

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
THIRD DIVISION  
CASE NO. 08-CI-608

PEGGY PETRILLI

PLAINTIFF

VS.

**AFFIDAVIT OF ALICE WEINBERG**

STU SILBERMAN, in his Individual Capacity, and in his Official Capacity as the Superintendent of the Fayette County Public Schools and/or Fayette County Board of Education; CARMEN COLEMAN, in her Individual Capacity, and in her Official Capacity as the Director of the Fayette County Public Schools and/or Fayette County Board of Education; BRENDA ALLEN, in her Individual Capacity, and in her Official Capacity as General Counsel for the Fayette County Board of Education, and THE FAYETTE COUNTY BOARD OF EDUCATION, FAYETTE COUNTY, KENTUCKY

DEFENDANTS

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Comes the Affiant, Alice Weinberg, and after first being duly sworn, for her Affidavit, states as follows:

1. On August 23, 2007, Peggy Petrilli was supposed to pick me up from the airport. She called me on her way to the airport and she was hysterical. Peggy told me that Stu Silberman had told her she could either resign or retire, and that he was not going to let her go back to BTWA. We went to my house to talk about the matter further. Leigh McCauley also stopped by after she finished with one of her Masters classes. Peggy told us that Stu had told her that the parents had threatened to picket the school and contact the media if she went back.

2. On Friday, August 24, 2007, and on Monday, August 27, 2007, Stu Silberman met with the BTWA teachers, the SBDM, and the leadership team in separate meetings. During these meetings, Stu explained that he had met with some parents who were very angry. He said the situation at BTWA was desperate and he kept repeating



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you are all broken. He also kept saying that we had a racial divide at BTWA. It was clear that Stu's lack of support of Peggy was caused by what he called the racial division in the school. In the middle of the leadership team meeting, staff member Kim Nichols, who is African-American, got very upset and said that the white teachers at the school did not know what it was like to be black. Stu acted as if her statements showed how big the problem was and how bad things were at the school. In the faculty meeting, when people were seated with different races in different places in the room, Stu pointed out how we were sitting and said it showed that there were racial problems in the school.

3. During October 2007, Brenda Allen interviewed me for her investigation. She was focusing her attention at that time with students with major reading difficulties. She had many objective assessments that were used to determine whether a student should be kept in primary for an additional year. Brenda Allen clearly did not understand this data and the fact that it proved that some students should spend an additional year in primary. She kept pointing out that a student would score well on one assessment despite the fact that I showed her several assessments where the child had done poorly. Brenda Allen kept asking me why certain students were held back; I told her it was because they could not read. Those non-readers whose parents refused permission for them to spend an extra year in primary remained in their present grade. The children needed to be moved back to primary because primary has a 3 1/2 hour intensive literacy block, whereas the intermediate grades only devote one hour to literacy. Also, I knew that the retention issue had been looked into the year before by Barbara Connors and there was no issue made out of the retention situation, other than asking Peggy to reword the form that parents were given to approve the school's recommendation that their child be kept in primary for another year, which she did.

Once Peggy changed the form, the issue was not brought up again until after she was gone from BTWA, so I did not know why this issue was being revisited. Also during that meeting I was accused of hiding a yellow folder which contains student data in it, even though this data could be found in multiple sources. I found it under my desk where I keep all kinds of materials. Not much was said about the yellow folder until I was called into a meeting with Stu several weeks later. Brenda did not ask me any questions about testing or any of the allegations against me and my reputation that I now know were in her report. Brenda was very hostile and accusatory toward me throughout this meeting.

4. After my October 2007 meeting with Brenda Allen, Stu Silberman's secretary called and told me that Stu needed to see me that day. Although Leigh McCauley was also asked to come to Stu's office that day, we were not allowed to go in together. Stu Silberman was about 45 minutes late for the meeting. I waited another 45 minutes after Jack Lyons went into the meeting and then I was called in. The meeting consisted of me, Stu Silberman, Jack Lyons, Brenda Allen, Barbara Connors. During this meeting, I was again accused of "hiding" a yellow folder with testing data in it under my desk, which, according to Brenda Allen constituted impeding her investigation. Despite the obvious baselessness of this accusation, throughout the meeting Stu Silberman's tone toward me was condescending and intimidating. I asked Stu if I needed a lawyer and he said that if I thought I needed one I should get one. Also, during the meeting Stu Silberman said that the instructional program at Booker T. Washington Academy (BTWA) was exceptional and should be left intact. After my meeting was concluded, Leigh was called into a lengthy meeting.

5. After this meeting with Stu Silberman, Brenda Allen, Barbara Conner, and Jack Lyons, my job responsibilities at BTWA started to be taken away. I could not be a

testing proctor anymore, and I did not get to do reading testing after that. Moreover, every action the leadership team took was extensively analyzed, while visitors were still being brought through the school.

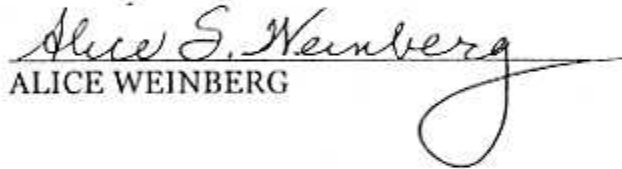
6. Alva Clark and Jessica Berry spent a lot of time at the school. Jessica Berry is president of the PTA is on the SBDM, where, at the meetings I attended, she always questions every proposal that comes before her, to the point that it made it impossible for any action to be taken. Jessica Berry was critical of any proposal Peggy would present to the SBDM. I was informed that Jessica objected to proposals where Peggy would take policies used by successful schools and change them slightly to fit BTWA's needs. She never wanted to use these policies; she wanted the SBDM to come up with policies of its own. So many of the policies Peggy proposed got tabled because Jessica Berry's opposed them. Jessica would threaten to go to someone with more authority if she did not get her way. Jock Gum was only able to get one policy passed in the 2007-2008 school year. Together, Jessica Berry and Alva Clark put together professional development training for the 2nd grade teachers because they did not think the teachers could control their students. They were also always talking about being more sensitive to cultural differences at BTWA.

7. Also after Peggy was no longer at BTWA, Alva Clark spent a lot of time in the school office and knew more than she should about private matters about the students. She has taken children to the SAFE room and has been in the exam rooms while kids were being checked for medical conditions, such as head lice. She would also intervene in parents issues and direct them to meet with her and the acting vice principal, Mr. Lyons.

8. After Peggy was no longer at BTWA, the only change made to the curriculum was that teachers were no longer held accountable like they once were. Stu Silberman, Carmen Coleman, Jock Gum, and Jack Lyons kept advising that the curriculum and instruction at the school should remain the same.

9. I have been given time to review the statements contained within this Affidavit and to change any statements which are untrue. I affirm that each of these statements is true and accurate to the best of my knowledge. I have signed this Affidavit freely and voluntarily, under no obligation, threat, or promise of reward.

FURTHER, the Affiant saith naught.

  
ALICE WEINBERG

STATE OF KENTUCKY            )  
  (SCT.  
COUNTY OF FAYETTE        )

Subscribed and sworn to before me by Alice Weinberg on this the 17<sup>th</sup> day of September, 2008.

My commission expires: 7/30/2010

  
NOTARY PUBLIC, STATE-AT-LARGE, KY

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PEGGY PETRILLI

PLAINTIFF

VS.

**AFFIDAVIT OF LEIGH MCCAULEY**

STU SILBERMAN, in his Individual Capacity, and in his  
Official Capacity as the Superintendent of the Fayette  
County Public Schools and/or Fayette County Board of Education;  
CARMEN COLEMAN, in her Individual Capacity, and in her  
Official Capacity as the Director of the Fayette County  
Public Schools and/or Fayette County Board of Education;  
BRENDA ALLEN, in her Individual Capacity, and in her  
Official Capacity as General Counsel for the  
Fayette County Board of Education, and  
THE FAYETTE COUNTY BOARD OF EDUCATION,  
FAYETTE COUNTY, KENTUCKY

DEFENDANTS

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Comes the Affiant, Leigh McCauley, and after first being duly sworn, for her  
Affidavit, states as follows:

1. In early August 2007, prior to the start of the 2007-2008 school year, one  
of the new teachers at Booker T. Washington Academy (BTWA), Rachel Buncher,  
attended a new teacher training. Stu Silberman was present at the meeting. He told her  
that they were working for the very best, and that if Peggy hired them, he knew they  
must be great.

2. A few weeks later, on August 23, 2007, after the school year was  
underway, I went to Alice Weinberg's home to meet Alice and Peggy Petrilli. When I  
arrived, Peggy Petrilli was distraught. Peggy told me that Stu was not letting her go back  
to BTWA. Peggy went on to tell Alice and me that Stu had given her the ultimatum to  
resign or retire. Carmen Coleman, my director, also stated that Peggy had run out of



chances, that Peggy didn't make a lot of friends in the District, and that Peggy needs to cooperate with Stu. Peggy said that Stu had told her that if she went back the parents had threatened to go to the media and picket the school.

3. On Friday, August 24, 2007, and on Monday, August 27, 2007, Stu Silberman met with the leadership team, the faculty of BTWA, and the SBDM in three separate meetings. I attended all of these meetings. Each time Stu explained that he met with a group of very angry, hostile parents. Also, in each meeting Stu repeatedly stated that the school was broken and that there was a "racial divide" within the school. He analogized the situation at Booker T. Washington Academy (BTWA) to the scenario presented in a movie called "Remember the Titans," which was about overcoming racial division in a school setting. This analogy was presented during at least two of the three meetings. It was very clear that Stu's decision to no longer support Peggy was dictated by race. During the leadership team meeting, one of the African American staff members, Kim Nichols, broke down and said that the white teachers did not understand what it was like to be black. In response, Stu stated "See how bad it is? This is how broken we are." In the faculty meeting, Stu pointed out how everyone was seated to show that there were racial problems--he told us to look at how we were sitting--with the African Americans all on the outside and the Caucasians all on the inside of the circle. After the meeting Stu had with the SBDM, one of the SBDM parent representatives, Robin Ogbulu, came to me and told me that she really likes me, that she really wanted me to stay at that BTWA, and that if I wanted to stay at BTWA, then I needed to get in with Jessica Berry. Jessica Berry is on the SBDM and President of the PTA. These roles give her a lot of power at the school. Ms. Berry was also continually present at the school throughout each academic year.

4. Throughout the weekend (August 25-26, 2008), Carmen Coleman called me numerous times to reiterate that Peggy needed to contact Carmen or Stu and let them know what she had decided to do immediately. During my conversations with Carmen, it was clear that the ultimatum Peggy told me about—that Stu told her she had to resign or retire—was true. Peggy should cooperate because Stu has a lot of pull in the state, flawless reputation, and Peggy needed to keep their relationship positive for her benefit.

5. In October 2007, prior to an interview I had with Brenda Allen as a part of her investigation, Ms. Allen found out that I had a meeting with Alva Clark and Jessica Berry. Ms. Brenda Allen ridiculed me for interfering with her investigation and told me that I could not talk to the parents. I advised Ms. Allen that Carmen had approved my speaking with them and Stu permitted it as well. We discussed their curriculum concerns.

6. Jessica Berry and Alva Clark were always at the school. Additionally Jessica Berry is on the SBDM and is president of the PTA. It is Jessica's practice to continuously question each proposal that comes before the SBDM such that no action can ever be taken on the proposal. Further, I was aware that when Peggy presented policies for the SBDM to consider implementing, Jessica Berry was always in opposition. Peggy took policies from Ann Mason Elementary, the school in Scott County, where Carmen Coleman had been principal, and tweaked them to address the needs of BTWA. However, Jessica Berry did not want to use other school's policies--she wanted the council to generate its own policies from scratch. As a result, many proposed policies got tabled at Jessica Berry's request. During the 2007/2008 school year, Jock Gum had one policy passed. She also has a practice of threatening to

go to someone higher up if she does not immediately get her way. Jessica Berry and Alva Clark have also organized professional development for all of the 2nd grade teachers because it was their impression that the teachers could not manage the students. Alva Clark and Jessica Berry were always pushing cultural sensitivity at BTWA.

7. In October 2007, Brenda Allen interviewed me as a part of her investigation. During that time, she was solely focused on the retention of students who could not read. In an effort to explain why these students were held back, I showed her data collected from GRADE, DRA, and other objective assessments that were used in determining whether a student needed to be retained for an additional year in primary. It was clear by the end of that meeting that Brenda Allen did not understand the data presented to her; additionally, she did not attempt to understand that the data supported the decision to retain some students. Also I tried to explain that I worked in the intermediate building and that what she was questioning me about really concerned decisions made in the primary building, and that, as a result, I did not know a lot about the matter. Nevertheless, Ms. Allen kept questioning me about the retention of these students.

8. During the October 2007 interview with Ms. Allen, she did not question me about any allegations concerning testing, despite the fact that her report contains direct allegations against me and my professional reputation. After this meeting, I contacted Carmen Coleman, my director; Carmen came and met with me. At that point, I was in tears because Brenda Allen and Barbara Conner did not understand what I was trying to explain to them, despite the fact that they were the ones leading the investigation. Barbara Conner also kept arguing with me during this interview about

certain educational practices. Ms. Coleman agreed with me that Brenda Allen did not know how to interpret the data I had shown her. About the same time as this meeting with Ms. Allen, I had another meeting with Barbara Conner, who was assisting Brenda Allen's investigation. At the conclusion of that meeting, Barbara Conner asked me to take a walk and ended up telling me that she had had enough of me and also threatened "you know there is such a thing as guilt by association?" I asked her to explain what she meant, and she gave me no response. Apparently the information I was giving them conflicted with the ideas that Brenda Allen and Barbara Connors were trying to advance.

9. Soon after my October 2007 meetings with Brenda Allen and Carmen Coleman, Stu Silberman's secretary called and told me that Stu needed to see me that day. Alice Weinberg was also summoned to Stu Silberman's office. We were not permitted to go into the meeting together. When we arrived, Stu Silberman was late. Then Jack Lyons went into the meeting and we waited several more minutes until Alice Weinberg was called into the meeting. After Alice's meeting was complete, I was called into the room. Stu Silberman, Jack Lyons, Brenda Allen and Barbara Connors were present. At that time, I was accused of impeding the investigation by retaining materials that were deemed, unbeknownst to me, to be part of the investigation. The material in question was testing data that was compiled on the students who had been retained that I had provided to Brenda Allen and picked up to take with me when I left the meeting. At that time Brenda Allen told me that she had to keep the material. It was given to her without any questions. When I informed Stu that I had given the information to Brenda Allen in the first place and was not trying to keep it, hide it, or hinder the investigation, Brenda rammed her fist onto the desk and said that the material was a part of her

investigation as soon as she touched it and that I could not take it back. Throughout several encounters with Ms. Allen, she never told me that once I produced information for her that it became property of the investigation. I routinely took multiple documents to her that I thought would help explain and clarify the decisions that were made at BTWA based on data. Each time I took materials to her, she selected the items she wanted to review and kept them while the other documents were returned to me. I was never notified of the protocol that required Ms. Allen to keep everything I took to her until she made this statement during my meeting with Stu. Had she, at any point, told me she needed to keep everything, I would have given it to her, since I brought it to her for the purposes of assisting the investigation. Despite doing this, Stu kept telling me that I needed to cooperate with the investigation, but I have no idea how I was not cooperating. I am not sure why this accusation was made, except that it was made to try and intimidate me. I was also questioned about the yellow folder of student data that was found under Alice's desk. I did not know what Brenda Allen was talking about initially and Barbara Conner also asked me during the course of the meeting with Stu if I had a tape recorder. At that point Stu asked Jack Lyon if he had something to add; Mr. Lyon advised me that they would have to send me home if I did not participate in the investigation in the way that Ms. Allen wanted me to participate. Stu also showed me the suspension letter and told me that it was ready and that he was prepared to give it to me. I was intimidated and felt like I was being threatened to go along with their agendas. Stu emphasized the importance of the investigation and told me that Brenda Allen and Barbara Conner were just trying to protect him. Stu had previously said in various phone conversations with me that he "knew the allegations were not true" about Peggy Petrilli. At the conclusion of this meeting, Stu asked me to step out in the hallway

so that they could make a decision regarding my suspension. When I was asked to return to the room, Stu told me that Brenda Allen had agreed to work with me. He said that what had been said in the room was just between those in the room, and that no one would know about the fact that I had been so close to being suspended. He then reiterated that Brenda and Barbara were just trying to protect him. I was then ordered not to contact Carmen Coleman to discuss my concerns anymore. Prior to this point, I had spoken with Carmen at least two times a week and Carmen had been very open in offering her assistance. I also recall Stu telling me during this meeting that under my leadership, I needed to get the 4<sup>th</sup> grade teachers in line. When he said that, I responded by saying, "But I thought the 4<sup>th</sup> grade teachers were fine." Stu then asked why he was still hearing from them and Barbara Conner followed up by asking "then why did another teacher e-mail me to ask for notes from a meeting with me?" I was not sure why her inquiry was indicative of the 4<sup>th</sup> grade teachers being "out of line."

10. In the spring of 2008, after the meeting with Stu Silberman, Brenda Allen, Barbara Conner, and Jack Lyons, I began losing job responsibilities at BTWA. I was no longer permitted to be the writing cluster leader. Everything the leadership team did was highly scrutinized, even though visitors were still paraded throughout the school. Then, during the spring of 2008, Jan Hatfield, who was assigned to BTWA to handle testing, took over my role as co-building assessment coordinator; according to Jan, this was done because the community did not get the report that they wanted yet. She also advised me that they would go after me because I was seen as an extension of Peggy. I was not allowed to handle testing booklets for my own protection, according to Jock Gum, but Jennifer's responsibilities included collecting testing materials. Since Jennifer Johnson's duties as co-BAC did not change as drastically as mine, it became apparent to

me that I was being punished for not taking sides when I felt it was unnecessary for me to take a side.

11. In February 2008, I had a second interview with Brenda Allen. Ms. Allen started the meeting by asking me if I could tell her why I thought I knew more than the District Assessment Coordinator, Carolyn Martin. I did not know what she was talking about. She then told me that Carolyn Martin had relayed to all BACs that if a 4<sup>th</sup> grade student had been in the 4<sup>th</sup> grade all year, that student must take the 4<sup>th</sup> grade test. I told her that I had not been informed of this and that perhaps Jennifer Johnson, the other Building Assessment Coordinator at the time, had been informed as she is the one who has always been in charge of making, maintaining, and keeping the rosters. Later when I confronted Jennifer Johnson about the rosters, she told me that she had the rosters on her computer but indicated that she would not turn the rosters over to them or tell Brenda Allen that she had them. She indicated that she would not take the fall for anyone since she could not afford to stay at home like I could. Also during that meeting Brenda Allen was very aggressive and throughout the meeting became increasingly hostile, sarcastic, argumentative, and accusatory in her statements to me.

12. Peggy went out of her way to contact African American teachers. She often went elsewhere to recruit them. However, not a lot of African Americans who were graduating aspired to be teachers. During the 2006-2007 school year, she pink slipped three 5<sup>th</sup> grade classroom teachers—two were white and one was African American. There was also an African American special education teacher for the 5<sup>th</sup> grade that Peggy wanted to stay at BTWA, but he opted to leave. It was Peggy's practice to release teachers who did not want to work as hard as she thought they needed to work, regardless of their race. However, on at least one occasion during the 2005-2006 school

year, Stu Silberman intervened to prevent the firing of one teacher, Marniqua Buchanan, an African American. Stu specifically asked Peggy to keep Ms. Buchanan, who was ultimately pink slipped by Jock Gum during the 2007-2008 school year.

13. After Peggy was no longer at BTWA, the curriculum did not change at all, except that there was no longer any accountability for the teachers. Stu Silberman, Carmen Coleman, Jock Gum, and Jack Lyons all continuously advised that no changes should be made to the curriculum and instruction.

14. I have been given time to review the statements contained within this Affidavit and to change any statements which are untrue. I affirm that each of these statements is true and accurate to the best of my knowledge. I have signed this Affidavit freely and voluntarily, under no obligation, threat, or promise of reward.

FURTHER, the Affiant saith naught.

  
LEIGH MCCAULEY

STATE OF KENTUCKY            )  
  (SCT.  
COUNTY OF FAYETTE        )

Subscribed and sworn to before me by Leigh McCauley on this the 19th day of September, 2008.

My commission expires: 7/30/2010.

  
NOTARY PUBLIC, STATE-AT-LARGE, KY