
Recourse for Targeted Teachers

Due Process

The 5th and 14th Amendments to the U.S. Constitution both assert that no person may be deprived of “life, liberty, or property, without due process of law.” This applies to all levels of government, from Federal down to local government. The Courts have interpreted employment in government (e.g., school teacher) as property for this purpose. Due process requires that government agencies adopt procedures designed to promote integrity, justice, and fairness.

Missouri State Teacher’s Association (or other teacher’s unions)

The Missouri State Teacher’s Association can offer legal advice. They can offer a representative to sit in (as silent audience) during meetings with district administrators. They can even offer legal representation in a termination hearing. This is all entirely ineffective when a district chooses to behave dishonestly, especially when the school district has an attorney on permanent retainer guiding their steps to ensure they can get away with whatever malfeasance they desire.

Missouri Teacher Tenure Act

The MTTA provides only *procedural* protection, not *substantive* protection. A teacher can appeal a firing only if the district did not follow the prescribed procedure. A teacher cannot appeal on the grounds that the allegations of misconduct were all deliberate fabrications and demonstrably false. In other words, the MTTA offers no protection against a school district that is willing to lie.

Administrative hearing (including appeal hearing after termination)

In an administrative hearing, the School Board is the judiciary that reviews the case. The Board has already demonstrated its complete unwillingness to hold a hearing, even when obligated by both state law and District policy. They have also convincingly demonstrated their absolute indifference to truth and unmitigated support for an abusive administration. If a terminated employee managed to compel the District to hold a hearing, there is no longer any grounds for thinking the hearing would have any genuine interest in an honest outcome.

Lawsuit

Lawsuits of this nature cost far more than teachers can afford. While attorneys will sometimes accept lawsuits on a contingency basis, there are several obstacles to their doing so. First, stand-alone law firms cannot incur this kind of financial risk. Large law firms seldom have interest in small cases unlikely to generate a large payout. Second, winning a case like this is complicated by the fact that since the school district enjoys unlimited access to an attorney, they are careful to ensure each dishonest maneuver is difficult to prove by the standards of court. They document their false allegations and fabricate evidence to make the truth harder to establish. Finally, while it seems quite likely that an attorney who took the time to get acquainted with the particulars of our cases would find a winnable cause here, it would take such an attorney many hours of time to reach that level of awareness. Attorneys aren’t willing to invest in cases on a contingency basis until AFTER they have reached this degree of confidence.

Ozark School District Systematic Retaliation Against Teachers Who Speak Up

Common Elements of District’s Targeting of Disfavored Teachers (Not Necessarily Always in This Order)

Teacher:

- Speaks up about something that is wrong in the District. This action commonly offends, challenges, resists, or simply complicates things for administrators.
*(The trigger is EGO. You can do many things wrong without repercussion; you just can’t **challenge** them in any way.)*

District administrators’ response:

- Levy false accusations (each loosely based in a real incident but deliberately distorted)
- Refuse to consider counter-evidence or alternative explanation; gaslights targeted teacher
- Document fabricated allegations to prepare for adverse action; create Professional Improvement Plan
(This is how they avoid lawsuits for wrongful termination.)
- Impose gag order, isolate employee from peers
(violation of RSMO 105.055, Board Policy GBCBB)
- Invite/pressure teacher to resign
- Serve warning of termination (e.g., Notice of Deficiency)
- Restrict, harass, intimidate, and even attempt to entrap teacher
If they can compel teacher to resign, they are fairly insulated against legal challenges, including due process challenges.

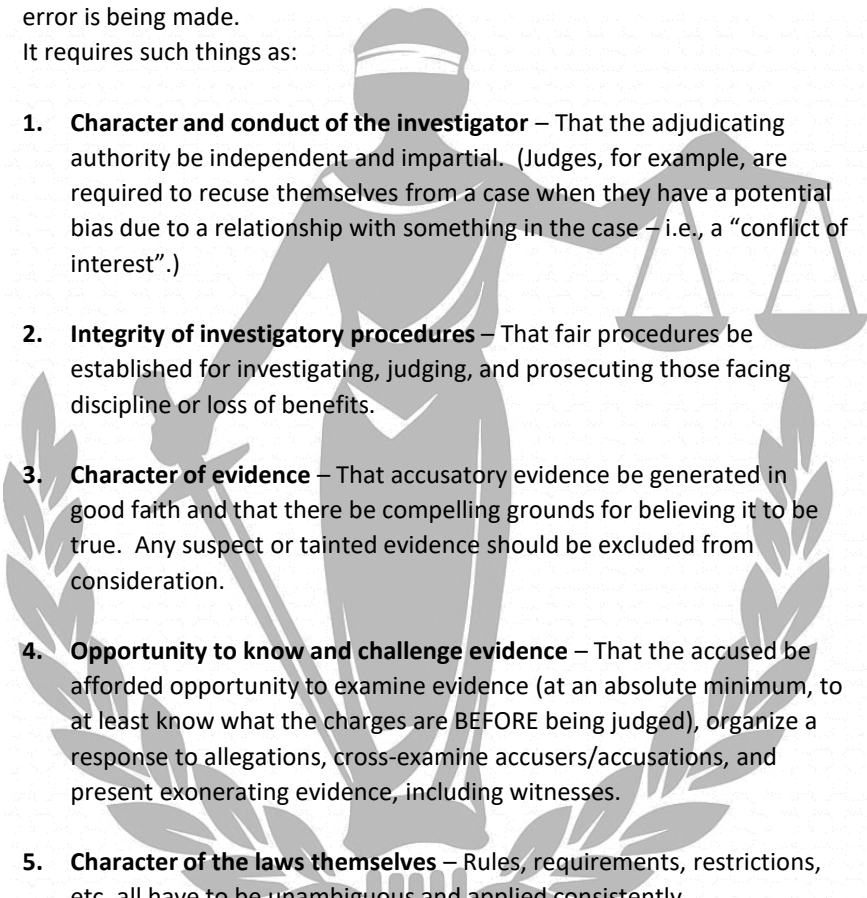
School Board:

- Turns a deaf ear to all pleas for redress
- Affirms their complete confidence in District Administrators
- Joins administration in harassing and lying about disfavored teacher

General Requirements of Due Process:

The concept of “due process,” as enshrined in the 5th and 14th Amendments to our Constitution, requires that government and its agencies (including schools) adopt procedures designed to promote integrity, justice, and fairness. It stems from recognition that each of us is subject to various biases, misinterpretations of facts, cognitive errors, etc. and government can thus wrongly deprive someone of what they are entitled to. If the process itself is not fair, then the outcome surely will not be either. The principle of due process seeks to minimize the prospect of error by providing the endangered party an opportunity to demonstrate that an error is being made.

It requires such things as:

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1. **Character and conduct of the investigator** – That the adjudicating authority be independent and impartial. (Judges, for example, are required to recuse themselves from a case when they have a potential bias due to a relationship with something in the case – i.e., a “conflict of interest”.)
 2. **Integrity of investigatory procedures** – That fair procedures be established for investigating, judging, and prosecuting those facing discipline or loss of benefits.
 3. **Character of evidence** – That accusatory evidence be generated in good faith and that there be compelling grounds for believing it to be true. Any suspect or tainted evidence should be excluded from consideration.
 4. **Opportunity to know and challenge evidence** – That the accused be afforded opportunity to examine evidence (at an absolute minimum, to at least know what the charges are BEFORE being judged), organize a response to allegations, cross-examine accusers/accusations, and present exonerating evidence, including witnesses.
 5. **Character of the laws themselves** – Rules, requirements, restrictions, etc. all have to be unambiguous and applied consistently. Consequences for violating them also have to be applied consistently and proportionately to the significance of the alleged offense.

School Board Dereliction and Complicity

Policy BBA: SCHOOL BOARD POWERS AND DUTIES

- “The Board of Education is a representative body elected by the registered voters. . . . the Board is accountable to the electorate.”
- “It is the purpose and the role of the Board of Education to exercise general supervision over the schools of the district. . . . The Board of Education shall control all aspects of the operations of the district within the limits of the law.”
- “The Board is responsible for acting as a court of appeals for the professional and support staff members.”

SCHOOL BOARD PERFORMANCE

1. The Board has continually and deliberately limited community visibility on and accountability for their actions. The Board has likewise refused audience to community members who sought to address them about the conduct of district administrators.
2. The Board repeatedly claims that the superintendent is their only employee. They assert this as explanation for why they can’t address other problems in the district.
3. The Board has subordinated itself to the superintendent. In both word and conduct, they have repeatedly expressed that their role is to facilitate his agenda, not set agenda for him.
4. The Board has refused to reign in the superintendent, even when evidence has been presented of his overreach of authority. They have refused to entertain any evidence against him.
5. The Board has not only tolerated, but has actively facilitated the superintendent’s hostile and illegal agenda toward teachers.
6. The Board has refused to follow state law and its own policies.
7. The Board has deliberately misrepresented their own conduct to members of the public seeking accountability for district administrators and Board conduct.
8. The Board has refused to offer any audience, let alone redress, to those teachers targeted by District administrators. They falsely assert they are prohibited from hearing employee grievances and refuse to be instructed/corrected on this point.
9. The Board is now well aware of how maliciously and dishonestly the administration is dealing with teachers and chooses to honor long-term relationships and entrenched power over justice and integrity.

The Depth of the Problem

The administrative culture within our school district has been corrupted. Our top administrators have established a culture of “trickle-down” harassment. They model dishonest, abusive governance to their subordinate administrators and then assimilate those subordinate administrators into their retaliation schemes. Consequently, nearly all administrators at the district level have knowingly participated in dishonest, abusive targeting of innocent teachers. Principals at several of our individual schools are likewise fully complicit. It will be impossible to restore a sense of trust and teamwork within the District without replacing every single one of these administrators who have contributed to this problem.

Ozark is a wonderful place to live. Part of its charm comes from its being a small town. But with all the virtues of small-town living also come the vices of small-town living. And one of those is small town politics, in which relationships predominate over regulation, loyalty trumps law, and power protects power. Entrenched power retains its grasp through confederation with others in power. “I’ll watch your back if you’ll watch mine. And I won’t call you out if you don’t call me out.”

Our School Board has declared its absolute allegiance to the District administration, abandoning its responsibility to the students, teachers, and community that elected them.

TAKE ACTION

If you would like to be part of the effort to bring change to our school district, we invite you to:

1. Learn more about the problem by following “Ozark, MO School District Awareness” on Facebook.
2. Inform your friends and invite their attention to this problem.
3. Join with us in demanding that the district commission an independent investigation into our reports (see <https://majorcazier.com/sign-petition>).
4. Email us at OzarkMOSchoolsAwareness@yahoo.com to share or solicit ideas for further activism in this cause.

“The only thing necessary for the triumph of evil is for good men to do nothing.”

The Scope of the Problem

Following the 24 February 2022 Board meeting, the Ozark Missouri School District Awareness (OMSDA) group invited recent and current employees of the Ozark School District to contact us if they had experienced a significant form of abuse of authority by District administrators. The immediate response was overwhelming. We received over 50 such reports, all occurring within the recent tenure of the current superintendent.

50

That's a lot, regardless of the size of the organization. That is far too many!

We have sorted through to remove duplicate reports (e.g., where the target and a colleague might have both reported his/her story). We have then grouped them by category. This is what we found:

- 10 employees are presently experiencing retaliation for addressing or reporting basic concerns
- 18 incidents were submitted for others because of the victim's extreme fear of retaliation
- 4 have been forced to resign or retire early
- 3 others left voluntarily to go to another district because of the negative environment of fear and retaliation perpetuated by the administration.
- 7 say they "have no voice" -- there is no way to address concerns without fear of reprisal
- 3 different students reported separately seeing the top administrator intimidating teachers or parents.
- 4 district patrons (not employees) report observing or experiencing bullying by top administrators.
- Several others wrote regarding mismanagement of funds.

These numbers reflect only those courageous enough to reach out. How many more are there?

How can anyone be expected to work effectively in this kind of environment?

How can anyone hope to care, to inspire and positively motivate and nurture, children's growth and development?

Additional note: *Although we have not sought to update these statistics since the spring, we have still become aware of several more teachers and staff who were inappropriately forced out of the District by a hostile administration since then.*