

Approved by the Charlotte-
Mecklenburg Board of Education
December 12, 2006
Regular Board Meeting



Charlotte, North Carolina

October 10, 2006

**REGULAR MEETING
of the
CHARLOTTE-MECKLENBURG BOARD OF EDUCATION**

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on October 10, 2006. The meeting began at 4:34 p.m. and was held in Room CH-14 of the Government Center.

Present: Joe I. White, Jr., Chairperson;
Trent Merchant, Member At-Large;
Larry Gauvreau (District 1);
Vilma D. Leake (District 2);
Tom Tate (District 4); and
Ken Gjertsen (District 6)

Absent: Molly Griffin, Vice-Chairperson, (District 5);
Kaye McGarry, Member At-Large; and
George Dunlap (District 3)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Maurice Green, Chief Operating Officer; James G. Middlebrooks, attorney from Helms Mulliss & Wicker, PLLC, representing the Board; and Nancy Daughtridge, Clerk to the Board.

Upon motion by Mr. Tate, seconded by Ms. Leake, the Board voted unanimously of those present for approval to go into Closed Session for the following purposes:

- **To prevent the disclosure of information that is privileged, confidential, and not a public record;**
- **To consult with counsel regarding the cases of *Sugar Creek Charter School v. Charlotte-Mecklenburg Board of Education*; *Petruk v. Charlotte-Mecklenburg Board of Education*; and the *Charlotte-Mecklenburg Board of Education v. Miles Campbell Company, Inc.*;**
- **To consider the performance of certain Board employees and the conditions of initial employment for an individual employee; and**
- **To instruct counsel and staff as to the Board's position in negotiating the material terms of contracts for the acquisition of real property.**

The motion was made pursuant to Section 143-318.11(a) of the North Carolina General Statutes.

Chairperson White reconvened the Regular Board Meeting at 6:00 p.m. in the Meeting Chamber of the Government Center. CMS TV Channel 3 televised the meeting.

Present: Joe White, Chairperson;
Molly Griffin, Vice Chairperson, (District 5);
Kaye McGarry, Member At-Large;
Trent Merchant, Member At-Large;
Larry Gauvreau (District 1);
Vilma D. Leake (District 2);
George Dunlap (District 3);
Tom Tate (District 4); and
Ken Gjertsen (District 6)

Absent: There were no absences

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Members of Executive and Senior Staffs; James G. Middlebrooks, Attorney from Helms Mulliss & Wicker, PLLC, representing the Board; Carole Hamrick, Manager of Board Services; and Nancy Daughtridge, Clerk to the Board.

I. CALL TO ORDER

Chairperson White called the meeting to order at 6:00 p.m. Chairperson White welcomed everyone to the Board's Regular monthly business meeting of the month.

A. Pledge of Allegiance

Chairperson White introduced Taylor Megginson, a 12th grade student at Butler High School, to lead those present and in the viewing audience in the pledge of allegiance and to speak to the October character trait of "responsibility." Taylor has a GPA of 4.5 and is ranked in the top 4% of her senior class. She is a member of the Dream Team, a group of twelve senior scholar athletes who are committed to being drug, alcohol, tobacco, and violence free. This group exhibits high standards of moral excellence and serve as role models and mentors in area elementary, middle and high schools. Their activities include providing literacy training, serve as lunch buddies, sponsor the Red Ribbon Week and Great American Smoke-Out, serve as Big Brothers/Big Sisters for 9th graders at Butler, serve as DARE role models, promote school safety and high school survival skills, read with students, and make PTA and classroom presentations. Taylor is captain of the Butler Dream Team and a member of the following groups:

- Swim team
- Drumline on the Butler marching band
- Honor Roll all four years at Butler
- National Honor Society
- Students Working Against Tobacco (SWAT)
- Active in her community and in church youth activities
- Serves as a tutor at Lebanon Road Elementary School teaching 3rd – 5th graders how to read in the Time Warner Cable Program, "Time to Read"

Taylor plans to attend the University of Chapel Hill or Texas A&M next fall. Taylor said the Dream Team mentors students by providing tutoring once per week and “Time to Read” which is sponsored by Time Warner Cable. She introduced two of her 5th grade mentoring students from Lebanon Road Elementary School. She said Yasmeen Admad-el will talk about the character trait of “responsibility” and Devin Taylor will lead everyone in reciting the Pledge of Allegiance. Jasmine said responsibility” means to be responsible, caring, and helping others; always be smart and make smart choices; and always be responsible for your things and respect other people. Devon invited everyone to stand and join him in reciting the Pledge of Allegiance. Chairperson White recognized members of the audience which included members of the Dream Team, students who are mentored by the Dream Team, parents and family members of the students, and Joel Ritchie, principal at Butler High School.

B. Adoption of Agenda

Mr. Tate moved that the Board approve the adoption of the agenda, seconded by Ms. Leake, and a discussion followed.

Mr. Merchant asked that an item be added to the agenda. He asked that the Student Discipline Policy be submitted to the Policy Committee for their review and recommendations regarding the language of the policy. Chairperson White said if there are no objections from the Board, he will ask the Policy Committee to perform this task and this item will not need to be added to the agenda. Ms. Griffin, chairperson of the Policy Committee, accepted the request. Chairperson White said the Board, Dr. Gorman, and staff are all concerned about discipline issues and the Superintendent will be presenting a review and recommendations on this matter in the near future. There may also be a Board Work Session on this item as well. Mr. Merchant asked Dr. Gorman to address this item. Dr. Gorman said he would address this item during the Superintendent’s Report on the agenda.

The Board voted 9-0 to approve the adoption of the agenda.

C. Community Report

- Report on ArtsTeach

Chairperson White called upon Ms. Griffin to introduce the report. Ms. Griffin said she is a firm believer in the value that arts education can bring into a child’s life. She is proud to have been the Board’s representative on the ArtsTeach Board of Directors for the past nine years. She is delighted that Dr. Gorman has agreed to also be a member of that Board. Ms. Griffin introduced Muffet Garber, Associate Superintendent for Education Services, and Deborah Cooper, Executive Director of ArtsTeach, to present the report. Ms. Garber highlighted how ArtsTeach has impacted our schools and the community. ArtsTeach continues to demonstrate its ongoing commitment to public education, to the arts, and to the children of the community. The arts play a critical role in public education and the CMS school system is committed to the arts. Since 1998, ArtsTeach has invested almost \$7 million in CMS to expand and improve the impact of arts and education in the school system. Ms. Garber said as a result of the ArtsTeach partnership with CMS, ArtsTeach is announcing several grants that will impact CMS students for years to come. ArtsTeach has received a multi-year grant from the United States Department of Education to study the impact of the ArtStart Program on narrative

writing skills for 4th grade CMS students and to provide services to additional CMS classrooms. ArtsTeach has also recently launched the North Carolina Wolf Trap Program and they are the only regional site in North Carolina. This program will be helpful to Pre-k students and it will start this year as a pilot at Tryon Hills Pre-k Center. Ms. Garber invited Ms. Cooper to make comments. Ms. Cooper said ArtsTeach has reached a new milestone in its history. This year they received a major grant from the United States Department of Education that will last over the next four years. The grant will propel the organization to serve as a national model with CMS for Arts Education Programs in the country. ArtsTeach was also selected by the Wolf Trap Institute for Early Learning Through the Arts to implement their program in the state of North Carolina. This program will link music, movement, and drama to the CMS Bright Beginnings Program. ArtsTeach designs their programs based upon the input they receive from CMS in order to respond to what is best for students. ArtsTeach has been successful due to the valuable recommendations they have received from the Curriculum Team which has ensured the programs are educationally sound and all inclusive. All programs are offered to all CMS K-12 schools and currently the programs impact more than 80,000 students, 4,000 teachers, and 50,000 parents and community members. This year, more than \$864,000 of ArtsTeach funding will support arts in education programs that will be designed to enhance student academic achievement. Ms. Cooper reviewed the funded programs and grants that are available in CMS. Ms. Cooper said she looks forward to continuing the successful partnership with CMS. Ms. Cooper recognized her staff and ArtsTeach Board members who were attending the meeting. Ms. Leake thanked Ms. Cooper and her staff for their work. She said she would like ArtsTeach to help return instrumental music for the children in elementary schools. Ms. McGarry thanked ArtsTeach for their work in the community. She said CMS makes a donation of \$500,000 to the Arts and Science Council for ArtsTeach. She asked is that above and beyond the \$864,000? Ms. Griffin said CMS gives \$250,000 to the Arts and Science Council which goes directly to ArtsTeach. Ms. McGarry asked if that amount was included in the \$864,000? Ms. Griffin replied, yes. Ms. McGarry asked why would it not be directly donated to ArtsTeach? Ms. Griffin said there are complicated reasons for that. Ms. Cooper said the actual budget is \$1.2 million. The \$250,000 was an agreement which originated ten years ago when the organization began. ArtsTeach is the educational arm of the Arts and Science Council and it was decided at that time the funding would be directed to ArtsTeach.

D. Public Hearing on the following proposed policies

- Proposed Policy AE, School Accountability System
- Proposed Policy AEC, Data Dashboard
- Proposed Policy GC, Effective Teachers and School Administrators
- Proposed Policy BDD, Superintendent Board Relations
- Proposed Bylaw BBA, Duties of the Board

Ms. Griffin moved that the Board approve opening the Public Hearing, seconded by Ms. McGarry, and the Board voted 9-0 to approve the motion.

Martin Davis said the measures the Board are contemplating to improve the public schools cannot possibly succeed and it is insane to try. An overwhelming number of public school children are failing academically due to three major factors: they are not motivated to learn,

they are not effectively disciplined, and they are not instructed properly. He shared his thoughts on how the legal system and school system could be reformed.

Ms. Griffin moved that the Board approve closing the Public Hearing, seconded by Ms. McGarry, and the Board voted 9-0 to approve the motion.

II. REQUESTS FROM THE PUBLIC

Jaelyn Horne, senior at North Mecklenburg High School, presented her Senior Exit Project. She explained the importance of why cooking classes should be required in high school.

Laurie Vanbuskirk represented the Glen Finnan and Strathmoor communities which are located at the tip of the Pineville boot on Providence Road West. The surrounding neighborhoods are assigned to the new Lancaster Highway Elementary School and they are not. She expressed her disappointment in the decision and explained the importance for their children to attend school with their neighbors. They are happy with their high school assignment at South Mecklenburg High School.

Two speakers expressed their concern about their community not having the option of using Flat Branch Elementary School. They offered solutions that would allow students who live in the area zoned for Flat Branch to be able to attend that school beginning August 2007. The children who are waiting for their new school to be built and do not live in the area zoned for Flat Branch should not use Flat Branch as swing space.

- Julie Kelada
- Julie Neeley

Bob Hudson represented the Rae Woods neighborhood and spoke regarding the proposed school boundaries. He said the families of Rae Woods strongly agree with the school boundaries for McAlpine Elementary School as recommended by staff. He encouraged the Board to support the boundary recommendations.

III. CONSENT ITEMS

A. Recommend approval of minutes.

- September 14, 2006 Closed Session
- September 12, 2006 Closed session
- September 1, 2006 Work Session
- August 26, 2006 Special Meeting
- August 22, 2006 Closed Session
- August 8, 2006 Regular Meeting
- August 8, 2006 Special Meeting
- August 8, 2006 Closed Session
- July 28-29, 2006 Board Retreat

B. Construction Items.

1. Recommend approval of demolition for Marie G. Davis Middle School.
2. Recommend approval of construction contract for Midwood School.
3. Recommend approval of Alleghany Street land exchange.

4. Recommend approval of third amendment to Tower Site Lease Agreement with New Cingular Wireless PCS, LLC.
 5. Recommend approval of easement on CMBOE property which will connect Mecklenburg County Parks and Recreation Irwin Creek Greenway to Barringer Academic Center.
- C. Recommend approval of requests for release of students to other school districts.
 - D. Recommend approval of appointment of administrative personnel.
 - E. Recommend approval of licensed/non-licensed hires for September 2006.
 - F. Recommend approval of Budget Amendments for August 2006.
 - G. Recommend approval of depositories/signature authorization.
 - H. Recommend approval for the Director of Storage and Distribution to dispose of surplus school property at a public auction on October 18, 2006 at the Bond Street Warehouse.
 - I. Recommend approval of one citizen appointment to the Equity Committee by the Superintendent.
 - J. Recommend approval of one citizen appointment to the Bond Oversight Committee by an At-Large Representative.

Chairperson White asked that the adoption of the agenda be reopened so that a real estate item previously discussed in Closed Session could be added to the Consent Agenda.

Mr. Dunlap moved that the Board reopen the adoption of the agenda, seconded by Mr. Tate, and the Board voted 9-0 to approve the motion.

Chairperson White asked that the following item be added to the Consent Agenda as item III.K.:

- K. Recommend the Board authorize the Superintendent to enter into a contract to purchase approximately 50.2 acres, a portion of tax parcel no. 053-281-03, for a purchase price of \$44,500 per acre.

Mr. Dunlap moved that the Board approve adding Consent Item III. K. to the agenda, seconded by Mr. Tate, and the Board voted 9-0 to approve the motion.

Mr. Dunlap moved that the Board approve Consent Items A. thru K., seconded by Ms. Griffin, and a discussion followed.

Ms. Leake asked that Consent Item III.B.3. and III.B.5. be pulled for clarification.

Ms. Leake said item B.3. is a land exchange with the City of Charlotte. She expressed concern that CMS did not get the needed support from the City Council in providing additional space for the students at Piedmont Open Middle School. She asked that the City Council be encouraged to help CMS when they are asked for space to enhance the athletic program at other schools in the district. Dr. Gorman said Ms. Leake has mentioned this concern to him previously and he will discuss this issue with staff from the City. Ms. Leake said she wants the public to know that CMS wants to work with the City but we want the City to work with CMS as well because it will impact the lives of the students.

Ms. Leake said item B.5. is an easement with Mecklenburg County Parks & Recreation. She

said CMS is supportive of the process of working with other agencies but would like for them to work with CMS as well. Ms. Leake wants the public to know that CMS is willing to work with any public agency in the community as long as it will enhance the education of children. Dr. Gorman said he will share this information with the County.

Mr. Gauvreau asked that item III.B.1. be pulled.

The Board voted 8-1 to approve Consent Items A. thru K. excluding item III.B.1. Chairperson White, Ms. Griffin, Ms. McGarry, Mr. Merchant, Mr. Gauvreau, Ms. Leake, Mr. Dunlap, and Mr. Tate voted to approve the motion. Mr. Gjertsen voted against the motion.

Mr. Gauvreau said he is opposed to the demolition of Marie G. Davis Middle School just as he has been opposed to everything that has been planned for the school including the Military Magnet Program and rebuilding the school for \$18 million. He said this money has been misprioritized and it would be hypocritical of him to approve this item when there are students who do not have a school. Marie G. Davis should be renovated rather than demolished. The school has only 350 students and there are three other schools in the area that could comfortably accommodate those students.

Mr. Dunlap moved, seconded by Ms. Leake, that the Board approve Consent Item III.B.1, and the Board voted 7-2 to approve the motion. Chairperson White, Ms. Griffin, Mr. Merchant, Ms. Leake, Mr. Dunlap, Mr. Tate, and Mr. Gjertsen voted to approve the motion. Ms. McGarry and Mr. Gauvreau voted against the motion.

Dr. Gorman said his recommendation for item III.I. is Maria Boral. Ms. Boral has formerly been a secretary, teacher, and teacher assistant in the school system and has children in the system. Mr. Merchant said his recommendation for Item III.J. is John W. Springer. He is a veteran corporate construction and government contracts lawyer. He was formerly the general counsel for a \$3 billion international construction company and has children attending CMS.

Dr. Gorman's administrative appointments were as follows:

- Tracey Harrill named principal of Jay M. Robinson Middle School. Ms. Harrill previously served as Executive Director of Professional Development.
- Jonathan P. Raymond named Chief Accountability Officer. Mr. Raymond is a Fellow, Broad Superintendents Academy; Executive Management Program, Harvard Business School; Juris Doctorate, George Mason Law School; Master of Arts, Law and Diplomacy, Fletcher School of Law and Diplomacy; and a Bachelor of Arts and History, Tufts University. Mr. Raymond previously served as President/CEO of Commonwealth Corporation, Boston MA.

IV. ACTION ITEMS

A. Recommend approval of proposed Policy AE, School Accountability System

Chairperson White called upon Ms. Griffin to present the recommendation. Ms. Griffin said Action Items A. thru E. represent policies and bylaws that are before the Board for a vote. Ms.

Griffin asked if the Board would like to vote upon the five agenda items together or separately? Chairperson White said the items have previously been before the Board and unless there was objection from the Board he would recommend they be combined. Mr. Dunlap said he has reviewed the policies. He asked if the correction that he recommended had been made? Mr. Middlebrooks replied, yes.

Ms. Griffin moved that the Board approve Policy AE, Policy AEC, Policy GC, Policy BDD, and Bylaw BBA, seconded by Mr. Dunlap, and a discussion followed. Ms. Leake said regarding Policy GC, Effective Teachers and School Administrators, she wants to ensure the schools, the district, and the public are aware that this policy is seeking the best professional teachers and administrators possible in the schools to work with children. She expressed concern that some people have negatively interpreted this policy as trying to “get teachers.” Mr. Gauvreau said he would support the policies but he does not believe they are dramatic enough to change the culture and organization of the district. He said the real impact of the reform policies will be when the Superintendent uses the policies to take action. Ms. McGarry said the state informs CMS of its responsibilities. The Superintendent already has most of the authority that is provided by the policies. The policies are presented in a format that better clarifies the information. Ms. McGarry will support the policies. Ms. Griffin said the policies are a significant reform for the district. They are not overly detailed because they are the basis for the reform action that the district will take going forward. The policies will directly impact the action the Superintendent will take in the future. Ms. Griffin is proud to have been a part of the development of the policies. Mr. Tate asked what is the change that Mr. Dunlap mentioned? Mr. Middlebrooks said there was a grammatical error in Action Item IV.D. The first sentence under paragraph IV. on page 3 of 6 should have ended “Board of Education” and not “Board of Education for election.” Mr. Tate said there is reference in other areas of the policies that suggest that the Board elect people that the Superintendent brings before the Board. He did not understand why this correction was necessary. Mr. Middlebrooks said the term “election” is from the North Carolina General Statute. It essentially means for the initial hire of professional employees and it does not apply to transfers. The statute states that the Superintendent recommends and the Board elects which means the Board would approve the recommendation. That is why the election language is included in the policy. Ms. Griffin said this is how the policy read previously and it is not part of the revision. Mr. Tate said he believe it makes better sense to have the sentence include “Board of Education for election.” Mr. Middlebrooks said the sentence does include the “Board of Education for election.” The sentence follows state statute and is correct the way it is written. Mr. Tate said then there is no change after all. Chairperson White replied that is correct. Ms. Griffin said it is her understanding that appointments for new principals and above must be approved by the Board of Education. Mr. Middlebrooks said this is correct for “initial” hires and transfers do not have to be approved. Ms. Griffin said this paragraph refers to all assignments which is not exactly our intent. Ms. Griffin is concerned that this indicates that the Board must approve assignments that Dr. Gorman makes which is really not necessary. Mr. Tate asked should it say “initial” appointments and assignments? Mr. Middlebrooks said including the word “initial” appointments and assignments would satisfy this concern.

Ms. Griffin moved that the Board approve amending Policy BDD by changing the first sentence under Section IV. on page 3 of 6 to all “initial” appointments and assignments,

seconded by Mr. Tate, and the Board voted 9-0 to approve the motion.

Ms. Griffin moved that the Board approve Policy AE, Policy AEC, Policy GC as amended, Policy BDD, and Bylaw BBA, seconded by Ms. McGarry, and the Board voted 9-0 to approve the motion.

Chairperson White thanked the Board for their work on moving the policies forward.

B. Recommend approval of proposed Policy AEC, Data Dashboard

Policy AEC was approved with agenda item IV.A.

C. Recommend approval of proposed Policy GC, Effective Teachers and School Administrators

Policy GC was approved with agenda item IV.A.

D. Recommend approval of proposed Policy BDD, Superintendent Board Relations

Policy BDD as amended was approved with agenda item IV.A.

E. Recommend approval of proposed Bylaw BBA, Duties of the Board

By Law BBA was approved with agenda item IV. A.

F. Recommend approval of proposal from the Ad Hoc Committee for General Counsel

Chairperson White called upon Ms. Griffin to present the recommendation. Ms. Griffin said the Ad Hoc Committee for General Counsel which consists of Chairperson White, Mr. Dunlap, Mr. Gjertsen and Ms. Griffin recommended in June that the Board employ James Middlebrooks and his firm, Helms Mulliss & Wicker, PLLC, as the Board's legal counsel until such time that the Superintendent could provide his recommendation for hiring a general counsel for the Board. Ms. Griffin said the Superintendent has recommended to the committee that the Board proceed with the hiring of a general counsel. Ms. Griffin said the Ad Hoc Committee has reviewed this recommendation and agree with the recommendation. Ms. Griffin said the Ad Hoc Committee recommends to the Board a two-part process which includes proceeding with the hiring of a new general counsel, and the hiring process would be conducted in-house and not through the utilization of an outside search firm.

Ms. Griffin moved that the Board approve hiring a new general counsel and that the hiring process be conducted through an in-house process rather than through the utilization of an outside search firm, seconded by Mr. Dunlap, and a discussion followed. Ms. McGarry said regarding Bylaw BBA, Duties of the Board, does it include the Board is responsible for hiring a Board attorney? She asked if that is not in the policy should it be included? She said she understands that generally the two people a Board is responsible for hiring are the Superintendent and Board attorney. Ms. Griffin said the Policy Committee would review the policy. Ms. McGarry said she would like to hear the reasons behind the recommendation, and the advantages and disadvantages of hiring an in-house counsel versus out-sourcing. Ms. Griffin said she would call upon Dr. Gorman to present his reasoning. Dr.

Gorman said he recommended this for several reasons. Mr. Green was named Chief Operations Officer in July but in many ways Mr. Green is still acting as the Board's counsel. This would allow an attorney to perform the legal duties for CMS so that Mr. Green can stop doing the legal duties and be able to devote his time to performing the duties of his new position. This would also allow the Board and staff members to have access to counsel. Dr. Gorman said Mr. Middlebrooks has been responsive in serving as the Board's attorney. CMS has many issues that arise throughout the week and it would be more feasible to have legal counsel on staff. Ms. McGarry said she would like to have more in-depth information such as a comparison of fees and costs. She said the Board of County Commissioners has done well utilizing an attorney that is not in-house. Ms. McGarry said the Board has a choice of hiring an attorney or using paralegals which may be more economical. Ms. Griffin said there is not a clear answer on how the economics would balance as it would depend on too many different factors including what would happen during the course of the year which would require legal work. Ms. Griffin said CMS has two full-time staff attorneys who currently do not have a direct supervisor. It would be hard to estimate the legal fees because there are too many variables from year to year. Historically, CMS has had an advantageous arrangement with our two prior general counsels because of their work ethic and the amount of hours they worked. Ms. Griffin said it has been beneficial to her to have someone that could answer her questions in the privileged relationship of attorney-client. Ms. Griffin supports the recommendation because of the reasons she mentioned and she believes it has been financially advantageous in the past which would be hard to prove going forward. Mr. Merchant said the fiscal implication for this item basically only includes advertising for the position. He asked why was the recommendation for an in-house process as opposed to using a search firm? He asked has an analysis been conducted that suggests for the types of specific expertise that is needed for government relations and employment law that running an advertisement would find this person. Ms. Griffin said it is an over-simplification to indicate this would only include an advertisement. The CMS Human Resources Department has significant expertise in conducting this type search. The Board used the same process when Mr. Green was hired and so we have experience in an in-house process. Ms. Griffin said there was some disagreement within the Committee for which way to go but the recommendation was the consensus of the Committee. Chairperson White said the North Carolina School Board Association (NCSBA) has also offered to work with CMS in this process. He believes with the efforts of CMS staff and the NCSBA, every qualified attorney in the southeast will be aware of the position. Mr. Merchant said he has met with the staff of the Human Resources Department and he is concerned about the tremendous burden that this may place on them with the new reform measures, reconstitution, and the search for a new Chief of Human Resources. He would like to ensure that CMS has the resources, the expertise, and the number of hours in the day to take on this task. Chairperson White said the Committee had this conversation with the Superintendent and the Superintendent was comfortable with the recommendations. Ms. McGarry said she would like to see a description of the job requirements and qualifications for the person the Board is seeking. She would like to ensure that the person the Board chooses does not have a conflict of interest and has not previously worked in state politics as this may present a conflict of interest since this is a non-partisan Board. Ms. McGarry would like to know how much of the job is administrative versus the attorney skills needed. Ms. Griffin said the entire Board was involved in the last hiring of an attorney and the process was Board driven. The Board participated in the interviewing and the selection. The Board could be

involved in creating the requirements for the position. Ms. McGarry thanked Ms. Griffin for the helpful information. Mr. Dunlap said to better understand the details of that position, Board members could review the contract for Mr. Green as Board attorney because that document specifies the duties and responsibilities of that position. The Board may add, change, or delete that document. One of the requirements for that position is to be readily accessible to the Board and Superintendent. Mr. Dunlap said when the Board hired Mr. Green, the Board of Education was spending a tremendous amount of money on legal fees. Mr. Green managed that process in a cost-effective manner which allowed CMS to lessen their costs on attorney fees. Mr. Dunlap said it should be clear to the people who are fiscally conservative and believe in accountability and financial responsibility why the Board should have its own attorney. Mr. Gauvreau said this is a coin toss as to whether the Board should hire its own attorney or seek outsourcing counsel which is what the County does. He said the Board has relied heavily on the attorney and he does not believe the Board needs to consume so much time on seeking legal opinions on things that are common sense. Mr. Gauvreau will support this motion, although it is important that the Board not continue to pay the attorney the enormous salary that includes bonuses, car, and memberships to clubs. He believes that is wrong and he will not support that. Mr. Gauvreau believes the Board can do better from a financial standpoint. Ms. Leake said Mr. Green has served the Board well and all Board members have used his expertise. It is important for the Board to have the best attorney possible to deal with the various lawsuits from the community and Board members, to stay on target, and to do the right thing legally within the guidelines of the law. Ms. Leake will approve the motion because it will support CMS being fair, legal, and consistent. Chairperson White said he has missed Mr. Green as the Board's attorney and noted that Mr. Middlebrooks has done a great job in providing legal assistance to the Board.

The Board voted 9-0 to approve the motion.

V. REPORTS/INFORMATION ITEMS

A. Report/first reading on proposed Policy GBEC, Alcohol and Illegal Drug Use: Applicants and Employees

Chairperson White called upon Ms. Griffin to present the report. Ms. Griffin said before the Board for first reading is a substantial revision to Policy GBEC. The proposed revisions are extensive, updating definitions, testing requirements, and other provisions to comply with current state and federal law and Department of Transportation regulations. The revisions include recommendations from the Human Resources Department regarding matters of dealing with employees involved with alcohol and illegal drug use. Ms. Griffin said Policy GBEC will be posted on the CMS website beginning October 11th. There will be a Public Hearing on the policy and Board vote at the November 14, 2006 Regular Board meeting. A discussion with Board members followed. Mr. Dunlap expressed concern that the policy stated the legal limit for alcohol consumption was .02 percent. The North Carolina legal limit driving while impaired (DWI) for a regular driver's license is .08 percent and .04 percent for a CDL license which is the license required for CMS bus drivers. He asked why is the limit imposed less than the state law requirement? He expressed concern that there are some over the counter cold medicines that could cause an individual to have a .02 percent reading. He noted that a person charged with a crime has the right to go before a court of law and the officer making

the arrest must substantiate the evidence that a person consumed a sufficient quantity of an impairing substance. This aspect is not included in the policy. Mr. Dunlap asked that state statute be reviewed to ensure it supports the .02 percent legal limit stated in the policy. Ms. Griffin said this is largely a matter of required law which states a .04 percent is required to immediately dismiss an employee. The law further states that we cannot discipline an employee with a .02 percent. The uncertain areas between .02 and .04 percent is we can discipline an employee but they are not subject to immediate dismissal. Mr. Middlebrooks said he believes what Ms. Griffin stated is correct. He will verify the specific legal information and provide it to Ms. Griffin as chair of the Policy Committee. Ms. Leake wants to ensure that students and employees have the same legal requirements. Mr. Middlebrooks said students who would have alcohol on campus would be considered underage and there are other discipline policies that strongly address that matter. This would be part of the zero tolerance for illegal drugs and alcohol. Mr. Middlebrooks said the message that CMS is trying to send to staff and students is that the use of alcohol and illegal drugs will not be tolerated.

B. Report on proposed boundaries and feeder patterns

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman invited Scott McCully, Executive Director of Student Placement Services, to present the boundary recommendations. Mr. McCully said this has been a three-month process that has involved staff and the community. The boundary recommendations include three new elementary schools that will open in the southern part of the County and a boundary change in the northwest area involving Mountain Island, Oakdale, and Bruns Avenue elementary schools. The process included feedback from the community. Three community meetings were held at Community House Middle School to discuss the new school boundaries and two community meetings were held at Oakdale Elementary School to discuss the proposed boundary changes. Mr. McCully reviewed the proposed recommendations.

New Elementary Schools:

- New Flat Branch Elementary School. The school is projected to be completed in 2007-2008 school year. Recommendation includes proposal for swing space for new Elon Park Elementary school until it opens in 2009-2010.
- New Lancaster Highway Elementary School. The school is projected to be completed in 2008-2009 school year.
- New Elon Park Elementary School. Currently the construction for this school is unfunded. The school is projected to be completed in 2009-2010 school year. Recommendation includes proposal to swing students to this school upon its completion.

Timeline 2007-2008 school year:

- New Flat Branch Elementary will open.
 - Assign grades K-5 from new Elon Park Elementary School attendance area to be housed at the new Flat Branch Elementary School.
 - Enrollment relieved at Hawk Ridge Elementary School. Hawk Ridge currently has 1,400 students and that does not include the 5th grade because the 5th grade is

currently housed at Community House Middle School. If nothing is done for next year, growth, with the addition of the 5th grade, will result in almost 1,900 students at Hawk Ridge.

- Hawk Ridge Elementary School will become a K-5 school. Community House will become a 6-8 school.

Timeline 2008-2009 school year:

- New Lancaster Highway Elementary School will open. This will further relieve Hawk Ridge Elementary School as well as Endhaven Elementary School.
 - Reassign students from Hawk Ridge and Endhaven elementary schools.
 - Reassign students from Smithfield Elementary School to Endhaven Elementary School which will further relieve Smithfield.
 - Rising 5th graders may remain at their current schools.
 - Sibling guarantee will only apply at the new school assignment.
- New Flat Branch Elementary School continues as swing space for new Elon Park Elementary School (grades K-5).

Mr. McCully said as staff reviewed the assignments they acknowledged that there were several subdivisions that were very close to the proposed attendance areas. There are good arguments for assigning a particular subdivision to a closer school and staff tried to accommodate this where possible. As staff reviewed the numbers and future growth, they were not able to accommodate all the requests of the subdivisions.

Timeline 2009-2010 school year:

- New Elon Park Elementary School opens.
 - Move students housed at new Flat Branch Elementary School to new Elon Park (all grades).
 - Reassign students from McKee Road Elementary School (west) to new Flat Branch Elementary School.
 - Reassign students from McAlpine Elementary School (south of Ballantyne Commons Parkway) to Flat Branch Elementary School.
 - Reassign students from Olde Providence Elementary School (southwest) to McAlpine Elementary School.
 - Rising 5th graders may remain at current school.
 - Sibling guarantee only applies at the new school assignment.
- All middle and high school feeds would remain unchanged.

Enrollment projections for 2009-2010 are as follows:

- New Flat Branch Elementary School will have 778 students or 98% capacity.
- New Elon Park Elementary School will have 1,071 students or 135% capacity.
- New Lancaster Highway Elementary School will have over 936 students or 118% capacity.
- Endhaven Elementary School will have 703 students or 100% capacity.
- Hawk Ridge Elementary School will have 986 students or 145% capacity.
- McAlpine Elementary School will have 604 students or 95% capacity.

- McKee Road Elementary will have 634 students or 111% capacity.
- Olde Providence Elementary School will have 698 students or 118% capacity.
- Pineville, Smithfield, and Sterling elementary schools will essentially remain the same because they are not impacted by the boundary recommendation.

Boundary changes for Mountain Island, Oakdale, and Bruns Avenue elementary schools:

Current school enrollment:

- Mountain Island Elementary School currently has 1,317 students compared to 1,100 students last year.
- Oakdale Elementary School currently has 611 students compared to 427 students last year.
- Bruns Avenue Elementary School currently is at 60% of capacity.

Proposed student reassignment:

- Assign 155 students from Mountain Island Elementary School to Oakdale Elementary School.
- Assign 63 students from Oakdale Elementary School to Bruns Avenue Elementary School.
- Net reduction at Oakdale Elementary School is 8 students. The goal was to keep Oakdale as stable as possible through the boundary adjustments.

Middle and high school feed changes to eliminate splits:

- Oakdale Elementary School area currently assigned to Coulwood Middle School would be assigned to Ranson Middle School.
- Bruns Avenue Elementary School area currently assigned to Ranson Middle School would be assigned to J. T. Williams Middle School.
- Bruns Avenue Elementary School area currently assigned to West Mecklenburg High School would be assigned to West Charlotte High School.

Proposed student reassignment:

- Assign 58 students from Coulwood Middle School to Ranson Middle School.
- Assign 75 students from Ranson Middle School to J. T. Williams Middle School.
- Assign 70 students from West Mecklenburg High School to West Charlotte High School.

A discussion with Board members followed. Mr. Gjertsen expressed concern about the overcrowding at the schools. He is a parent at Hawk Ridge Elementary School and the school will have 1,900 students. The projected student enrollment figures for 2009-2010 indicate that CMS will be short two elementary schools. He said the Board made an ill-advised decision to not build Elon Park Elementary School for 2008 causing CMS the situation of having to put students in swing space for two years. He also has an issue with the process that was followed. He said although there were over 700 parents that attended the meetings, the process was squeezed into one month whereas the process for Mallard Creek High School was a six-month process. The process provided an opportunity for feedback but it was wrong

because it did not give people time to work together to develop the best boundary options. He said several parents feel they have been misled by CMS staff because they were told the middle and high school boundaries in that area would not change. They were encouraged to not make proposals because it would not be necessary as the elementary boundaries would be drawn within the existing middle and high school boundaries. He asked why were the northern boundaries changed to eliminate splits but the same courtesy was not shown for the students in the southern areas? Mr. Gjertsen expressed concern that the parents feel misled by the process and the responses from staff; staff has ignored the future growth for the Pineville area; and the numbers do not add up. He said a mess has been created and he does not know how it can be resolved. Ms. Griffin suggested the Board members rent a van and take a tour of the proposed boundaries. Mr. Dunlap suggested the Board have a Work Session to discuss the boundaries. Mr. Dunlap said the Board could have been further along had the community not been misled and convinced to vote against the Bonds. He said there is growth in the community and the way that issue can be resolved is by building more schools. He understands more schools are needed in the south and the north but they cannot be provided if the community does not vote for them. He said staff is aware of where we are, future growth projections, and they based their recommendations upon that information. Mr. Dunlap said the proposed recommendations have not been approved and until they are approved by the Board they can be changed. It said it will be difficult to make everybody happy with the opening of schools and boundary decisions. He encouraged people to support the Bond proposals for next year. Ms. McGarry this is what happens when the Board refuses to prioritize. The goal should include a seat for every student. She said the growth was a "no brainer" but CMS is spending \$38 million for Marie G. Davis Middle School that has no one assigned to it. She said this is an example of a poor decision. She asked why are the students being placed in swing space and why are the high school boundaries not flexible? She expressed concern that the parents have been told that the boundaries will not change even if it is only for five families. Ms. McGarry said the high school boundaries were changed for West Mecklenburg High School and West Charlotte High School to avoid splits. She encouraged CMS to work with the communities involved in the boundary changes and to continue dialogue in order to come to a better solution that would make more families happy. Mr. McCully said staff approached this with the idea of creating elementary attendance areas within the existing high school boundary. As the boundaries were reviewed, it was clear to staff that it was important that they hear every comment by parents. Staff presented proposals to the communities as starting points for discussion. Staff listened to the discussions at the community meetings and received numerous e-mails. Staff returned with two proposals from the community which included elementary attendance boundaries that extended to the I-485 boundary. Staff reviewed this option thoroughly knowing there had been a lot of communication on this option. The issue was that option under-populated schools. For example, in order to populate Endhaven Elementary School, enrollment would have to be taken away from Pineville Elementary School. The capacity of Pineville Elementary School is currently at approximately 100% and it would decrease to 60%. The growth planned for Pineville is not as immediate as the growth occurring in the southern portion of the County. Staff believed it would be more feasible to make the boundary line as far south as possible with relation to the existing high school boundary in order to provide for as much space in those schools as possible. Mr. McCully said staff approached this process with an open mind and willingness to consider all scenarios. Regarding the swing space, if no boundary change was made for Hawk Ridge Elementary

School and the 5th graders returned to the school, the school would have approximately 1,900 students. There is not enough space at Hawk Ridge Elementary School to house the mobile units needed to accommodate that amount of student growth. Even today, with enrollment at 1,400 students, it is difficult. The school has over thirty-five mobiles and it is a challenging situation. Staff believed the best way to relieve Hawk Ridge Elementary School was to take the designated Elon Park Elementary School students and assign them to Flat Branch Elementary School which would be a new facility. Staff reviewed several other alternatives. This is not the most ideal situation but given the urgency of the matter staff believed that was the best solution. Mr. Dunlap asked when did this process begin? Mr. McCully said the process began about mid-September and three public meetings were held. Mr. Dunlap asked did staff take into consideration input from Board members and the public? Mr. McCully replied, yes. Scenario Three is a collection of several ideas including ideas from a Board member. Mr. Dunlap asked what is the capacity of Hawk Ridge Elementary School without the mobiles? Mr. McCully said approximately 700 students. Mr. Dunlap expressed concern that this would cause more students to be outside the physical building attending class in mobile units than in the building, and all students would have to go into the building to have access to the cafeteria, library, bathroom facilities, and other facilities. Mr. Dunlap said if everybody could get what they wanted there would not be a problem. For everybody to get what they want, the school they want to go to must be able to accommodate those requests. He said people are asking that students be sent to different schools. He asked how much space is available at the other schools in the area? Mr. McCully said in that particular area, there is very little space available at any of the schools currently operating. Ms. Griffin asked to be provided information on the proposal that the public speakers presented regarding the Flat Branch students to be able to attend Flat Branch during the transition. Mr. Tate encouraged the Board to have a Work Session to discuss the boundaries and to schedule a tour of the area. He attended two of the public meetings and heard the concerns of the public. Mr. Tate said he would like to make a correction to Ms. McGarry's statement that Marie G. Davis would cost \$38 million. The actual cost is \$18 million. Ms. McGarry said she stands corrected. Ms. Leake asked how would the recommendations impact Sterling and Bruns Avenue elementary schools? Mr. McCully said there is no change to Sterling Elementary School. Bruns Avenue Elementary School will increase its enrollment to over 90% of capacity. Bruns Avenue is a Title I Choice School and this was communicated at the public meetings. Everyone was aware of that and knew what that term meant. Ms. Leake asked what does that term mean? Mr. McCully said Title I is a federal designation and falls under the No Child Left Behind Act. If a school does not meet their Adequate Yearly Progress (AYP) goals for two consecutive years, the students have the opportunity to choice out. Bruns Avenue has been on that list and some students have elected to choice out of the school. District-wide about 7% of the students have opted to choice out of Title I Choice Schools. Ms. Leake expressed concern about schools being labeled by negative terms because it sets a school up for failure and implies that the students will not be successful. Ms. Leake would like the negative language changed because it is a stigma for the parents who have children in those schools. She encouraged the Board, the district, and the community to not label schools and students as it relates to socio-economic status. Mr. Dunlap asked that a determination be made on the suggestions of scheduling a Work Session and a tour of the area. He said there are enough concerns that the Board should discuss this matter and provide input to staff. Chairperson White said Dr. Gorman has heard the requests. If there are enough Board

members who would like to participate in a tour or have a Work Session he will have those arrangements made. Mr. Gauvreau said he has no interest in a tour. He said the problem is this Board has refused to build schools. He said he has personally put before the Board over the last year numerous motions to build schools sooner and faster and the Board voted them down. He said the Board is now making a compromise with the County Commissioners and they have done nothing. Mr. Gauvreau said we need to build more schools now. Chairperson White said he supported the Bond referendum. Had the Bonds passed, CMS would be building schools now. Mr. Gjertsen said Bonds is just one way of funding schools. The County just approved \$123 million for COPS which left \$50 million sitting on the table. He asked how many more schools could have been built with that \$50 million? He said the majority of the parents affected by the overcrowding conditions in those schools, including him, supported the Bonds. Dr. Gorman asked did the majority of the Board want a Work Session scheduled? The majority of the Board would like to have Work Session scheduled. Dr. Gorman will make those arrangements. Chairperson White said a year ago the Board did a comprehensive review of the student assignment plan. He said student assignment is one of the hardest jobs for the Board. As the Board reviewed the student assignment, the Board determined they would promise certain items to the public. This included the stabilization of the feeder patterns. He said the plan proposed by staff includes stability. He said this will be a tough issue and he encouraged the Board to do what they think is best for the most children of the community.

VI. REPORT FROM SUPERINTENDENT

Dr. Gorman presented the following items of interest:

- Discipline: A report will be scheduled to be presented to the Board regarding the review of discipline policies, procedures, and practices. This will include having firm, fair, consistent, and legal practices. Last week, staff met with the seven municipalities, the police chiefs and the sheriff, to discuss this matter. This is a complex matter and several considerations are being reviewed, particularly matters involving felony charges.
- Facilities: A report on Program Management (Capital Program Review) will be brought before the Board at the Regular Board meeting on November 14th.
- Other items:
 - Request for Qualifications has been prepared for the Public-Private Partnerships.
 - Standards Review Committee is reviewing the standards for facilities to include are they appropriate and options for a 10% reduction.
 - Reviewing the relationships with the Planning Liaison Committee and the different municipalities to develop a more structured format so that the same school design can be built in each of the municipalities because currently they need to be tweaked to meet the various community standards.
 - Rubric for prioritization for capital needs will be presented to the Board for their review and direction at the Regular Board meeting on November 14th. Dr. Gorman believes the rubric should be moved more towards new construction than renovations.

VII. REPORTS FROM BOARD MEMBERS

Mr. Merchant said he has reviewed how CMS handles cases involving major discipline infractions and he has some concerns. He thanked Dr. Gorman for accelerating his review of ways to better implement disciplinary procedures under the Board's current policies. North Carolina General Statute 115C-391(d) provides that the Superintendent has authority to recommend to the Board the expulsion of any student over the age of 13 whose behavior indicates that the student's continued presence in the school constitutes a clear threat to the safety of other students or employees. He encouraged Dr. Gorman and the principals to take full advantage of that statutory provision. He encouraged the Board to lead an effort to take a radical change regarding discipline matters to include strengthening and clarifying Board discipline policies to send a message that the safety of students and employees is the top priority. He encouraged the Board take full advantage of statutory provisions to permanently remove the most dangerous elements from the system. He has forwarded proposals that will strengthen and clarify existing discipline policies to the Policy Committee for their review and recommendations. Specifically, they would permanently remove students who commit violent assaults, sexual assaults, or deal drugs in our schools and if they are convicted off campus as well.

Mr. Dunlap attended the celebration at Highland Mill Montessori for being the first school in the district to raise the "Clean Air Flag." The community will begin to see flags raised throughout the community to designate good air days from bad air days.

Ms. Leake attended the parent meeting at Harding University High School. She thanked Dr. Gorman and his staff for attending the meeting to inform parents regarding the replacement of math and science teachers at the school. She also visited West Charlotte High School, University Park Elementary School, Phillip O. Berry Academy of Technology, and attended the new school opening celebration at Winget Park Elementary School. Ms. Leake expressed concern about the violent behavior that is happening across the country. She asked the public to have a quiet moment for the families who have lost loved ones due to violent acts in schools. Ms. Leake presented Maurice Green, Chief Operating Officer, the Outstanding Educator Award from the Black Political Caucus.

Mr. Tate said a District 4 Parent Forum meeting would be held on October 12th at East Mecklenburg High School at 6:30 p.m. and Dr. Gorman will be present to answer questions. He thanked Dr. Gorman for conducting a comprehensive review of the entire school system and he looks forward to hearing his thoughts. Mr. Tate attended several of the recent school facility dedications to celebrate new school openings, renovations, and joint use with Parks and Recreations. He thanked the principals, staffs, and students of those schools for their excitement and doing a remarkable job in making each event so successful. He thanked the current Board and past Boards for ensuring that CMS could offer the best place for students to attend school so that they could achieve at their highest levels. He encouraged Board members to attend the remaining events and share in the excitement.

Mr. Gjertsen thanked Dr. Gorman for speaking at the recent District 6 Parent Forum meeting at Jay M. Robinson Middle School. Mr. Gjertsen thanked the District 6 parents for their passion and energy for what can be right about the school system.

Ms. McGarry said she has always supported new schools. She is hoping that as the Board works toward a suitable Bond for 2007, it is prioritized correctly. She said people are more aware and smarter about the process. The public wants to ensure that correct population statistics are used; tax dollars are spent wisely; schools are built cheaper, quicker, and located where the students live; and the most critical needs are prioritized first. Ms. McGarry looks forward to having the schools on the books soon.

Chairperson White said there are many good things happening in this community. CMS recently hosted the District 6 North Carolina School Boards Association meeting at Phillip O. Berry Academy of Technology. He thanked Carole Hamrick, Manager of Board Services, for making the event so successful. He attended several of the school facility dedications and thoroughly enjoyed sharing in the excitement and seeing the happy faces of the students. He said he and Ms. Leake recently represented the school system at the Council of Urban Boards of Education in Phoenix, Arizona. He said the difficult issues that CMS is dealing with are also a top concern for school districts across the nation. It is important that we all continue to work to find solutions to help all students become useful citizens. Chairperson White recognized Dr. Gorman for hitting the ground running because he has been seen everywhere throughout the community. He thanked Dr. Gorman for doing a great job.

ADJOURNMENT

By consensus, the Board agreed to adjourn the meeting.

The Regular School Board Meeting adjourned at 8:20 p.m.

Chairperson, Joe. I. White, Jr.

Clerk to the Board, Nancy Daughtridge