

September 23, 2010

Kenneth Bergman  
General Counsel  
AdvancED  
2520 Northwinds Parkway, Suite 600  
Alpharetta, Georgia 30009

Dear Mr. Bergman:

I have shared your September 17 letter with the Board of Education. The Board has asked me to respond on its behalf and assure you and the AdvancED leadership that it values the accreditation of its high schools and seeks a constructive relationship with your organization. The Board is concerned, however, with your characterization of my letter as “openly defiant,” when the Board has not refused to comply with your requests, but rather has asked legitimate questions about the relevance of the requests to your standards for accrediting schools.

As I reiterated in our recent phone call, we would understand the relevance of your inquiry if the Wake County Public Schools System sought to obtain or retain district accreditation; however, that is not the case. Wake County Public School System has obtained accreditation of its high schools only and should be assessed under the SACS standards for schools. In your letter, though, you suggest that AdvancED has unlimited authority to review the “actions, policies and decisions” of a board of education because the board is “the ultimate decision making authority over the schools [you] accredit.” Under this interpretation, AdvancED would have jurisdiction to investigate virtually every action of a local school board.

We respectfully disagree that this is a reasonable reading of the SACS standards for individual schools and note that courts have recognized that SACS must confine its investigations to matters clearly within its published accreditation standards. (*See Auburn University v. The Southern Association of Colleges and Schools*, 489 F. Supp. 2d 1362 (N.D.Ga. 2002) (holding that that SACS could not investigate “whether Auburn [University] complied with Alabama’s open meetings laws,” “the authority of the trustees to remove or select the University president,” or “the allocation of governance responsibilities” related to certain policy decisions by the board of trustees).

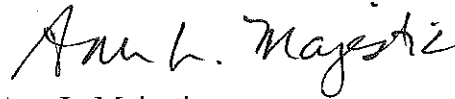
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While reserving its objection to the scope of your inquiry, the Board continues to hope for a collegial process and will provide the records that you have requested. In addition, the Board proposes any three days in the week of November 29 for a Special Review Team Visit. We also again request that, prior to a team visit, you provide a more detailed response to the reasonable questions posed in my letter of September 8 so that we can better understand the scope of the team review and how it relates to the accreditation standards for individual schools.

Very truly yours,

THARRINGTON SMITH, L.L.P.



Ann L. Majestic

cc: Wake County Board of Education  
Donna Hargens, Interim Superintendent