

## **Georgia Prosecutors To Argue That The Atlanta Public School System Is a Racketeering Enterprise**

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### **Education Law Notes**

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Jury selection has begun in the criminal trial of 12 Atlanta teachers and administrators accused of conspiring to alter and inflate student scores on standardized testing utilized to gauge compliance with, and eligibility for funding incentives under, the federal No Child Left Behind Act. The educators are being tried under Georgia's Racketeering Influenced and Corrupt Organizations Act ["RICO"], in which the Atlanta school system is the alleged racketeering enterprise. While all of the defendants have been charged with lesser crimes, a RICO conviction carries a sentence of 5 to 20 years in prison.

The case arises from a 2011 investigation which found organized and systemic cheating within the Atlanta Public Schools, involving the efforts of 178 educators (principals and teachers) in 44 of 56 schools the investigators examined. The investigators noted that 82 of those individuals actually confessed to the misconduct. While the investigators empathized with those educators who felt pressured to comply with the demanding standards, they did not excuse the educators' ethical failings or believe that such pressure exonerated the educators for their wrongdoings.

Prosecutors pursuing the RICO charges maintain that more than 30 educators participated in a conspiracy to cheat on standardized tests dating back to 2005, motivated by pressure to meet federal and Atlanta Public Schools' standards and to also receive bonuses or keep their employment. Prosecutors have reportedly agreed to plea deals with 21 of the 34 defendants included in the initial indictment, and it is expected that some of these defendants will testify in the upcoming trial. While prosecutors have suggested that the former Superintendent of Schools, Beverly L. Hall, was the leader of the conspiracy, her trial has been postponed while she battles cancer. Her absence may prove significant in a case that is expected to revolve around a perceived culture of fear, intimidation and retaliation purportedly emanating from top school administrators such as Hall.

#### **The Significance of The Case**

Although other states, including Connecticut, have experienced cheating scandals associated with standardized tests, the scope of both the alleged scheme in Atlanta and the consequent racketeering prosecutions are noteworthy. Depending on their outcome, these prosecutions may serve as a bellwether for how other states respond to similar misconduct.

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Stay tuned, as it may be a while before we know the conclusion to this story. The trial is expected by many to take as long as 4 to 6 months to complete.

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