

CAMPBELL SHATLEY, PLLC

ATTORNEYS AT LAW

PANC

Dismissal of Contract Teachers

April 4, 2016

Presented by

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TAR HEEL COUNTY BOARD OF EDUCATION

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Dean Smith, Chair

Dr. Roy Williams, Superintendent

Educating North Carolina's Tar Heels

VIA HAND DELIVERY

TO: Mr. J J Redick
FROM: Dr. Roy Williams, Superintendent
DATE: April 4, 2016
RE: Notice for Recommendation of Dismissal

As you know, I have been conducting an ongoing investigation into allegations of your alleged inappropriate conduct. I met with you on March 31, 2016 to review the Notice of Charges. Also present at the meeting was Dr. Frank McGuire, Assistant Superintendent, Michael Jordan, the Tar Heel County Board of Education's ("Board") legal counsel, and Grant Hill, your legal counsel.

After reviewing the relevant information and facts, I find there is sufficient evidence that you have acted inappropriately and in a manner that violates North Carolina law and Board policy.

I. FACTUAL SUMMARY

The charges and factual allegations as listed in the Notice of Charges are incorporated herein by reference as if fully set forth. Based on our investigation, I have determined the following:

1. You disclosed confidential student information on a social media posting wherein you accused students at Guthridge High School of cheating. While you didn't use any of the students' names, the posting was such that a reasonable person in the school community could identify the students. This is a violation of Board policy, North Carolina law and the Family Education Rights and Privacy Act (FERPA). Even if a reasonable person could not identify the students in your social posting, this was an inappropriate forum to address student academic concerns and issues at your school.

2. Instead of addressing what you perceived to be a problem within Guthridge High School regarding academic integrity with your appropriate administrators, you made accusatory social media postings which damaged the integrity and reputation of the school, its faculty and its students.

3. Prior to making your social media postings, you did not attempt to meet with parents or students or internally address the matter like a professional educator should have done.

4. You made a further social media posting calling into question the school system and school leadership and the requirements of following Board policy.

5. Your actions have, as admitted by you at the meeting on March 31, caused a substantial disruption at both Guthridge High School and in the local community.

II. DISMISSAL

Based on the findings of my investigation, I have no choice but to recommend your dismissal to the Board. My recommendation is based on the following:

1. **INSUBORDINATION (N.C.G.S. § 115C-325.4(a)(3)).** Your actions violated general and well-known directives by your supervisors regarding the prohibition of disclosing student information, maintaining professional decorum within your school and school community, properly addressing complaints within the school to the appropriate individuals as well as violating numerous Board policies, North Carolina Administrative Regulations and North Carolina General Statutes.

2. **FAILURE TO FULFILL THE DUTIES AND RESPONSIBILITIES IMPOSED UPON TEACHERS BY THE N.C. GENERAL STATUTES (N.C.G.S. § 115C-325.4(a)(9)).** Your actions violated N.C.G.S. § 115C-307(b) – to maintain for the general well-being of students.

3. **FAILURE TO COMPLY WITH SUCH REASONABLE REQUIREMENTS AS THE BOARD MAY PRESCRIBE (N.C.G.S. § 115C-325.4(a)(10)).** Your actions violated the following Board policies: Policy 7300 – Staff Responsibilities; Policy 7315 – Confidential Information; Policy 7335 – Employee use of Social Media; and Policy 7931 – Professional Standards of Conduct and Performance for Teachers. Further, your actions violated 16 NCAC 06C.0602 - Standards of Professional Conduct.

III. RIGHT TO A HEARING

Within fourteen (14) days after receipt of my recommendation, you may file with me a written request for a hearing before the Board. I shall submit my recommendation to the Board. Within five (5) days after receiving my recommendation and before taking any formal action, the Board shall set a time and place for the hearing and shall notify you by certified and personal mail of the date, time and place of the hearing. The hearing shall take place not less than ten (10) nor more than thirty (30) days after the Board notifies you unless mutually agreed upon by both parties. The hearing shall be conducted as provided in N.C.G.S. § 115C-325.7.

If you do not request a hearing within the allotted time, I will submit my recommendation to the Board. The Board may: (i) reject my recommendation; or (ii) accept; or (iii) modify my recommendation.

III. RESIGNATION

You are not being asked or instructed to resign. If you wish to voluntarily resign for whatever reason, your resignation shall be accepted based on terms agreed to in writing. Unless otherwise agreed to in writing, your resignation shall be tendered without pre-conditions and shall be based upon your own personal choice. The Board and I make no representation regarding the effect of your resignation on the matters discussed herein or arising from any pending or future investigation, including but not limited to, possible reports to the State Board of Education. You have the ability to consult an attorney regarding your decision to resign.

If you resign without my written agreement prior to any hearing, N.C.G.S. § 115C-325.9 requires that I report the matter to the State Board of Education and that you temporarily relinquish your license pending an investigation by the State Board. You have the ability to consult an attorney regarding your decision to resign.

IV. SUSPENSION WITHOUT PAY

In addition, I am, pursuant to N.C.G.S. § 115C-325.5(a), changing your current employment status to suspension without pay, effective immediately. This letter and the Notice of Charges shall serve as written notice of the basis for the charges supporting the suspension without pay and my recommendation for dismissal.

A copy of the relevant statutes, N.C.G.S. § 115C-325.1 *et seq.*, are attached.

Encl.: N.C.G.S. § 115C-325.1 *et seq.*

cc: Personnel File