



## **IN MY SHOES, INC – THE EDUCATION CENTER**

*Serving, Supporting, and Educating Parents on Education*

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### **STATEMENT OF CONCERNS ADDRESSING LEANNE HOLMES' EDUCATIONAL NEEDS IN DEKALB COUNTY SCHOOL SYSTEM**

(REVISION – Formally called Leanne Holmes: 14<sup>th</sup> Amendment and Civil Rights Violation incl. Disenfranchisement)

August 20, 2009

To: Dr. Crawford Lewis, Dekalb County School System (DCSS) Superintendent

Thomas Bowen, DCSS Board Chair

Zepora Roberts, DCSS Board Vice-Chair

Jim Redovan, DCSS Board Member

Don McChesney, DCSS Board Member

Sarah Copelin-Wood, DCSS Board Member

Paul Womack, DCSS Board Member

Jay Cunningham, DCSS Board Member

Pamela Speaks, DCSS Board Member

Eugene Walker, DCSS Board Member

Dear Dr. Crawford Lewis and Distinguish Board Members,

This letter has been written on behalf of Leanne Holmes - a rising 6<sup>th</sup> grader, in conjunction with her mother, Shirley Holmes and addresses Leanne's educational needs.

Note: This letter has not been written with legal representation or advice. Ms. Holmes is a parent and advocate for her child, Leanne Holmes. Ms. Austin is an Educational Strategist and former administration. As such, Ms. Austin has been trained to recognize possible violations in education. Therefore, addressing the following issues does not mean legal argument. Legal argument will be reserved for attorneys when necessary. However, it is our hope to resolve the overall need to place Leanne Holmes in a school, which meets her educational needs, as quickly as possible.

The purposes for this letter are complex, and therefore, we will try to articulate these issues in the most concise manner as possible.

The issues addressed in this letter include but are not limited to the following:

- A. Violation of Leanne's rights granted under the 14<sup>th</sup> Amendment of the U.S. Constitution**
- B. Violation of Leanne's Civil Rights**
- C. Disenfranchisement of Leanne Holmes**

- D. **Formal Appeal of DCSS' action not to grant permission allowing Leanne Holmes to attend the IB Program at Shamrock Middle School**
  - E. **Formal Appeal of DCSS' action not to grant permission allowing Leanne Holmes to attend Henderson Middle School**
  - F. **Georgia Code of Ethics for Educators Violations against Dr. Crawford Lewis and Mr. Robert**
  - G. **Resolution**
- 

**A. Violation of Leanne's rights granted under the 14<sup>th</sup> Amendment of the U.S. Constitution**

1. Leanne was denied due process when DCSS deprived Leanne Holmes entry into the lottery drawing for Kittredge Magnet School (thereby denying entry into Kittredge Magnet School) through denying registration into the lottery.

Note - Education is considered property under the 14<sup>th</sup> amendment.

**Please refer to attached documents A, B, C and D.**

**Document A – School Choice Brochure, Pgs: 5,6, and 21**

**Document B - Letter of Denial (2<sup>nd</sup> part of document)**

**Document B - Letter of Appeal (1<sup>st</sup> part of document)**

**Document C - Letter of Recommendation into High Quality Education Magnet Program**

As stated in **Document A page 21** under program description:

*The High Achievers Magnet Program continues to offer an educational program to students in grades 4-6 who possess the intellectual potential, aptitude, and functional ability to achieve in a rigorous academic environment...*

*Here's what we believe...*

Eligibility requirements into a program do not guarantee success or failure. Therefore, at best, eligibility requirements are only indicators as to the academic strength and viability of a student in a program.

When Leanne was deemed ineligible (**Document B – 2<sup>nd</sup> part**) to register for the Kittredge High Achievers Program, DCSS already had concluded that she does not possess the intellectual potential, aptitude, and functional ability to achieve in a rigorous academic environment.

Therefore, we immediately filed an appeal (**Document B – 1<sup>st</sup> part**). Not only does the appeal letter prove that Leanne possesses the intellectual potential, aptitude, and functional ability, in **Document B – 1<sup>st</sup> part, page 2 part b**, we prove that Leanne has achieved in a rigorous academic

environment (**Document B – 1<sup>st</sup> part, page 2 part c - 1<sup>st</sup> paragraph** – Oak Grove’s ITBS percentile ranking 90).

In addition, a letter of recommendation (**Document C**) was sent, which supported the appeal and re-emphasized the intellectual potential, aptitude, and functional ability that Leanne possesses and demonstrated in achieving success in her current rigorous academic environment.

Here’s what the state department of Education says about Gifted Programs:

ITBS is automatic nomination. However a student may be nominated by Teacher Recommendation

So does the State of GA Department of Education....Excerpt below:

[http://public.doe.k12.ga.us/ci\\_iap\\_gifted.aspx](http://public.doe.k12.ga.us/ci_iap_gifted.aspx)

### **How are students nominated for possible gifted program placement?**

*Nominations are often made by classroom teachers; however, any responsible person who has knowledge of a student’s intellectual functioning may nominate that student for further consideration. Additionally, an automatic referral procedure is described in SBOE Rule 160-4-2-.38. Each local board of education must establish a score on system wide norm-referenced test results as the automatic referral level. Students scoring at or above this level are automatically considered. For specific information on the nomination procedures (e.g., forms to be completed, schedule for testing, etc.), parents and educators should contact a gifted program teacher or the gifted program coordinator in the local school system*

When DCSS failed to respond to the appeal, DCSS failed to allow Leanne Holmes and deprived Leanne Holmes of the right of Due Process.

It is worth noting...in the educational field, it is a common practice to assess and evaluate a students abilities utilizing not just one method.

So does the State of GA Department of Education....Excerpt below:

[http://public.doe.k12.ga.us/ci\\_iap\\_gifted.aspx](http://public.doe.k12.ga.us/ci_iap_gifted.aspx)

### **Option 2, the Multiple-Criteria Approach:**

*We believe that these abilities (mental ability, achievement, creativity, and motivation) may be demonstrated in a variety of ways, thus there are assessment options in each of the data categories. We are also committed to the belief that gifted students may be found within any race, ethnicity, gender, economic class, or nationality*

In addition, the appeal process is commonly used as a vehicle in implementing Due Process.

2. a. Leanne’s educational rights and privileges were abridged when Leanne’s NCLB application (**Document D**) was invalidated.

On July 23, 2009, Ms. Austin presented Dr. Jones with the No Child Left Behind School Choice Application for 2009-2010, which had been completed by Ms. Shirley Holmes

Dr. Jones informed Ms. Austin that the choices were invalid. Ms. Austin replied that the choices, if selected would not meet Leanne’s educational needs and cause the child to be moved backwards (Re-stated in **Document E**). In addition, Ms. Austin stated that she does not have the authorization to change the document, which was completed by the parent. Dr. Jones informed Ms. Austin that the application would be invalid based on the choices.

Dr. Jones wrote and initialed, at the bottom of **Document E**, ‘Received on July 23, 2009. Ineligible choices. Parent wants document on record by Ms. Austin.’

*Here’s what we believe...*

DCSS selects the school choices for NCLB. When DCSS limited the choices and invalidated the NCLB application because of the choices selected, DCSS abridged the privilege of educational property, which is prohibited under the 14<sup>th</sup> amendment and DCSS did this without due process.

2. b. Leanne was denied equal protection of the Law, when her NCLB application was invalidated.

Note: NCLB (**Document F**)

There are 2 parts to NCLB to which are being referred...

#### **TITLE 1**

“The purpose of this title is to ensure that **all** children have a fair, equal, and significant opportunity to obtain a high-quality Education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.

#### **“TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS TITLE V**

“(4) To meet the educational needs of **all** students, including at-risk youth.

*Here’s what we believe...*

- a.) The choices DCSS offered did not and currently do not meet Leanne’s Educational need as outline in NCLB.

b.) In addition, the choices offered did not and do not offer Leanne a fair, equal, and significant opportunity to obtain a high-quality education.

Therefore, Leanne was denied equal protection of the Law as afforded to at-risk students.

## **B. Violation of Leanne's Civil Rights**

### **Background information**

There are only a few middle school's that meet Leanne's Education needs, which include but not limited to social environment, high-quality education (academics) and musical intelligence need/fulfillment (orchestra w/strings program and instruction)

Please refer to **Document B, Part 1 - Letter of Appeal**

**Document C – Letter of Recommendation (Magnet Program)**

**Document D – NCLB Application**

**Document E – Best Educational Option**

**Document G – Letter of Recommendation (Music/Orchestra)**

**Document H – HB 251 School Choice Application**

**Document I – Leanne's Educational Needs**

**Document J - Still Waters Sinfo Nia Youth Orchestra**

**Document P – U. S. DOE – Office of Civil Rights Ensuring Equal Access To High – Quality Education**

These schools are Kittredge – 6<sup>th</sup> grade, Shamrock IB Program and Henderson Middle School.

DCSS implement educational programs in a cluster format. Therefore, DCSS determines which students, based on area, will have access to certain educational programs and how.

*Here's what we believe...*

1. DCSS violated Leanne's Civil Rights in terms of Equal Access to Educational Programs and discrimination based on her socio-economic status in the case of Shamrock IB program selection.

Please Refer to **Document P** for the following excerpt...

*In addition, the No Child Left Behind Act of 2001 (NCLB), the law that comprehensively reforms federal education programs, promotes the Department's mission of ensuring equal access to education and promoting educational excellence throughout the nation. The NCLB Act contains specific provisions to ensure that all children will have access to high-quality education regardless of race, ethnicity, sex, disability or socio-economic status*

Please refer to **Document A - page 28**

Shamrock Middle School IB program is the only middle school IB program in all of DCSS middle schools (~ 20 middle school programs).

There are a limited number of seats in the program. And, based on NCLB, students should have a fair, equal, and significant opportunity. Lottery tends to be the most used method for initiating a fair, equal, and significant opportunity to access a program with a limited number of seats. It is a commonly used practice in education.

However, **Document A - page 28** shows that first priority is given to students from the home attendance area. This is neither a fair nor equal opportunity.

Leanne Holmes, in applying for the IB Program, was discriminated against simply based on her socio-economic status of where she lives.

2. DCSS violated Leanne's Civil Rights in terms of Equal Access to Educational Programs and discrimination based on her socio-economic status based on how programs are initiated in school.

Please refer to **Document P**.

Simply put, based on Leanne Holmes' socio – economic status of where she lives in South DeKalb (predominantly Black), she does not have equal access to a middle school with High quality education and an orchestra with a strings program.

However, three such Middle Schools exist on the Northern Side on the County in areas predominantly non-Black. Those schools are Kittredge, Shamrock, and Henderson.

### **C. The Disenfranchisement of Leanne Holmes**

#### **Background:**

As of August 10, 2009, the first day of school, the student is not in school. The home schooling environment is better than the school to which the district wants to send the child.

However, it is not better than the schools the child has a right to attend and has earned the privilege to continue participation in its education setting and programs.

The last communication we had with DCSS occurred on August 10, 2009, between Dr. Felicia Mitchell and Ms. Austin. Dr. Felicia Mitchell stated that she was calling on the request of Dr. Crawford Lewis in reference to the letter he received (**Document E**). No schools were offered that met Leanne's educational needs. We were offered the High Achievers program at Chapel Hill, a school on the Needs Improvement (NI) list with no orchestra. And, they do not have the social climate, which Leanne has grown accustomed to and thrives in (**Document B Part 1, Document L**).

**It is important to note that Leanne Holmes wants to be a Violinist and Lawyer. She wants to attend Julliard and Harvard.**

1. Leanne Holmes has been deprived of an education that meets her needs and is losing ground to her high achieving counterparts (who are predominantly white). Leanne Holmes is currently regressing - moving backwards.

(The home schooling environment is better than the school to which the district wants to send the child. However, it is not better than the school the child has a right to, and has earned the privilege to continue participation in its education setting and programs.)

According to Strong American Schools (**Document M**)...

**Minority students are most disenfranchised by the lack of national leadership on education.**

Less than 60 percent of the nation's Black and Latino students graduate on time from high school.<sup>13</sup>

*Only 15 percent of Black eighth graders read at a proficient level and less than 60 percent have been taught to read at even the most basic level.<sup>14</sup> By the time they near graduation, Black and Latino teenagers have math and reading skills that are no higher than those of White middle school students.<sup>15</sup>*

Black and Latino graduates are only about half as likely as White students to leave high school adequately prepared for four-year colleges.<sup>16</sup>

More than 10 million Black and Latino students attend school in states that have set proficiency standards for fourth grade reading so low they fall below even the most basic level.<sup>17</sup>

Teachers in high-minority schools are almost twice as likely to be inexperienced as teachers in low minority schools.<sup>1</sup>

2. Leanne Holmes has been deprived of the right and privilege of participating in the DCSS County –Wide honors orchestra

Last year, at Oak Grove Elementary, Leanne Holmes fell in love with the Violin. The skill level, at which she mastered, earned her the privilege in playing in the DCSS' County Wide Honor's Orchestra. (**Document G**)

For Items 3, 4 and 5, please reference **Document A - Pg. 15**  
DeKalb School of the Arts (DSA)

3. Leanne Holmes has been deprived of an education program that meets her needs in the area of music and is losing ground to her competition in DCSS, students she will compete with when she auditions for Dekalb School of the Arts - DSA ( **Document A - Pg. 15**). Leanne is currently regressing and moving backwards.

DeKalb School of the Arts serves approximately 300 students in grades 8 -12, fierce competition to say the least.

4. Therefore, it is reasonably foreseeable of how Leanne will be deprived and disenfranchised applying for entry into DSA.

Note: Dekalb School of the Arts is the only school in Dekalb County of its kind. Its Mission as stated: The mission of the Dekalb School of the Arts is to provide the highest quality of education possible through academics and the arts.

Note: It ranks 2<sup>nd</sup> in SAT scores in a County of over 25 high schools.

The Dekalb School of the Arts boast about the scholarships awarded to its students (**Document N**).

Future **Disenfranchisements** are *reasonably foreseeable* and include but not limited to the following:

5. Disadvantage on entry process into Julliard.
6. Disadvantage on entry process into Harvard School of Law.

**D. Formal Appeal of DCSS' action not to grant permission  
allowing Leanne Holmes to attend the IB Program at Shamrock Middle School**

Background:

Shamrock Middle School IB program is the only middle IB program in all of DCSS middle schools (~ 20 middle school programs).

There are a limited number of seats in the program. And, based on NCLB, students should have a fair, equal, and significant opportunity. Lottery tends to be the most used method for initiating a fair, equal, and significant opportunity to access a program with a limited number of seats.

However, **Document A - page 28** shows that first priority is given to students from the home attendance area. This is neither fair nor equal.

Leanne Holmes in applying for the IB Program was discriminated against simply based on her socio-economic status of where she lives.

We are appealing the action based on but not limited to the following:

1. Leanne Holmes did not receive a fair, equal and significant opportunity to enter, access and obtain a high quality education in the Shamrock IB program.
2. Leanne has shown the ability to flourish in a rigorous academic environment.
3. Shamrock does have an orchestra
4. Shamrock IB program and Shamrock Orchestra do meet the educational needs of Leanne Holmes.
5. Leanne Holmes in applying for the IB Program was discriminated against simply based on her socio-economic status of where she lives.

**E. Formal Appeal of DCSS' action not to grant permission allowing Leanne Holmes to attend Henderson Middle School**

We are appealing the action based on but not limited to the following:

1. Simply put, based on Leanne Holmes' socio – economic status of where she lives in South DeKalb (predominantly Black), she does not have equal access to a middle school with High quality education and an orchestra with a strings program.
2. However, three such Middle Schools exist on the Northern Side on the County in areas predominantly (non-Black). Those schools are Kittredge, Shamrock, and Henderson.

**F. Code of Ethics Violation against Dr. Crawford Lewis, Mr. Robert Moseley and Pat Copeland**

**Please refer to Document Q - Code of Ethics**

**Standard 10: Professional Conduct** - An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the certificate holder's ability to function professionally in his or her employment position or a pattern of behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

## **Background**

Kittredge letter of appeal (Document C) was followed by a series of emails (**Packet A**) referencing the appeal, which went ignored.

**Note: Packets A and B will be forwarded ASAP hopefully no later than August 20, 2009. The amount of emails is numerous.**

1. Mr. Robert Moseley violated the Georgia Code of Ethics for Educators Standard 10 when he failed to respond to the Formal Appeal originally sent to him on April 2, 2009 via email, after no response from Dr. Copeland on the Appeal.

Note: A series of emails were sent inquiring about the Appeal and no responses were generated. As of today, we have yet to receive any response referencing the appeal.

2. Dr. Crawford Lewis violated Georgia Code of Ethics for Educators Standard 10 when his office failed to respond to the Formal Appeal originally sent to Mr. Moseley via email.

Note: A series of emails were sent inquiring about the Appeal and no responses were generated. As of today, we have yet to receive any response referencing the appeal.

3. Mr. Moseley Violated Georgia Code of Ethics for Educators Standard 10 when he failed to respond to a series of emails sent to him requesting a meeting with Ms. Shirley Holmes, Leanne's Mother. (**Packet B**)
4. Pat Copeland violated the Georgia Code of Ethics for Educators Standard 10 when she failed to respond to the Formal Appeal sent to her on behalf of Leanne Holmes in reference to being denied participation into the registration/entry process for Kittredge High Achievers Magnet Program.

## **G. Substantive Resolution**

The following resolution is acceptable:

This letter represents many levels of unacceptable incompetence on behalf of DCSS in meeting Leanne Holmes' Educational needs. At some point, a trust is compromised, which we believed has been reached.

1. Therefore, we ask the Board Members of the DCSS to immediately move to meet Leanne Holmes' Education needs and mitigate future Disenfranchisement by admitting Leanne Holmes to Kittredge High Achievers Magnet Program for the 2009-2010 school year and grant special admission into Chamblee Middle School for the 2010-2012 school years.

-Or-

2. Pay for Leanne's Tuition for the her middle and high school years in a private school(s) to be chosen by Ms. Holmes, Leanne's mother, which will meet her educational needs.

**In conclusion**  
**Purposeful Discrimination**

This is very important for all....

***DCSS implements educational programs in a cluster format (Elementary, Middle, and High Schools in an area). Therefore, DCSS determines which students, based on area, will have access to certain educational programs and how.***

***Amendment, Civil rights and creates a system of Student Disenfranchisement.***

***DCSS has knowingly ignored the needs of high academic students on the Southern end of the County. They always tried to argue that the schools are over – over crowded on the Northern side of the County to prevent students from accessing high quality education.***

***Not this time. Because, this time we have evidence that DCSS consciously violated a child's protected right under the Constitution when informed so of doing.***

Again, when one child's education rights are violated, when one child is forced to regress, when the status quo in the south is allowed to continue at the hands of educational leaders, then we have all regressed. And, the progress of the last 50 years since Brown v Board is eroding.

Sincerely,  
Phyllis Austin,  
Founder, In My Shoes, Inc.

Shirley Holmes,  
Parent

Cc:

Mr. Robert Moseley  
Dr. Alice Thompson  
Dr. Felicia Mitchell  
Dr. Cleophas Jones  
Ms. Pat Copeland

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