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Media Alert

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Emory Annexation Ordinance Challenged in Lawsuit

STONE MOUNTAIN, GA. – The DeKalb County School District (DCSD) has filed a lawsuit against the City of Atlanta and its City Council President seeking to void the ordinance approving the annexation of Emory University, the CDC and other commercial and residential areas located on 744 acres in DeKalb County into the City of Atlanta. The proposed annexation is the largest by Atlanta in 65 years.

The reason for the lawsuit is the 11th-hour change in the annexation ordinance, originally proposed in July 2017, as one that would not impact the DeKalb County School District. In fact, the original ordinance, twice read before the City Council, specifically prohibited the extension of the boundaries of the Atlanta Independent School System (APS) into the annexed area. The reasoning was simple and logical - only eight students within the annexed area were public school eligible.

Emory lobbied for and received public support for the annexation from both DeKalb County and the DeKalb Board of Education based on that key element. Then, in late November 2017, just two business days before the City Council's public vote on the ordinance, a material change was quietly made to the annexation plan. After APS threatened to oppose the annexation ordinance if it did not receive the property tax money from the annexed area, the mayor asked the City Council to reverse itself on the school district issue, resulting in a complete rewrite of the ordinance to extend the boundaries of APS throughout the entire annexed area.

The result could not be more unfair. If left unchallenged, the ordinance will effectively transfer to APS from DeKalb County School District over \$2 million dollars in tax revenue, when APS is already the richest school system in Georgia. It hardly needs the money as the annexed area only includes an estimated eight students. This windfall was never sought by the petitioners for annexation. According to the lawsuit, this last minute legislative sleight of hand violated city regulations for passage of ordinances as the material change was not adequately communicated to the stakeholders and the public at large. Our complaint seeks an immediate injunction against the expansion of APS boundaries into the annexed area, and a permanent injunction invalidating the annexation ordinance.

The lawsuit comes as a last resort after direct efforts to collaborate with APS went nowhere, and efforts by the DeKalb delegation during the 2018 Session of the General Assembly failed to produce a legislative fix.

(OVER)

The DeKalb County School District utilizes deep teaching and learning to prepare its more than 102,000 students for college and careers. Through a laser focus on improving student achievement, the district provides relevant classroom instruction and individualized services designed to meet each child's needs. To learn more, visit www.dekalbschoolsga.org. Submit questions or comments to Communications@dekalbschoolsga.org.

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“Back in July 2017, we were shown an ordinance that included in its title a prohibition on expansion of APS into the annexed area and lobbied to support the annexation on the basis. We were assured that, in exchange for our support, the annexation would not adversely impact our schools in any way,” said DCSD Superintendent/CEO R. Stephen Green. “We upheld our side of the bargain and publicly supported the annexation. Then, the former mayor conspired with APS to amend the ordinance and unjustly enrich APS at the expense of DeKalb County and our School District. How could a City Council engage in such a blatant bait and switch? We hope a court will right this wrong. I regret the entire annexation is now in jeopardy, but our efforts to find a negotiated solution were rejected out of hand. No one thinks what happened is right or fair, but to date nothing has been done to fix a clear injustice. I call on the new mayor to reject the back room political deal cut by her predecessor just to get this annexation completed before he left office, and help the parties find a workable solution before the annexation is voided.”

Superintendent/CEO Green, Board President Michael Erwin, and Board member Marshall Orson, who represents the impacted area, are available for interview.

DCSD is being represented in the litigation by A. Lee Parks of Parks, Chesin & Walbert, P.C. who can be reached at (404) 873-8000 and lparks@pcwlawfirm.com for more information about the lawsuit.