Discussion - Listed as February 27, 2020 and should be February 17, 2020

On February 6, 2020, Johnson was the administrator in charge as Kimbrough was ill and the new assistant principal had not started yet. Although as Kimbrough mentioned, there were substitute administrators at the school; however, they wanted Johnson to take the lead. Tina Speight, mental health practitioner, had been in and out of the front office telling Johnson things that were going on with a group

of girls. Also, she had snatched a piece of paper out one of the girls' hands and attempted to read it. The student, angered by this reaction from an adult who had been her therapist, snatched the piece of paper back and tore it into small pieces. Speight retrieved the paper from the garbage and began to try to piece it back together. Speight came to the front office where Johnson and the retired administrator were working on various issues in the school and announced: "I'm doing a threat assessment on that student." Johnson asked her not to do a threat assessment as that was not required nor Maupin did not have but two team members of the school present at work that day. Speight disregarded Johnson. She and Cusis, Family Resource Coordinator interrogated the student using a "threat assessment". After humiliating the student by treating her like a criminal, Speight discovered that the student was a 'low threat'. Several of the policies regarding a threat assessment were not followed including, but not limited to the parent/guardian should be contacted. Realizing that Speight had not contacted the parent and knowing that this grandmother (guardian) had already expressed multiple complaints against the school, Johnson called the grandmother as Johnson did not want the student to go home without hearing from the school concerning the threat assessment. Johnson told the grandmother the details listed above.

In the conversation between Johnson and the grandmother, the grandmother mentions that Speight attends the same church as the student and her grandmother. According to the grandmother, Speight had been discussing the student's behavior and mental health to the grandmother openly at church on Sundays. The grandmother expressed her frustrations of Speight continuance disregard for the student's privacy while at church. On February 6, 2020, in the presence of the school secretary and retired administrator, Johnson told Speight to "...please don't discuss the student at church anymore as that is a violation of confidentiality." Speight became visibly upset and went to her office and called the grandmother. The grandmother was frustrated with Johnson because "while she didn't care if [Speight] knew, she did not know that [Johnson] would tell her". Johnson had acted in the best interest for the school as releasing private information openly could result in a lawsuit.

Also, on that same day, there had been many student fights - mainly verbally. Johnson had not had an opportunity to talk to the student above and another student. They rode the same school bus, and Johnson did not want them to get into a fight, so Johnson asked the grandmother of the student above if Johnson could bring her and her sister home using Johnson's private vehicle.

Then, at a meeting on February 17, 2020, the parent/grandmother revealed that Ms.

Speight had called her after the incident on February 6, 2020. According to the grandmother, Speight told her that Johnson made her out to be a horrible person.

The

grandmother went on to say that Speight told the grandmother that Johnson said the

grandmother was the one to tell Johnson to bring the student and her sister home on 2/6/2020. This outraged the grandmother because it was a lie, so Speight had the grandmother believe that Johnson had lied to the grandmother. Speight wanted the grandmother to be angry at Johnson, so she told the grandmother a lie. When the grandmother stated what Speight had said at the meeting on February 17, 2020, Johnson stated directly and succinctly without raising her voice, "That is not the truth." Speight began to cry, Johnson began to repeat the steps above. The new assistant principal was also at this meeting. According to Kimbrough, the parent and assistant principal stated Johnson was in a heated discussion. Speight was never written up nor reprimanded for her behaviors. In fact, Johnson was again stated to be unprofessional when Johnson never raised her voice, used vulgar language or any of the such. Johnson simply stated the truth.

In March 2020, Kimbrough removed this student from Speight's caseload and placed her onto Johnson's caseload because Speight had irreparably damaged the counselor-client relationship.

May 12, 2020

On May 12, 2020, Johnson received the following:

- Interim summative with low scores ;
- Revised Superintendent Written Reprimand - March 2, 2020, which somehow never made it to EPSB;
- A new written reprimand on the 504 plan and “heated discussion”;
- An E-2 (supposedly in my favor about Stoltz and Johnson staying away from each other;
- Letter of demotion.

Johnson submitted rebuttals regarding all of the above by May 22, 2020 as this was the deadline line. However, the answers to her appeals would not come according to policy (30 days). She was denied her appeal on three of them by June 2020; however, one of the appeals was not answered to August or September 2020. The Interim Summative appeal was not answered until more than 200 days later and there were several issues with the process. First, Jimmy Adams claimed that the district representative had told him that it was a conflict of interest for her to participate as she was one of Kimbrough’s supervisors. Also, he attempted to put Kim Morales on the panel who had been named as the subject of discrimination in Johnson’s first lawsuit. So, instead of Morales, he put Joseph Ellis who had served as Morales’s assistant principal on the panel. The principal representative was Mashelle Kiggins, who was Katie’s Stoltz’s new boss as Stoltz had transferred to Rangeland. Again, Johnson was required to have any documents or other evidence submitted by around December 1, 2020. The appeals panel would meet on or around December 15, 2020. Apparently, the panel met on December 15, 2020 as stated; however, Johnson had no knowledge of the results until or around December 29, 2020. It would take Kiggins until January 8, 2021 to send Johnson the email stating, “Dr. Johnson, please see the email below. This was sent to you on Dec. 15, along with a copy to your attorney. However, I noticed that there was an error in your email address [she would have noticed that immediately on December 15], so here is your copy. I am sure that your attorney has shared it with you by now.”

On December 29, 2020, Johnson had reached out to Jimmy Adams, who had been the executive director of EPSB, the steps for filing an appeal with the state. Adams

stated, "I have reached out to KDE for direction and will get that information to you once I hear back from them. Johnson felt that Adams was trying to thwart Johnson's rights as the initial waiting of more than 200 days (Johnson could not appeal to the state until after she had appealed to at the district level) had been unjust. Then, Kiggins "inadvertently" mistyped Johnson's email, which stole some of Johnson's 30-day period to appeal to the state.

On January 8, 2021, Johnson sent an email to Todd Davis who Johnson thought was the executive director of EPSB asking for the steps of filing an appeal with the state, Davis would never even respond to Johnson's email. Finally, Johnson realized that Kevin Brown was no longer the Interim Commissioner of Education, so she sent the following email to the new Commissioner, Dr. Jason Glass:

"Dr. Glass: According to the State Evaluation Appeals Panel pursuant to KRS Chapter 156 and 704 KAR 3:345, I have a right to appeal an evaluation once I have received a final decision from the district. It has taken from May 2020 - December 2020 for me to get such a final decision...This email serves as my request."

Dr. Glass immediately responded and Todd Allen, KDE General Counsel along with Jimmy Adams provided Johnson with the directions. The hearing was set on or around June 1, 2021. The decision makers on the panel were three members of the Kentucky Board of Education. The state appeal panel sided with the district appeal panel. Johnson would later discover that one of the KBE's board members who made the decision on Johnson's appeal was Sharon Porter Robinson, who is the aunt of Dr. Aimee Green-Webb. This panel was a conflict of interest for Ms. Robinson to serve on and yet she did not recuse herself. That same month, Jimmy Adams would retire as Chief of Human Resources in JCPS and Dr. Green-Webb would be promoted as the new chief.

Also, Johnson would be given a video of Dr. Marty Pollio, Superintendent of JCPS meeting with a community member (via Zoom) on or around June 2020, and stating

on the video something to the effect of “Dr. Johnson had a Black principal and a Black investigator...she should appeal..”.

Dr. Kimberly Johnson was demoted for exercising her rights as a Black, Christian woman to be a voice for the voiceless and to be a voice for herself. Speaking up concerning wrongdoings brought her nothing but emotional stress, humiliation, and pain. She stayed the course and continued to speak up on behalf of the children and families of Maupin when she could have easily remained quiet and still been in her role as a school counselor. Yet, that was not the story she was willing to live with. Not only was she demoted, but she was assigned to a school more than 30 miles one way from her house. With Johnson having two decades of experience as a teacher, it would seem that she would have been assigned to one of the low achieving schools near her house. Yet, she was not, which appears to be more of the same - retaliation. Her first two years at the school, Johnson had to endure rumors about her demotion. The brother and sister-in-law of the Family Resource Coordinator at Maupin were at the school Johnson was sent to. They began spreading many lies concerning Johnson’s professional reputation. Johnson’s direct supervisor would put in her teacher evaluations, “Former School Counselor”. Also, he would ask her to counsel students (from Maupin but now in middle school) with Johnson no longer having the money or the title.

The lawsuit Johnson filed against JCPS in May 2019, and later revised to add Kimbrough as a defendant settled in February 2022. Johnson mentioned that her EPSB file had a “complaint pending” statement on it. Johnson was told that the settlement would be the EPSB complaint; however three months later (June 2022), Johnson was asked by EPSB to sign an agreed order, which stated that Johnson would admit wrongdoing while serving at Maupin; surrender her counseling license and not applying for it again; suspension of other professional licenses for 60 days, many hours of professional development at Johnson’s own expense; probation of license for five years, and Johnson was to undergo physical, medical, and neurological examinations twice a year by a Board approved medical doctor. Johnson rejected the agreed order. She paid retainers to attorneys who seem to only want her to sign the agreed order. Johnson decided to represent herself in this matter.

May 12, 2020 - Cease Contact

Johnson emailed a letter of complaint on Katherine Stoltz [the teacher] to EPSB around April 28, 2020. Johnson received confirmation that EPSB had received the email; however, on EPSB's Notice of Administrative Hearing dated October 11, 2022, EPSB states the following as charges against Johnson concerning Stoltz, "On or around May 12, 2020, Principal Kimbrough held a conference with Respondent directing Respondent to cease contact with a teacher at the school. The teacher reported that Respondent was harassing the grievant with intimidation and bullying." First, school was not in session in person because of the Covid-19 pandemic. Next, Johnson sent the following to EPSB about said teacher in April 2020:

During the 2018-19 school year, Katherine Stoltz was known for harassing and intimidating mainly Black kindergarten students. During this time, she told me that she wore a hairband every day because the students were "dirty" and she wanted to protect herself. Also, I began to notice how she would go onto parent's social accounts and spread rumors about their home life. I specifically remember Stoltz telling me about Student#99838197. Stoltz had violated this student's family privacy by looking through the student's mother Facebook page and telling everyone who would listen things such as: the mother and the boyfriend live together; their home life is horrible; the mother and the boyfriend can't do anything with the student at home; and they are dirty. In addition, Stoltz often talked about the student in front of the student - she's horrible; she's real low; she's sexual when she does those splits or dance moves; I'm glad she's not here today; etc. Katherine Stoltz displayed a "hate" for this student. She would require this student to have lunch in isolation every day. Even when I explained the negative effects of isolation to her and the behavior team, Stoltz continued to require this kindergartener, the place where you learn social skills, to sit in isolation 90% of the time when she was enrolled at Maupin. It got to the place where the student accepted her fate and pretended to enjoy sitting at a table by herself during lunch. But whenever the student and I would discuss how she was being treated, she would lower her eyes and seemed downtrodden

concerning the situation. I tried to make this student a counseling priority since I knew she was hated by Katherine Stoltz. I picked her up for lunch brunch and counseling sessions as much as I could. Although she had behavioral issues that we needed to work, for the most part, this student wanted to learn and needed someone to care for her enough to teach her. While she was with me, I would have her practice writing her letters on the board in my office. She was excited to use the dry erase markers and practice learning. Eventually, I referred her for more extensive counseling and she was counseled through Sheriese Bone, Bluegrass Counseling. Ms. Bone witnessed how this student was being treated by Katherine Stoltz and, like me, would try to have lunch with her as much as possible. Furthermore, the Mental Health Practitioner, Janice Means-White witnessed the maltreatment of this student at the hands of Katherine Stoltz.

Whenever I would return the student to class from counseling, Stoltz would walk over to me, and try to question me about the content of the counseling. When I would tell her that it was confidential, she would pretend that she understood. She used this same method to try to get confidential information from Ms. Bone. Other staff members in the school were aware of how Stoltz treated this particular student on a regular basis and while they would discuss it behind her back, they did not want to get "in trouble" and discuss it openly. This student eventually left Maupin and went to another school. In August 2019, Stoltz stated to me that she met the person that became this student's teacher at Atkinson, and Stoltz was delighted to say that the other teacher felt the same way she did about the student. To Stoltz, this seemed like a confirmation that this student was "bad" and deserved to be treated in the way that Stoltz treated the student.

Also, during the 19-20 school year, other staff members told stories of how Stoltz was spreading rumors about students. She often left her Instructional Assistant in the classroom often and went around the school gossiping. There were several incidents involving Stoltz that I did not personally witness, but other people such as Jenna Fracasso, Margaret Price, Janine Hogan and David Puckett did witness. One such incident was with a fifth grader.

Apparently, Stoltz grabbed the fifth grader by the arm - the grabbing of students' arms is common practice with Stoltz as I have witnessed this behavior before. A story was fabricated, so that the blame was placed on the student. Staff members were well aware that Stoltz not only grabbed on students and discussed their personal business, but also would call them malicious names like she did toward the student mentioned above. Furthermore, she pushes for students to put into special education instead of teaching, intervening, and properly progress monitoring.

In August 2019, on a Friday, Stoltz was looking through a parent's Facebook account and discovered that one of Maupin's students had passed away. She began telling everyone about this student's death. Eventually, the principal found out and contacted me on Saturday night. On Sunday, I went to the home of the student to offer condolences from the school. The student's siblings were in the hospital, so Johnson went to the hospital to see them. The student's grandmother and I had a conversation. She wanted to know how the staff at the school knew of the student's passing. I explained to her that a teacher told us. The grandmother expressed more than twice that the teacher should not have been telling everyone because that should have come from the family. I offered my apologies and the family seemed to accept my apology and condolences on behalf of Maupin. Stoltz began telling everyone that she did not want the student's twin sister in her class when the student returned to school.

Another thing that Stoltz did often was attack the reputation of the long-term sub, Margaret Price. According to Stoltz when Stoltz was out on maternity leave (about two years prior to this conversation), Price was Stoltz's sub. Although that was in the past, Stoltz constantly berated Price stating that when she was out on maternity that Price had destroyed her classroom and that Price was messy. Stoltz told me this story on more than one occasion and she told others. Then, Stoltz began berating Price's ability to be a long-term sub (told to multiple people) at the school. She felt that Price should not be there. She kept going to the principal and telling the principal lies on Margaret Price. One morning, Johnson and Price were having a private

conversation about ordering supplies from the bookkeeper, Stephanie Thomas. Price needed additional money to buy more supplies, but Stephanie Thomas (who was good friends with Stoltz) had already told Price that she was not going to give her any more money for resources because Price “..was not the real teacher”. Johnson recommended to Price that she discuss with the principal the situation. Thomas told Johnson that Stoltz had been eavesdropping on the conversation and told Thomas what Johnson and Price had discussed. Thomas stated to Johnson that Price was not getting any more money for that classroom.

Beginning in September 2019, there began to be talk that Stoltz was going around calling students derogatory names such as monkeys, dummies, and little shits. In addition, Stoltz went to Kimborough and told Kimbrough that Price was intentionally bumping into her in the hallway on a regular basis. Price was approximately 5’9 and 200 pounds. While Stoltz was approximately 4’9 in height, weighed approximately 110 pounds, and was pregnant at the time. Therefore, this falsehood of Price intentionally bumping into Stoltz every day could have carried both discipline and legal ramifications for Price. Also, she was constantly leaving the Instructional Assistant, who at this point was extremely ill and barely able to work, in the classroom with the students alone. Oftentimes, Stoltz was engaging in private meetings with Kelly Bryant and William Jacoby. They would engage in gossip. Because Johnson befriended Price, Stoltz began the rumor that Johnson was constantly in Price’s classroom. At some point, prior to September 25, 2020, Katherine Stoltz began to tell the principal, Charita Kimbrough that she did not trust me. Stoltz stated that she had students that needed counseling and she was not going to send them to me. In other words, she was going to neglect students’ needs because of her personal feelings toward me. On September 27, 2019, Stoltz called the office for assistance with a student. I went to her classroom. Stoltz stated that Student#998409379 was having a meltdown. The student was sitting at the kidney table alone and he was crying. Johnson took the student to her office and let the student play with Playdoh to calm down. When the student was calmed, Johnson asked the student what happened. The student stated that he wanted to write, but his teacher

would not let him write. Johnson walked the student back to class. The class was working on identifying matching upper and lower case letters. Johnson helped the student get the handout, glue, and scissors to do the assignment. Stoltz walked over to where the student was sitting and stated, "He's reallllll slooooooow." Johnson ignored her comment and felt like it was inappropriate for her to say this out loud, so that the student and other students could hear. Johnson continued helping the student. The student had the alphabet (both upper and lower cases) taped to the table where he was working. Johnson had him look at the letters and the student started accurately identifying. Johnson left the room. It was obvious that Stoltz disliked this student as she had the one from the 19-20 school year, and Johnson knew that the student would never get the care, patience, attention, or teaching that he needed from Stoltz as other students had not. Not long after this incident, Johnson went to Stoltz's class to get another student for counseling. Johnson told Stoltz that she was taking the student to see her early childhood teacher from last year in another part of the building. Stoltz stated ok, so Johnson took the student as the student needed transition counseling and Johnson had signed parental consent to provide counseling to this student. Later, as indicated below, Stoltz would lie about this situation by stating that Johnson "..abused her authority".

On or around October 1, 2019, I discovered that Stoltz was having a student do laps during recess in 97 plus degree weather without water. Not long as this, Charita Kimbrough came to Johnson and asked if Johnson was willing to meet with a staff member (who had been complaining to Kimbrough on me). I agreed to sit down with Stoltz and Kimbrough. About two days before we were to meet, Kimbrough told Johnson that Stoltz wanted to bring her union rep, James Hughley to the meeting. Johnson still agreed to meet. The meeting happened on October 18, 2019. The following is the contents of the meeting:

- Stoltz began the meeting by asking Kimberly Johnson, "Have [you] been going around telling people that I have said unkind words about

kids?" Johnson stated, "No, I have not, but other people have been saying that you have been saying unkind words about kids." Then, Stoltz stated, "Ok." Hughley asked, "How many teachers have been coming to you?" Johnson stated, "About 3 or four."

- At this point, Hughley began interrogating Johnson as to why she did not stop people from talking about Stoltz. Johnson stated that she is not the supervisor of the people and she is not responsible for other people's words and actions.
- Hughley continued, "You are letting people make statements about Ms. Stoltz and not doing anything about it."
- Johnson again stated, "I am not responsible for other people's words and actions. I will not be blamed and shamed for other people's words and actions."
- Mr. Hughley continued with statements of an evaluative nature about Johnson being a leader in the building and responsible for others' words and actions. Johnson mentioned several times that she was not responsible for others' words and actions. Hughley stated that he is sure Johnson's job description mentions something about creating a positive work environment.
- Johnson asked Stoltz what had Johnson specifically done to Stoltz.
- Thus began the name-calling, insults, and accusations - Stoltz mentioned that no one can trust Johnson and they have students in their classrooms that they (teachers) are concerned about and may need counseling, but they refuse to come to Johnson because Johnson has "caused 4 people to get in trouble and not to be at this school anymore". Stoltz also made statements regarding Johnson such as:
 - "You are continuing to get people in trouble";
 - "Now I'm in trouble";
 - "You are targeting me";
 - "You are always congregating with people";
 - "Last year, when people were saying things about you, I never did.";
 - "You are creating a hostile work environment";

- “You know I have my schedule posted outside of my classroom door and you just came in and took a student without asking me. That’s abuse of authority”
 - “You were standing in the hallway with Ms. Price and she stated, ‘All she’s going to do is tell Ms. Kimbrough’. That’s bullying”.
- Again, Johnson stated, “I’m not going to accept responsibility for other peoples’ words and actions”.
- Hughley asked Johnson, “Didn’t you tell the principal that Stoltz was saying unkind things to students...”. Hughley did not finish his question.
- Hughley stated that this meeting wasn’t going anywhere and that he and Stoltz would determine next steps.
- Johnson and Kimbrough walked out of the meeting.
- An email was sent that a grievance would be filed.

On October 21, 2019, I received the grievance from Katherine Stoltz. Stoltz and her union rep, James Hughley had knowingly falsified a grievance. On the grievance, they stated that I had violated the following articles: Article 2 - School Board Authority; Article 5 - Employee Rights; Article 11 - Teaching Load and Duty Hours; Article 29 - Grievance Procedure; Article 37- Duration; and 2012-Article 34 - Duration. The resolution desired from Stoltz was the following: “Cease and desist from any and all contract violations. Stop harraming the grievant with intimidation and bullying. Make grievant whole, and any and all other relief deemed proper under the premise.”

Based on the meeting on October 18, 2019, it was clear to me that I was the one being harassed, intimidated, bullied and lied on. Stoltz admitted that she has denied students’ counseling services based on her personal opinions of Kimberly Johnson (“there are students that need services and we cannot come to you”). She has accused Johnson of having prevented four people from being employed at Maupin, and she accused Johnson of targeting her (with no evidence). She stated that Ms. Price’s comment of “All she’s going to do is go back and tell Ms. Kimbrough”, as me bullying her. Then, staff members constantly complaining about her calling students malicious names

as my responsibility. When Johnson retrieved a student from Stoltz's class for confidential counseling needs, Stoltz accused Johnson of "abuse of authority" as Johnson should have observed the "schedule posted outside of her door" and "told her where she was taking the student", which Johnson did provide some brief information without violating the confidentiality rights of the student.

This entire process of Stoltz, Hughley, and eventually Andrew Bailey harassing Johnson through interrogation, blaming and shaming, falsely accusing, name-calling, and demands of signing documents would continue for over seven months. It became obvious that Stoltz was using this as a way to retaliate against me for what she referred to as "causing four people not to be at Maupin anymore". No one should have to endure such behavior at their place of employment.

Eventually, Margaret Price became frustrated with the accusations and the treatment that she was receiving at the hands of Stoltz's and the corresponding actions of Kimbrough because of what Stoltz told Kimbrough, so Price left the school.

This school year, Stoltz has left her students unsupervised both in the classroom and on the playground. She has continued grabbing students by the arm and yelling at them until they shake, then she laughs at their calamities. Stoltz continued up until the last day that we were physically in the school to isolate black male students during lunch every day, to treat them with contempt, and to make them feel shameful. [Johnson reported this incident to Charita Kimbrough and CPS on or around January 9, 2020.]

On February 21, 2020, there was a meeting held. Present at the meeting were Tina Speight, Stoltz, Nancy Peden, Jenna Fracasso, Kimbrough (on the phone), and me. A male kindergarten who Stoltz had previously (mentioned above) referred to him as a "pervert" was being transferred to Stoltz's class. Prior to the meeting on February 20, 2020, Stoltz stated to Fracasso and Williams that she did not want me to counsel this student. Stoltz felt that

Speight should do it. Fracasso told Stoltz, "It's not about you. It's about the student." Stoltz walked away and spoke to Kimbrough about it. Kimbrough sent out an email on 2/21/2020 suggesting that Speight should take the lead on this student's counseling. The student's mother and grandmother were at the meeting. Stoltz did not want Johnson to attend the meeting and tried to suggest to the principal that I should not be allowed to come. When counseling was mentioned Stoltz told them that Speight could provide counseling. In addition, Stoltz began to tell the parents that Speight was an excellent counselor and that Speight would provide services to the student.

Stoltz has continued to defame my name to Kimbrough and other staff members. She told her union reps that I do not counsel students. Stoltz stated that I walked around the school all day trying to get teachers in trouble and that I needed to be disciplined and/or reassigned. Later, her union rep made this statement about me at a meeting of 30 - 40 people including staff members from Maupin. Stoltz reveals to Dr. Meiya Gardner, teacher, confidential information about a student's 504. Although I am the 504 Chair at the school, she would eventually partner with Kimbrough and Jacoby to have a 504 meeting without me being aware and/or included. Stoltz told CPS that one of Maupin's students was a "pervert"(not in her class at the time) and that I misinformed the parent concerning the student's behavior. Hillary King heard Stoltz gossiping about me to Tia Williams, and when I emailed the staff thanking Tia Williams for her help, Stoltz ridiculed me as witnessed by Hillary King. She has turned teachers new to Maupin in the 19-20 school year against me by telling them not to trust me because I will get them in trouble and will bring a lawsuit (as stated by Kelly Bryant). Stoltz defamed my name again when on February 6, 2020, [Student#'s] mother came to the school to pick up the student for an early dismissal. At the time, the student was in the cafeteria eating lunch with the class and Instructional Assistant (IA), Ms. Trabue. I was in the cafeteria doing my cafeteria duty. When I received the radio call that the student was leaving early, I told the IA and walked the student down the hallway to get her things. The student and I were walking back to the office when Stoltz saw us,

I told Stoltz that the parent was here to pick up the student early. Stoltz looked towards the front office, saw the parent, and said, "Oh!" According to Gina Johnson, Stoltz said to Gina, "It would have been nice if Dr. Johnson had told me that [Student#] was leaving early." Gina stated that she told Stoltz to ".go and tell Johnson to her face because I'm tired of y'all saying stuff behind people's backs."

Finally, On March 3, 2020, Stoltz cited on a grievance to Kimbrough and on Kimbrough that Kimbrough "...has violated the JCBE/JCTA Agreement by not resolving the report of bullying and intimidation made by the grievant." It further states that the "Principal must ensure that all staff in the building treats each other with respect and professionalism at all times. Any staff found to be in violation of the Kentucky Professional Code of Ethics, JCPS Policy, or the JCBE/JCTA Contract shall be disciplined or reassigned according to JCPS policy. Any and all other remedies designed to make the grievant whole." Since the article violations and the language seems consistent with what Stoltz has been demanding and working toward this entire school year, then I will have to conclude that this was in reference to me. She has continued her falsehoods and harassment by coercing the principal with a grievance with a resolution of having me disciplined or reassigned.

It is these facts that have led me to bring a complaint against Katherine Stoltz.

Along with this letter, Johnson sent 24 pages of evidence. Later, Johnson would learn that Stoltz sent Kimbrough two complaints on Johnson regarding the student's 504 plan when she knew she had submitted a special education referral earlier in the school year. Early enough for a speech screening to have been completed 10/18/19.

Also, Johnson would learn that Stoltz sent a teacher a text message seen below:

iMessage
Today 1:25 PM

Jenna, I have been told by numerous individuals that you have been spreading a rumor that I do not like black kids in only white kids. That in my class and your class are only favored the white kids. That is totally untrue. That is a defamation of my character. I've been advised by some of our fellow employees at Maupin that If you continue to spread that amongst people that I need to have the board look into this matter. I have no idea why all of a sudden you are stooping to such a low level. Your concern needs to be for the students and not trying to stir up drama amongst teachers. As you know better than anyone when Dr. Johnson did the same stuff the board took action against. Thus, do not spread rumors about me concerning racism, teaching skills, etc. I have had this message reviewed by others. Have a good day

Clearly, Stoltz was the one retaliating and harassing Johnson; however, Stoltz never suffered any harm or discipline. When Kimbrough did put in for an investigation on Stoltz's, then only people who would say good things about Stoltz would be

interviewed. Justice never came for the Black kindergarten students and their families or Johnson.

Conclusion

Johnson filed a lawsuit against Jefferson County Public Schools (JCPS) on or around May 14, 2019. Prior to this lawsuit, she reported the harm being committed on students, families, and herself to multiple people both internally and externally for speaking out against it. Johnson's work performance, which had been exemplary for almost two decades before Maupin and had since returned to exemplary after Maupin.

The first school year at Maupin, Johnson was required to submit work such as calendars not required by other administrators. She was denied training, denied resources, denied her office, and denied her rights.

The second year, even with a Black principal, it continued to be more of the same - no office, no resources, excluded from meetings, etc. Except this principal colluded with teachers, the union, the district, and the state to get rid of Johnson. She required Johnson to comb students', provide transportation using Johnson's personal vehicle, and use Johnson's personal funds for staff events. Also, she relinquished many of Johnson's counseling duties and gave them to others. For example, she required Johnson to do the clerical duties of inputting grades, and while the behavior coach was providing small group counseling, Kimbrough wanted Johnson to monitor the hallways and answer behavior calls from teachers. Finally, Kimbrough's evaluations were not consistent. Her evaluation that she failed to put on the proper form within five days in October 2019 and the one she did on March 13, 2020 was good; however, neither one of these counted because she did not/chose not to follow protocol. Johnson ended the school year with one evaluation from November 2019 with low scores. Then, when Johnson approached her about appealing, she ignored Johnson for ten days until it was too late to appeal.

JCPS now requires applicants to answer a question about EPSB complaints or reports. Their application system requires applicants to answer if they currently

have or have ever had a complaint in the licensing agency. This is another method to discriminate against applicants.

Johnson's Christian faith remains unwavering in the face of discrimination, retaliation, harassment, and a hostile work environment, and she will continue to fight for truth and what is right for all.

