



WAKE COUNTY
PUBLIC SCHOOL SYSTEM

SUPERINTENDENT'S OFFICE

3600 WAKE FOREST ROAD
P.O. BOX 28041
RALEIGH, NORTH CAROLINA 27611-8041

PHONE: 919.850.1606
FAX: 919.850.8952

August 11, 2010

Dr. Mark Elgart
President/CEO
AdvancED
2520 Northwinds Parkway, Suite 600
Alpharetta, GA 30009

Dear Dr. Elgart:

I am in receipt of your letter dated July 28, 2010, in which you requested a three-day period between September 1 and October 15, 2010, for a Special Review Team visit. Available times are September 22-24, 2010, September 27-October 1, 2010, or October 11-15, 2010.

Michael Evans, Chief Communications Officer, will serve as the point of contact and can be reached at 919-850-1700 or mrevans@wcpss.net.

We look forward to your visit.

Sincerely,

A handwritten signature in black ink that reads "Donna M. Hargens".

Donna M. Hargens, Ed.D.
Interim Superintendent

C: Ron Margiotta, Chair, Board of Education
Michael Evans, Chief Communications Officer

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April 19, 2010

Dr. Donna James, State Director
North Carolina SACS CASI
College of Education
Western Carolina University
152 Camp Building
Cullowhee, North Carolina 28723

Dear Dr. James:

Attached you will find the district's response to your letter dated March 18, 2010 (received in our office on March 19, 2010) regarding the complaint from the NAACP.

Should you have any questions or concerns please feel free to contact me at 919-850-1612, or via email at dhargens@wcpss.net. A hard copy of the response will follow through the U.S. mail.

Sincerely,

A handwritten signature in black ink that reads "Donna M. Hargens".

Donna M. Hargens, Ed.D.
Interim Superintendent

C: Members, Board of Education
Dr. Mark Elgart, AdvancED President and CEO
Annette Bohling, AdvancED Chief Accreditation Officer

WAKE COUNTY PUBLIC SCHOOL SYSTEM RESPONSE TO SACS COMPLAINT DATED 3/18/10

INTRODUCTION

The allegations and complaints received by your organization have come from individuals who disagree with policy initiatives of the newly elected Board majority. They have no basis in fact. They have been submitted because opponents of the current majority do not accept the strong voter support given the newly elected board members to change various policies of the prior Board, including the policy on student assignment.

The heart of the dispute is the decision by the Board's new majority to move away from a policy that uses socioeconomic status in making student assignments and towards a policy that focuses on community-based assignments, stability and continuity in assignments and high quality education for all children. Most local districts in North Carolina already base their student assignments on a community-based model. Thus, it is certainly a legitimate exercise of the Board's discretion to change Wake County to an assignment system that values neighborhood schools. Any further investigation by your organization based upon the Board's plan to make such a transition would be completely unwarranted.

The individuals and organizations who oppose the new policy directions of the Board have made numerous incorrect and false allegations regarding the actions of the Board following the swearing-in of new members in December of 2009. These unfounded allegations are addressed below in the same order in which they are listed in your letter:

1. The Board of Education has begun a process of changing its student assignment policy to move to the use of community-based zones. The Board approved a resolution that outlined the rationale for this change (Attachment 1). The Board's policy committee has begun the process of reviewing its assignment policy to recommend appropriate changes to the full Board. The Board has also approved the appointment of an ad hoc committee on student assignment to develop an assignment plan consistent with the Board's directives. The Board noted in its resolution that the process of developing the new plan will take 9 to 15 months. The Board has not violated any of its procedures or policies in this process.
2. The N.C. Open Meeting Law (G.S. 143-318.9 et seq.) applies to official meetings of the board of education. Official meetings are meetings of a majority of the members of the public body for the purpose of transacting the public business of the board. At no time have the five board members named in the complaint met together, in person or through simultaneous communication by telephone or electronic means, to discuss or conduct board business. The persons who have made these allegations have based their charges on sheer speculation and have no evidence of any such meetings or communications.
3. The named board members did not undermine the executive, administrative or

leadership authority of former Superintendent Del Burns. Dr. Burns announced his resignation on February 16, 2010, without any warning or discussion with any board members. Two days later, during work hours, Dr. Burns conducted multiple media interviews expressing his disagreement with the direction of the majority of the board. The Board of Education has the authority and duty to set policy for the school system. The fact that the superintendent did not agree with the new direction of the Board does not constitute undermining the superintendent's authority. If anything, the superintendent undermined the authority of the board through his extensive, public criticism of the Board, especially when he had not brought his concerns to the Board prior to announcing his resignation.

It is the Board's prerogative to set policy and Dr. Burns acknowledged that he resigned because he could not support the Board's new policy direction. There is no specific evidence of any actions or conduct by any board member or the Board that interfered with or undermined any responsibility assigned to the superintendent by state law. Allegations to the contrary are again based upon sheer speculation from those who oppose the current Board majority.

4. This is a vague allegation, making it difficult to respond. The complaint does not indicate what decision or decisions board members made in which they were allegedly unduly influenced. In any event, the named board members have not been unduly influenced by external groups in any actions they have taken. These board members have independent, considered opinions about changes they believe are needed in the school system. The new board members made these opinions known in their recent campaigns and they were all elected by large majorities in the election in October 2009. Once again, these allegations are made by opponents of the new board members who are disappointed with the results of the last election.
5. Mr. Margiotta did not make any public comments that were discriminatory. Nor did he make comments that justified any censure by the Board of Education. Presumably, the complaint is referring to a comment Mr. Margiotta made during the public comment portion of a board meeting. At that time, a member of the public who is African American and publicly supportive of the new board members, was being interrupted by noisy comments from members of the board meeting audience, most of whom were Caucasian. Mr. Margiotta made an off-hand comment to the effect that the noisy audience members were animals coming out of their cages. NAACP members claimed that this was racially discriminatory. While Mr. Margiotta publicly acknowledged that his comment was inappropriate, it clearly was not racially discriminatory – just the opposite. Mr. Margiotta was concerned about the lack of respect that the largely white audience was showing to the African American speaker.
6. The named board members have not implemented policies with wide-spread legal implications without consulting the Board's long-serving legal counsel. As is customary, the board leadership (chair and vice chair) have regularly consulted with the Board's attorney on legal issues, including policy issues, as they have arisen since they were elected as officers in December.

The Board has not failed to follow its policies for procuring representation of new legal counsel. Board Policy 1214, which applies to the selection of legal counsel, states: "The Board shall retain an attorney for legal counsel and service in the affairs of the district. The attorney serves at the pleasure of the Board and is compensated as provided in a written contract between the Board and the attorney. The attorney will be appointed by the Board of Education at the Board's Annual Meeting." At its annual meeting on June 16, 2009, the Board appointed Tharrington Smith, LLP as its general counsel. No change has been made in this appointment.

The Board has retained additional counsel to assist in a review of all of the district's legal services. The Board has acted under its general authority in making this appointment. There is no policy or procedure governing or limiting the appointment of additional counsel.

Even if the Board had replaced its general counsel, this would not violate any laws or policies. To the contrary, the ethical rules for North Carolina attorneys give clients the right to discharge their attorney "at any time, with or without cause, subject to liability for payment for the lawyer's services." (N.C. Rules of Professional Conduct, Rule 1.16, Comment 4).

7. At its meeting on March 2, 2010, the Board approved The Civitas Institute to provide training to board members. Under state law, G.S. 115C-50, the board is authorized to make such a designation. According to the Civitas correspondence advertising its educational program for school board members, Civitas is a "non-partisan 501(c)3 non-profit organization that is committed to educating public leaders about the democratic process and helping them be more effective in promoting workable solutions to the problems facing the citizens of North Carolina." (Attachment 2). There was nothing improper about the Board's decision to add the Civitas Institute to its list of approved providers of board member training. In addition, the program Civitas offered was directly relevant to school board operations and the presenters were all experienced and knowledgeable.
8. Since December 2009, the Board has undertaken extensive efforts to assess the will of the community in implementing actions for the benefit of students. The Board directed that a parent survey be conducted to assess opinions regarding school calendar options. The Board received survey results and individual comments from thousands of parents through this survey. The Board has also held five public hearings across the district to hear from parents on issues of concern. Finally, the Board's long-standing practice is to set aside thirty minutes at the beginning of its twice monthly business meetings for public comment and to carry over any additional public comment to the end of the meeting. In recent months the Board has waived its thirty-minute time limit and allowed up to two hours of public comment at the beginning of its meetings.

CONCLUSION

There is absolutely no basis in fact for any of the allegations contained in Donna James' letter to Dr. Donna Hargens, Interim Superintendent. We ask that you seriously weigh the bias and perspective of those who have made these complaints, and the absolute lack of evidence to support any of these allegations. As the North Carolina courts have made clear on numerous occasions, local school boards possess the inherent authority to control and supervise all matters pertaining to the public schools. Likewise, when voters are not satisfied with the policies of an existing school board, they have the right to elect a new school board that is committed to changing those policies. The persons who have made these unfounded complaints are seeking to use your organization in an attempt to defeat the will of the voters of Wake County as reflected in the last election. Neither the Wake County Board nor any of its individual members has violated the AdvancED Accreditation Standards or policies. We request that you dismiss this complaint without further investigation.

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Board of Education Approves Resolution on Community Based Assignment

March 24, 2010 - At its meeting March 23, the Wake County Board of Education approved a Resolution Establishing Board Directive for Community Based Assignments. The board approved the following resolution (amendments approved at the meeting in bold italics) :

Whereas, the Wake County Board of Education holds a strong commitment to the highest educational results for ALL children in an effort to allow them to reach their full potential and better our community.

Whereas, ALL children regardless of race, creed, economic status, or nationality are capable of high academic achievement when provided instruction of rigor and relevance. The utilization of objective, data-driven decisions better supports these efforts than subjective classification and profiling of students.

Whereas, ALL children, families, schools, teachers, and neighborhoods are stakeholders that benefit from a strong sense of community and a high quality education, and proximity to a child's school affects opportunities for engagement of all stakeholders.

Whereas, stability and continuity play a critical role in the positive development and support of our children, families, and communities. Within a framework of stability providing logical feeder patterns with limited disruptions in child placement, families should be provided with reasonable application options for their assignments, taking into account capacity and utilization of local facilities.

Whereas, extensive growth over the past two decades has resulted in our existing node-based assignment modeling to require numerous adjustments that have compounded over the years, resulting in challenges to meet demand and efficiency. Further, with the current three year assignment plan set to expire in 2012, a new plan will need to be implemented.

Whereas, the Wake County School Board supports community based school assignments. The alignment of these assignments with the existing zone based management tools of the Wake County Public School System, such as but not limited to Transportation Services, Facilities Maintenance and Management, and Staff Leadership, would produce more efficient and cost effective operations.

Be it hereby resolved:

1. The Wake County Board of Education commits to establishing Community Assignment Zones. A zone based assignment model will be developed during the next 9 – 15 monthswith input from our community stakeholders (as noted above), WCPSS staff, and other government planning and zoning officials. ***The plan would be presented at public hearings prior to adoption.***

1. **The assignment plan submitted to the Board of Education shall include:**

- A multi-year transition plan that limits impact on student reassignment and ensures program equity within each zone.
- A plan that will be respectful of our history as a community and an institution, while being innovative and mindful of future growth.
- A plan that ensures a commitment to a high quality education for ALL children.
- A plan that creates consistent and logical feeder patterns with a defined plan for "optional choice" assignment opportunities. These opportunities will highlight strong support for high quality year-round and magnet schools as viable options for families, while planning for both a vocational and alternative school.
- A plan that is effective and efficient in the utilization of our facilities and transportation fleet.
- A plan that establishes better alignment of internal management systems and functions.
- A strategy that supports and promotes high functioning and engaged communities.
- A plan to support families and keep siblings from being separated by tracks or schools without parental consent.
- *A plan that provides all students at all schools with an equal opportunity to a sound, basic education.*

2. **In the interim**, the Wake County Public Schools will remain engaged in the Board approved three year assignment plan. When considered appropriate, approved adjustments to the existing plan will occur in accordance with past practices on an individual basis, including node adjustments, calendar conversions, and school designations. Decisions regarding these adjustments should take into account the future planning directive underway.

1. **Be it further resolved that effective immediately:** Board level committees, WCPSS departments, and other administrative committees with relevant responsibilities, assignments or authority are directed to prepare constructive suggestions to support the development of the above noted transition, and be mindful in their approach to decision making that could impact these future directives.
2. Prior to June 30, 2010, the Growth and Planning Department and the Instructional Services Division (including a separate plan for the Research and Evaluation Department) shall establish and present a transition plan to the Board of Education that will utilize non-discriminatory, objective, data-driven criteria, tools, and practices over existing subjective methods. All plans should include short term (within 12 months) and long term (up to 3 years) action items with clearly defined benchmarks.
3. Any applicants to an existing "optional choice" assignment shall not be discriminated against based upon economic status in the selection process.

-wcpss-

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Wake County Public School System, 3600 Wake Forest Road, Raleigh, NC 27609 | 919-850-1600

JOHN W. POPE
CIVITAS
INSTITUTE

100 South Harrington Street | Raleigh, N.C. 27603
919-834-2099 (phone) | 919-834-2350 (fax)

February 18, 2010

www.nccivitas.org

Dear School Board Member:

Civitas Institute, a non-partisan 501(c)3 non-profit organization, is committed to educating public leaders about the democratic process. Our aim is to help you be more effective in promoting workable solutions to problems facing the people of North Carolina.

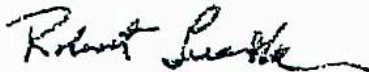
On March 5, 2010, Civitas will offer school board members an opportunity to participate in a day of professional training. The Holiday Inn Crabtree, 4100 Glenwood Avenue in Raleigh, will host our event. Sessions will begin at 9 a.m. and conclude at 4 p.m. The cost of the training is \$50.00, which also includes lunch. Session topics include:

- **The Roles and Responsibilities of School Board Members**
Presenter: Lindalyn Kakadelis, Former Member of the Charlotte Mecklenburg School Board.
- **Employment Law and School District**
Presenter: Doug Punger, Attorney Faw, Fogler and Johnson, Former Counsel with Winston Salem/Forsyth County Schools.
- **School Finance: What a School Board Member Needs To Know;**
Presenter: Phil Price, Chief Finance Officer, North Carolina Department of Public Instruction.
- **Parliamentary Procedure: Learning the Ropes**
Presenter: Phil Strach, Attorney Ogletree Deakins, practices in area of employment law and advises on questions of parliamentary procedure.

As you know, North Carolina law (Chapter 115C-50) requires that all local school board members receive a minimum of 12 clock hours of training annually. The training may also include two hours in ethics education as mandated by S.L.2009-403. Training may be provided by "the North Carolina School Boards Association, School of Government at UNC Chapel Hill or other qualified sources at the choice of the local school board of education." (See: 115: C-50 (c)).

Won't you consider joining us on Friday, March 5th for this training opportunity? You may respond by completing the enclosed form and return letter. If you have any questions, please write or call me at 919-834-2099. For additional information, please review our website www.nccivitas.org. We look forward to seeing you.

Sincerely,



Robert Luebke, Ph.D.
Senior Policy Analyst

The vision of the Civitas Institute is a North Carolina whose citizens enjoy liberty and prosperity derived from limited government, personal responsibility and civic engagement.