

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JEFF CORKILL

Plaintiff,

v.

GWINNETT COUNTY SCHOOL
DISTRICT, J. ALVIN WILBANKS in his
official and individual capacities,
BO FORD, individually and in his official
capacity,

CASE NO. _____

VERIFIED COMPLAINT
FOR INJUNCTIVE RELIEF AND DAMAGES

COME NOW Plaintiff Jeff Corkill and bring this lawsuit under 42 U.S.C. § 1983 and the First and Fourteenth Amendment of the United States Constitution for declaratory relief, injunctive relief and damages arising from Defendants' intentional violation of Plaintiff's right to freedom of speech and association for issuing Plaintiff a negative performance evaluation after Plaintiff participated in a public demonstration, on his own time, against the government's immigration policies. The Defendant School District's decisions were based on the viewpoint of Plaintiff's speech and violated Plaintiff's right to freely assemble and exercise

his freedom of speech on matters of public concern. In support thereof, Plaintiff offers the following:

Parties

1. Plaintiff Jeff Corkill is a resident of Dekalb County, Georgia and worked for the Gwinnett County School District for eighteen years before leaving the District in 2020. He is over the age of eighteen.
2. Defendant Gwinnett County School District (“GCSD”) is a school district that exists under OCGA § 20-2-49. The Gwinnett County School District is managed by the Gwinnett County Board of Education. GCSD is sued for damages and equitable relief.
3. Defendant J. Alvin Wilbanks is the Superintendent of the Gwinnett County School District in Gwinnett County, Georgia. As superintendent, Mr. Wilbanks is responsible for all operations of the GCSD, including the implementation of GCSD policies and procedures. He is sued individually for damages and in his official capacity for equitable relief.
4. Principal Ford as at all times relevant, Plaintiff’s direct supervisor and responsible for conducting and recording Plaintiff’s teacher evaluation as required by O.C.G.A. §20-2-200. He is sued individually and officially.

Jurisdiction and Venue

5. This case presents a federal question under 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 1331.
6. This Court has personal jurisdiction of the parties under Fed.R.Civ.P. 4(k)(1)(a) and GA. CONST., art. 6, § 4, ¶ I.
7. Venue is proper in the Northern District of Georgia under 28 U.S.C. § 1391(b) because all actions complained of occurred within the boundaries of this district and Defendants reside within this district.

Facts of the Case

8. Plaintiff Jeff Corkill taught in the GCSD for eighteen years before leaving the District in 2020. He taught gifted students at Brookwood High School, as well as teaching several advanced placement courses. Mr. Corkill's teaching acumen was unquestioned, and his commitment to the GCSD learning community well-documented. Mr. Corkill maintained a standard of excellence in teaching that has earned him several accolades, while his performance evaluations reflect his high level of competence.
9. During the summer of 2019, while school was out of session, Mr. Corkill

participated in an organized protest of the detention and mistreatment of immigrants living in the United States organized by a Jewish activist political group, Never Again Now.

10. At the protest, Mr. Corkill opposed the federal government's internment of immigrants in this country. As part of the protest, Mr. Corkill joined a group of peaceful protestors to march outside the ICE field office. Mr. Corkill's activities at the protest included marching and chanting with other protestors. Mr. Corkill also held up signs critical of the U.S. governments immigration policies in 2019 and expressed his public views of the U.S. government's immigration policies in 2019.
11. Mr. Corkill, along with other protestors, was arrested during the peaceful protest for disorderly conduct. The charges against Mr. Corkill were dropped and the matter closed and expunged from Mr. Corkill's public record.
12. In August 2019, upon return to school for the 2019-2020 school year, Mr. Corkill learned that a photo had been taken of him protesting in the summer. As well, a short newspaper article had been published in a small independent newspaper, the *Atlanta Independent*.
13. Mr. Corkill started the school year without incident, looking forward to his

eighteenth year of being a teacher at Brookwood High School. As a veteran teacher, Mr. Corkill's performance is evaluated annually through using the statewide evaluation system, Teacher Keys Evaluation System (TKES).

14. TKES, provides that veteran educators are subjected to at least one classroom observation. TKES further requires that school administrators meet with the classroom teacher before and after observations have been completed to discuss the process and the preliminary results.
15. Less than one month into the school year, Brookwood High School principal, Defendant Bo Ford, called Mr. Corkill out of class for an unannounced meeting. Principal Ford notified Mr. Corkill that he had received information that Mr. Corkill had been arrested and that a parent had seen a picture of the teacher at the Never Again Now protest.
16. Principal Ford criticized Mr. Corkill for not reporting his activities and the illegal arrest. Mr. Corkill explained that his understanding of GCSD policy was that an employee is not required to report arrests, as opposed to convictions, to an employee's supervisor.
17. As directed by Principal Ford, Mr. Corkill reported the arrest to GCPS human resources. Mr. Corkill missed the entire day of student instruction

while at human resources only to be told that GCPS policy does not require reporting of the arrest, only of a conviction.

18. Principal Ford notified Mr. Corkill that he would now conduct Mr. Corkill's TKES evaluations because his grading "looked weird."
19. This was the first time in many years that Principal Ford had conducted observations or evaluations of Mr. Corkill personally and not delegated the responsibility to another school administrator. No prior issue had been raised about the supposed "weird" grading.
20. Without any explanation for the change in procedure, Principal Ford personally observed Mr. Corkill on September 23, 2019. On October 2, 2019, Principal Ford conducted a mid-year conference with Mr. Corkill where he explained that Mr. Corkill would receive below average formative evaluations scores for the first time in his teaching career.
21. Principal Ford, for the first time ever, identified several criticisms of Mr. Corkill that had not existed at any time prior to Mr. Corkill's participation in the summer protest including incomplete data comparisons and subjective observation notes based upon limited observation opportunities.
22. Principal Ford, for the first time ever, rated Mr. Corkill below average in

every teaching domain and expressly stated in the observation that the low scores in the Professionalism standard were because of events related to Mr. Corkill's participation in the summer protest.

23. Mr. Corkill's evaluation specifically contained a statement by Principal Ford regarding Mr. Corkill's participation in the summer protests stating:

This conduct is contrary to our school community standards and jeopardizes the character and reputation of our school, community, and profession. These actions are contrary to the expectations of professionalism which has direct impact on classroom effectiveness. (i.e.; multiple concerns expressed over this by multiple stakeholders). As a professional educator, we must lead by positive example and be mindful of how our actions can and will be interpreted by our students. Students and their families are left to their own interpretation of such an arrest, creating confusion and banter not associated with our curriculum (AKS) as observed by students sharing information with each other, with staff, on social media and with their families.

24. Notes from the meeting recorded by Ms. Kim Ford, the assistant principal, show that Principal Ford's evaluation scores were based on Mr. Corkill's political activities and his supervisor's perception of what the community would think about that. The notes of the meeting state:

Professionalism- Mr. Ford indicated that this was Mr. Corkill's right in this country, but we need to put it in perspective on how it impacts students and your profession. That is what I am referring to. We are under a microscope all of the time – educators – people

are always seeking us to do something wrong. So this is the context of being an educator at Brookwood HS... Mentioned that two articles were sent to him. The community piece is important. This has a direct impact on the classroom. Concerns were raised by multiple stakeholders. Students and parents were left to try to figure out things on their own, not related to the AKS, and it detracts from our learning environment. When kids are pointing you out because it's a hot topic. It was the talk of Orientation Day. [sic]

25. Mr. Corkill disagreed with the ratings issued by Principal Ford during the meeting, however the scores remained.
26. Mr. Corkill had his advanced placement teaching duties revoked without explanation following the conclusion of the 2019-2020 school year despite his students achieving an 80% pass rate on the AP exam. By comparison, the global pass rate for the exam that year was 59.9% and the Georgia pass rate was 63%.
27. Mr. Corkill requested that the TKES observation and evaluation be corrected, retracted and/or expunged from his personnel file. GSCD refused to either correct, retract or expunge the evaluation results from Mr. Corkill's personnel file.
28. The Georgia Department of Education did not require that GCSD submit any formal evaluations for the 2019-2020 school year because of the

pandemic related school interruption. However, Mr. Corkill's teacher evaluation records still contain the negative evaluation results from 2019-2020.

29. Mr. Corkill did not renew his teaching contract for the 2020-2021 school year as the working environment had reached a level of intolerability because of the punishments for participation in protests.
30. Mr. Corkill secured employment for the 2020-2021 school year in the Dekalb County School District. He no longer enjoys the protections of the Fair Dismissal Act because of the forced move from GCSD and has lost all seniority and the comparable prestige in duties as when he worked in the GCSD.
31. Mr. Corkill secured employment elsewhere, however, the negative evaluation in his personnel file remains part of his employment record and subject to disclosure to future employers.

Count I

First and Fourteenth Amendments

32. This Count is brought by Plaintiff against Defendants for the viewpoint-based negative evaluation scores issued to Plaintiff because of the exercise

of Plaintiff's freedom of school and association.

33. Defendant based the decision to issue a negative evaluation on the known viewpoint of Plaintiff's speech and the exercise of Plaintiff's freedom of speech and associations.
34. Defendant specifically identified as the reason for the negative performance evaluation Plaintiff's participation in a public protest.
35. Plaintiff's negative performance evaluation adversely impacts Plaintiff because the negative evaluation results are reviewable by potential employers and operate to limit employment options for Plaintiff.
36. Defendants unilateral revocation of Plaintiff's advanced placement classes adversely impacted Plaintiff because he was required to develop new lesson plans. Plaintiff also was assigned non-preferred teaching duties with less prestige and responsibilities as a result of his First Amendment activities. Plaintiff was isolated from conversations with other workers and excluded by Principal Ford.
37. Plaintiff did not opt to renew his teaching contract with GCSD because the working environment had reached a level of intolerability that compelled Plaintiff to resign.

38. Plaintiff suffered damage as a result of the negative evaluation that continues to exist in his personnel file as well as his inability to remain in the school that he had taught at for many years. Plaintiff claims damages against Defendant Ford individually for issuing him a negative performance evaluation because of his First Amendment protected activity. Plaintiff claims damages against Defendant District for a policy and practice of illegal retaliation against educators based upon the educator's constitutionally protected viewpoint.
39. Defendant Ford's decision was based on the viewpoint of Mr. Corkill's speech and his association with the Never Again Now political group.

Request for Relief

WHEREFORE, Plaintiff requests this Court:

- a. Hold a trial by jury on all issues so triable;
- b. Declare that Defendant Ford's negative performance evaluation violates Plaintiff's rights to freedom of speech under the First Amendment;
- c. Fully expunge the negative performance evaluation from Plaintiff's personnel file and any other file referencing or relating to

Plaintiff's employment with Defendant;

- d. Award nominal and actual damages against the GCSD and nominal, actual and punitive damages against the individual defendant;
- e. Award reasonable attorneys' fees and expenses under 42 U.S.C. § 1988 and as otherwise permitted by law;
- f. Grant further relief as this Court deems just and proper.

Respectfully submitted, this the 7th day of June, 2021.

/s/ Gerald Weber
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VERIFICATION OF PLAINTIFF JEFF CORKILL

I, Mr. Jeff Corkill, appearing before the undersigned officer and after being first duly sworn, depose and state on oath and under penalty of perjury that the facts set forth in the foregoing Complaint are true and correct.

Sworn to and subscribed before me
this 7th day of June, 2021.



Jeff Corkill



Notary Public

