

IN THE CHANCERY COURT OF PIKE COUNTY MISSISSIPPI

CEDERICK ELLIS, PH.D.

Petitioner

VS.

Civil Action Number: 23-cv-00549

BOARD OF TRUSTEES,
MCCOMB SCHOOL DISTRICT

Respondents

Petition for Appeal of Final Decision

Comes now Cederick Ellis, Ph.D., by and through counsel, and petitions the Court to appeal the final decision of the McComb School District Board of Trustees terminating his employment as Superintendent of the McComb School District. Petitioner states the following in support of his petition.

1. The Board of Trustees for the McComb School District took action to terminate petitioner on November 10, 2023. *See* final Board **Order** – attached as **Exhibit 1**.

2. Petitioner was unlawfully terminated without a due process hearing.

3. Because there was no due process hearing prior to termination, there is no record of any kind indicating the Board's actions or decision to terminate.

4. Petitioner submits that the Board's actions are arbitrary and capricious, and in violation of his constitutional rights.

5. Petitioner further submits that the Board's reasoning for termination is not supported by any substantial evidence.

For these reasons, Petitioner files his petition to appeal under Miss. Code Ann § 37-9-113.

/s/ Jeffrey M. Graves
JEFFREY M. GRAVES, ESQ.

OF COUNSEL:

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Certificate of Service

I, Jeffrey M. Graves, certify that on this date, a true and correct copy of the above document was filed with the Clerk of the Court using the Court's electronic filing system. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the Court's electronic filing system.

Dated November 27, 2023

/s/ Jeffrey M. Graves

BOARD OF TRUSTEES OF THE MCCOMB SCHOOL DISTRICT

RE: Termination of Superintendent Dr. Cedrick Ellis

ORDER

This matter came on for hearing before the Board of Trustees of the McComb School District (District) with respect to the Board's preliminary decision to terminate Dr. Cedrick Ellis's contract as superintendent. In response to the preliminary decision, Dr. Ellis requested a hearing. The Board, having considered the matter, finds and concludes as follows:

I. The District has provided Dr. Ellis procedural due process.

On October 11, 2023, the Board of Trustees of the McComb School District notified Dr. Cedrick Ellis that the Board, at its October 10, 2023 meeting, had voted to preliminarily terminate his employment contract as Superintendent. Dr. Ellis requested a hearing on October 11, 2023. On October 23, 2023, the Board provided Dr. Ellis with detailed reasons for its decision to preliminarily terminate his contract and the procedure for his hearing. The hearing was initially set for October 31, 2023. However, at Dr. Ellis's request, the hearing was rescheduled for November 7, 2023 with notice of the new hearing date provided on November 2, 2023. The new hearing notice as did the initial hearing notice set out the procedure for the hearing stating that Dr. Ellis would be given four (4) hours to present his case to the Board. On November 7, 2023, the Board convened for Dr. Ellis's hearing. Dr. Ellis and his attorneys appeared before the Board but refused to participate in the hearing alleging inadequate due process. On the same date, the Board offered Dr. Ellis an additional opportunity for a hearing in an effort to address his due process concerns. The Board requested a response to its offer by 10:00 a.m. on November 8, 2023, and informed Dr. Ellis that a failure to respond would result in his termination being final and effective November 7, 2023. Dr. Ellis did not respond to the

Board's offer; therefore, his termination became final on November 7, 2023. The Board finds it complied with state and federal law and afforded Dr. Ellis the due process to which he was entitled, in which he refused to participate.

II. The District has provided Dr. Ellis substantive due process.

Dr. Ellis's contract provided that his contract could be terminated for a number of reasons, including gross negligence, neglect of duty, malfeasance in office, and other good cause under Mississippi law. The Board's reasons for terminating Dr. Ellis's contract include the following:

- ***Student in possession of a gun on athletic trip***

Dr. Ellis did not openly and honestly disclose to the Board an incident involving a student who had a gun during an off-campus, out-of-state athletic trip that took place during the summer prior to the start of the 2023-2024 school year. Dr. Ellis failed to investigate the incident promptly and treat it as a personnel matter, despite clear indications that District employees might have neglected their duty to provide appropriate supervision to District students. The Board only became aware of this incident when a community member reported it to the Board. Dr. Ellis displayed a lack of transparency and accountability in this matter. Further, the Board discovered that Dr. Ellis was informed of this incident in June 2023, contrary to his statement at a Board meeting that he was unaware until July 2023. Dr. Ellis's lack of honesty is detrimental to the trust and confidence the Board should have in the Superintendent.

During its August 8, 2023 meeting, the Board, in good faith, expressed concerns about approving the football coach's reappointment in light of various incidents related to this trip. The Board finds Dr. Ellis's decision to withhold key information about the gun incident during the meeting was deliberate and done to ensure the coach's approval, demonstrating unacceptable and unethical standards expected of a Superintendent.

The Board finds Dr. Ellis had ample opportunities to disclose all important details regarding this incident and failed to act with transparency, demonstrating a severe lapse in judgment and integrity.

- ***Personnel Management***

Personnel management has been a recurring issue for Dr. Ellis, particularly with regard to holding staff accountable for their actions. Despite numerous complaints brought to Dr. Ellis's attention by Board members regarding personnel matters, there has been no satisfactory resolution, creating a sense of frustration and dissatisfaction among the Board members.

For example, there was a highly alarming incident where Dr. Ellis had information that a District employee intentionally entered a school building after hours, without authorization, and placed an alcohol bottle in another employee's desk. This behavior was egregious and called for immediate and decisive action given the severity of the misconduct. Dr. Ellis failed to handle the matter appropriately.

In another instance, this same employee made inappropriate statements to students in an effort to prevent a student from participating in a community event. The employee stated that even if ten students were killed, it would not alter her stance. This remark was deeply troubling, and it was recorded and shared on social media. This incident sparked outrage among parents, students and the community. Dr. Ellis chose to make excuses for the employee's behavior and failed to take any appropriate action, further demonstrating inaction in the face of serious misconduct.

Additionally, Dr. Ellis failed to provide appropriate supervision to the previous athletic director (AD) during the 2022-2023 school year. There were consistent reports and complaints regarding the AD, but Dr. Ellis took no action. Specifically, the AD failed to notify track and field parents promptly about a track meet, which ultimately clashed with the senior prom, leading to widespread discontent among parents and students. Further, during the same school year, a school bus carrying track students was involved in an accident. Parents were not duly informed of this incident by District staff or the AD. This lapse in communication and supervision was unacceptable and well below the Board's expectations for the Superintendent.

A significant problem also arose when Dr. Ellis's designee, the assistant superintendent, recommended Dr. Ellis's wife for the assistant principal position at Summit Elementary School. The Board approved this appointment based on the assistant superintendent's representation that the school principal had selected Dr. Ellis's wife for the position. However, this assertion was false. The principal wanted to recommend other candidates for the position, but she was told that Dr. Ellis's wife would be recommended. The principal was not given a choice in the matter. Despite the recommendation made by the assistant superintendent, Dr. Ellis, as the Superintendent, bore the ultimate responsibility for ensuring a fair and unbiased selection process. The Board finds the integrity of the District's hiring processes is paramount, and it is the Superintendent's duty to guarantee a transparent, equitable, and impartial approach to appointments. Dr. Ellis's failure to uphold these principles compromised the trust and credibility of the District and District leadership.

The Board finds Dr. Ellis's inability to address these, and other, personnel issues and take decisive action has compromised the integrity of the District's educational environment and eroded the confidence of the Board and the community in Dr. Ellis's leadership.

- *MHSAA matter*

The District received notice of two fines imposed by the Mississippi High School Activities Association (MHSAA) due to failure of District coaches to comply with MHSAA's requirements. During the Board's September 12, 2023 meeting, Dr. Ellis was specifically questioned about these fines and the reasons behind the coaches' non-compliance. Dr. Ellis

reported that no one from MHSAA had informed him of these requirements. Subsequently, in an email dated September 15, 2023, Dr. Ellis refused to take responsibility for the coaches' failure to comply, choosing instead to defend this negligence by pointing out that it was the first year any school district had received a fine for eligibility noncompliance. The Board finds it was Dr. Ellis's duty to ensure the District's compliance with all requirements, including those stipulated by MHSAA. The Board finds Dr. Ellis's conduct constitutes a failure to uphold the necessary standards of transparency, accountability and compliance essential to the Superintendent's role.

- *Summit Elementary matter*

In August 2023, a physical altercation occurred between Dr. Ellis's wife and an exceptional education student at Summit Elementary School. Dr. Ellis was promptly notified of the incident, but misrepresented this fact. Dr. Ellis failed to ensure a prompt, fair, and unbiased investigation. He delegated the inquiry to the assistant superintendent, who did not conduct an impartial investigation. The assistant superintendent allowed Dr. Ellis's wife to be in the same room as witnesses while written statements were being prepared, undermining the integrity of the investigation process. The investigation unequivocally confirmed that Dr. Ellis's wife had engaged in physical aggression against the student. The investigation also revealed that Dr. Ellis attempted to improperly influence the investigation and potential recommendations of the principal. Further, the disciplinary action taken (a one-day suspension) was grossly inadequate, raising serious concerns about the fairness of the process.

Additionally, Dr. Ellis neglected his responsibility as Superintendent to promptly report this incident to the Mississippi Department of Education (MDE). The incident in question occurred on August 4, 2023 and the investigation commenced on August 16, 2023. According to MDE rules and Miss. Code Ann. Section 37-3-2, the violation should have been reported to MDE by August 14, 2023 and at the latest on August 26, 2023. However, Dr. Ellis did not report the incident to MDE until October 10, 2023, well beyond the mandated 10-day period and only after being specifically advised to do so. As the Superintendent, it was Dr. Ellis's responsibility to promptly report this violation to MDE using the designated Appendix C form.

The student involved also alleged abuse by a parent, warranting a report to the Department of Human Services (DHS) and law enforcement. However, Dr. Ellis failed to ensure that timely and proper reports were made, thereby jeopardizing the well-being of the student and violating mandatory reporting obligations.

Because Dr. Ellis failed to ensure a proper, impartial investigation was conducted in this matter and demonstrated a lack of transparency with the Board, the Board was forced to hire an independent attorney to conduct an investigation and provide a report to the Board.

III. Good Cause Exists for Dr. Ellis's Dismissal

The Board provided Dr. Ellis with due process and an opportunity to present his case. Dr. Ellis refused to participate in the process. Therefore, the Board finds good cause exists to terminate Dr. Ellis's contract.

VI. Conclusion

The motion to adopt the foregoing Order was made by Board Chairman, Evelle Thomas-Dillon and duly seconded by Board Member Lynn Martin. The motion was put to a vote, and the results were as follows:

Board Chairman Evelle Thomas-Dillon	Voted: Aye
Board Vice-Chairman Elizabeth Murrell	Voted: Aye
Board Secretary Lynn D. Martin	Voted: Aye
Board Member Angela Bates	Voted: Aye
Board Member Dr. Alvin Burks	Voted: Aye

This the 10th day of November, 2023.

By: Mrs. Evelle Thomas-Dillon
Evelle Thomas-Dillon, Board Chairman