

**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE**

NORTH CAROLINA STATE CONFERENCE

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**Rev. Dr. William J. Barber, II
Amina J. Turner**

**President
Executive Director**

March 5, 2010

Dr. Mark Elgart, AdvancEd President and CEO

Donna James, Ed.D, North Carolina State Director

Southern Association of Colleges and Schools

Council on Accreditation and School Improvement

College of Education

Western Carolina University

152 Camp Building

Cullowhee, NC 28723

Via: Email to djames@wcu.edu and First Class Certified Return Receipt Requested

RE: Violations of SACS CASI Standards by Five Members of Wake County School Board

Dear Dr. Elgart and Dr. James, through Dr. James:

The State Conference of NAACP Branches, which represents three NAACP Branches in Wake County and over 100 Adult and Youth and College Branches across the State, files this formal complaint on behalf of over 20,000 NAACP members and the children and families of color and their thousands of white friends and allies in Wake County, against the Caucus of five Wake County School Board members, namely the Board Chair, Ron Margiotta, and the four other members of his Caucus, John Tedesco, Debra Goldman, Chris Malone, and Deborah Prickett.

We allege the violations of the SACS CASI standards committed by these five Board members (hereafter the "Caucus"), beginning on or about 1 December 2009 and continuing, are destroying the nationally-recognized Wake County school system. We believe these acts are in violation of SACS CASI standards including, but not limited to Standard 1, Vision and Purpose; Standard 2, Governance and Leadership; Standard 6, Stakeholders Communications and Relationships; and Standard 7, Commitment to Continuous Improvement.

We respectfully request your investigation of this historically significant complaint and the extensive public information that is available about the actions and statements of the Caucus. Its five members, by their secretive, autocratic, and "let them eat cake" attitude toward the many different stakeholders in the Wake County School System, have, in three short months made a shambles out of the nationally-respected Wake School System, one of the main engines that drives the vibrant economy of the area

and one of the main inducements for large corporations to locate in the area.

Although it is evident the five had been meeting as a Caucus before they were officially seated, on 1 December 2009, Ms. Goldman, Mr. Tedesco, Ms. Prickett and Mr. Malone swore on the Bible to uphold the United States and North Carolina Constitutions, and then, in lock-step, immediately unseated the experienced Chair mid-term and replaced him with Mr. Margiotta. With their 5-4 majority, they proceeded to ride roughshod over the minority rights of the 4 veteran educators and school board members who were also duly elected; over the rights of the African American parents, teachers and children who are major stakeholders in the Wake Schools, over the rights of the NAACP which has 101 years of experience advocating for the educational rights of children of color; and over the rights of the many other parents and students who believe that diversity in our public schools is a significant factor to 21st Century education.

We note your Second Standard requires the Wake School System to provide “governance

and leadership that promote student performance and system.” Compliance with this standard requires that the School Board:

2.1 Establishes and communicates policies and procedures that provide for the effective operation of the system

2.2 Recognizes and preserves the executive, administrative, and leadership authority of the administrative head of the system

2.2 Ensures compliance with applicable local, state, and federal laws, standards, and regulation

2.3 Implements policies and procedures that provide for the orientation and training of the governing board

2.4 Builds public support, secures sufficient resources, and acts as a steward of the system's resources

2.5 Maintains access to legal counsel to advise or obtain information about legal requirements and obligations

We believe a review of the public record and investigation of the following specific allegations will lead SACS-CASI to find that Mr. Margiotta and the other members of the Caucus have violated dozens of the Board's own procedures in their mad rush to dismantle Wake County's nationally-recognized student assignment plan based on FRL data to insure diverse student bodies and classes in its schools. There has been much speculation as to the reasons for this openly partisan attack on Wake's successful system and Superintendent. But there is no need to engage in speculation about the acts themselves, which include, but are not limited to:

The Caucus, representing a slim 5-4 majority on the 9-member Board, on information and belief, repeatedly caucuses in secret, both in face-to-face meetings, and via electronic and telephonic means. Such secret coordination violates the letter and spirit of the N.C. Open Meeting Law, which provides that anytime a majority of an elected body meets, it must notify the public, the press, and all the members of the body.

The Caucus has undermined the executive, administrative, and leadership authority of Superintendent Del Burns. They have made clear in public statements they do not respect his authority. When he gave the appropriate notice of his intention to resign as required by his contract and his conscience, the Caucus, on information and belief, secretly coordinated a public campaign to humiliate him by talking about his

immediately termination. This campaign created a leadership vacuum during the same period they were announcing their plans to ghettoize parts of the faculty, staff and students of color and their families into so-called “neighborhood schools.” This is the euphemism their partisan political consultants have advised them to use, instead of the direct and truthful words--all-Black, all-poor schools. The Caucus knew, or should have known, that their euphemistic code-words are painful insults to all people of color—particularly young children. Black people lived through the Pearsall Plan and other poorly disguised efforts to keep Black people in their Place—that is, in segregated neighborhood ghettos and the corresponding segregated schools. We can smell the meaning of these code-words from a mile away. Today such code-words also insult the many white families and students who have been, and remain, strong supporters of Wake's diversity policy.

On information and belief, the four recently-seated members of the Caucus were financially backed by a corporation that runs private schools in Wake County, a corporation that stands to profit from the tuitions of families of means who decide it is not worth the effort to maintain the stable, diverse system.

Mr. Margiotta openly referred to the many stakeholders of color at a public meeting as “animals” into his microphone, so that all could hear: “Here come the animals out of their cages.”

<http://pulse.ncpolicywatch.org:80/2010/03/04/margiotta-calls-parents-animals/>

The obvious racial meaning of this remark is even more hurtful because, if the Chair of the Wake School Board feels comfortable in openly deriding people of color who have been waiting to make their public comment as “animals out of their cages” without fear of ostracism from his Caucus, we can infer the entire Caucus must feel free to express similar derogatory and racist attitudes toward people of color in their secret meetings.

The Caucus, on information and belief, has not maintained good faith access to the Board's long-serving legal counsel, thereby ignoring and dismissing their own (and their 4 colleagues in the minority) access to her experienced advice and information about the legal requirements and obligations of the Board. Instead they have established a backdoor relationship with another law firm that specializes in partisan political campaigns, and has little experience in school law in general, or the many Wake Schools' administrative procedures it has put in place over the years to guard the due process rights of the stakeholders, in the same spirit and best practices reflected in the SACS CASI Standards. We believe the members of the Caucus bring their own agenda to the meetings without any notice to their 4 colleagues or the public. This secretive agenda making and meeting planning violates the Open Meetings law and the Board's own rules. The secretive agendas, the meeting tactics, and the votes committed beforehand, effectively exclude many stakeholders from the effective administration of the largest school system in the State. These stakeholders, including the NAACP and most people of color, are deprived of notice and the opportunity to be heard about fundamental policy decisions the Caucus has already adopted in its secret, illegal meetings before the "Open Meeting" charade they perform for the public.

On information and belief, many of the acts in violation of these policies have been done in contradiction to the recommendation of the board's attorney.

The Caucus had secretly decided to add to its list of qualified Board trainers an outfit run by the same partisan ideologues who provided substantial financial, political, and tactical backing to their elections, which were targeted in the predominantly white suburban areas, with thinly disguised racist appeals to white parents. (See Enclosed Independent Article of 3/2/10)

The policies and procedures of SACS CASI require that complaints alleging a school system's violation of standards must be forwarded to the superintendent for review and response. Please forward this Complaint to Dr.

Del Burns quickly, since we believe Mr. Margiotta and his Caucus may try to terminate him to prevent him from reviewing and responding to our Complaint. We are making this complaint public, because we believe other parents, students, faculty, staff and other Wake School supporters will want to add their direct evidence of the misfeasance of these 5 people. We believe their actions have created an educational, social, and moral crisis for our community, which has heroically worked to rebuild the human community—indeed a human neighborhood.

Yours in Truth and Justice,

Rev. Dr. William J. Barber, II

Encl: Independent Newspaper Article on Wake Schools, 3/2/10

cc: Atty. Ann Majestic, Wake School Board Attorney

NAACP Members in North Carolina

Dr. June Atkinson, State Superintendent

Mr. Ben Jealous, National NAACP President and CEO

Atty. Angela Ciccolo, Interim National General Counsel, NAACP