



Charlotte, North Carolina

September 9, 2008

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on September 9, 2008. The meeting began at 4:37 p.m. and was held in Room CH-14 of the Government Center.

Present: Joe I. White, Jr., Chairperson, Member At-Large;
Molly Griffin, Vice-Chairperson, (District 5);
Kaye McGarry, Member At-Large;
Trent Merchant, Member At-Large;
Larry Gauvreau (District 1);
Tom Tate (District 4); and
Ken Gjertsen (District 6)

Absent: Vilma D. Leake (District 2) and
George Dunlap (District 3)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; Tyler Ream, Chief of Staff; and Nancy Daughtridge, Clerk to the Board.

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

- **To consult with the Board's attorneys on matters covered by the attorney-client privilege including but not limited to the following:**
 - a. **To consider litigation matters:**
 - i. *Sugar Creek I, et al. v. Charlotte-Mecklenburg Board of Education;*
 - ii. *Sugar Creek II, et al. v. Charlotte-Mecklenburg Board of Education;*
 - iii. *Children's Community Charter v. Charlotte-Mecklenburg Board of Education;*
 - iv. *North Carolina Boards Association, et al. v. Moore, et al., Wake County Superior Court, North Carolina 98CVS14158; and*
 - v. *Charlotte-Mecklenburg Board of Education v. Climate Systems, Inc.*

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 6:04 p.m. in the Meeting Chamber of the Government Center. CMS-TV Channel 3 televised the meeting.

Present: Joe I. White, Jr., Chairperson, Member At-Large;
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; Regina H. Bartholomew, General Counsel; Members of Executive and Senior Staffs; Judy Whittington, Manager of Board Services; and Nancy Daughtridge, Clerk to the Board.

I. CALL TO ORDER

Chairperson White called the meeting to order at 6:04 p.m. Chairperson White welcomed everyone to the Board's first meeting of the month.

A. Pledge of Allegiance

Chairperson White introduced Oscar Jerry Lee Reid, an eighth-grade student at Martin Luther King, Jr. Middle School, to lead those present and in the viewing audience in the Pledge of Allegiance and to speak to the September character trait of "respect." Oscar is an honors student and was inducted into the National Junior Honor Society last school year. Oscar made school history last year by being the first student at Martin Luther King student to score a level four on the state's seventh-grade writing test. In addition to Oscar's studies, he makes time for other interests. He is a member of the football team and was named "Athlete of the Year" in 2008. He is also an actor and earned the star role of "Daddy Warbucks" in the play "Annie." Oscar loves to travel and he is planning for his second visit to Cape Town, South Africa. Chairperson White introduced Oscar's assistant principal, Willie Howard, and his counselor, Mr. Randolph Frierson. Oscar invited everyone to stand and join him in reciting the Pledge of Allegiance. Following the pledge, Oscar said respect can be shown in many different ways that include how you act, how you treat another person, and how you live your life. He shows respect to his principal, counselors, teachers, peers, and parents by doing what they ask him to do and performing with excellence. He is thankful to his parents because they helped him to push himself to achieve. He thanked the Board for allowing him to speak at the meeting because this is one of the highlights of his life. He enjoyed his first trip to Cape Town, South Africa because that was a rewarding experience and it taught him to not take life for granted.

B. Adoption of Agenda

Ms. Griffin moved, seconded by Mr. Tate, that the Board adopt the agenda as presented, and the Board voted 9-0 in support of the motion.

II. REQUESTS FROM THE PUBLIC

Kelly Armstrong, a parent of a student at Phillip O. Berry Academy of Technology. She

expressed concern regarding the Board's Transfer Policy in which students must sit out of athletics for 365 days. She encouraged the Board to change that policy.

The following people discussed the benefits of the Talent Development Program at Villa Heights Academic Center and encouraged the Board to maintain full Talent Development Magnet Schools and to maintain the Magnet Program at Villa Heights Academic Center:

- Pamela Murray, parent of a student at Villa Heights Academic Center
- York Reed, parent of a student at Villa Heights Academic Center
- Kelly Burgess, parent of a 3rd grader at Villa Heights Academic Center
- Kelly Loving, parent of a student at Villa Heights Academic Center

Pam Grundy discussed the benefits and successes of the Talent Development Program at Shamrock Gardens Elementary School. She encouraged the Board to maintain Full Magnet Programs.

The following people encouraged the Board to relocate the Magnet Program at Villa Heights Academic Center to Lincoln Heights Elementary School:

- Theresa Watley, PTA officer and parent at Lincoln Heights Elementary School
- Tammy Hill

Vincent Frisina represented the "Key Fathers" Program. He shared a calendar of upcoming events and encouraged the neighborhoods and park associations to get involved with the schools.

Helena Cathcart is a parent of a student at West Mecklenburg High School and secretary of the Millions More Movement. She expressed concern regarding the effectiveness of Personal Education Plans and the use of researched-based practices that meet the needs of the students.

The following people discussed their concerns about the requirements of using Adequate Yearly Progress (AYP) to determine graduation data and the state shortfall regarding the AYP Bonus Program for teachers:

- Hiawatha Foster, represented the Charlotte-Mecklenburg Association of Educators (CMAE)
- Dennis Townsend, teacher at Providence High School and Vice President of the CMAE

III. CONSENT ITEMS

- A. Recommend approval of minutes.
 - August 6, 2008 Closed Session
 - August 11, 2008 Closed Session
 - August 12, 2008 Closed Session
 - August 21, 2008 Closed Session
 - August 26, 2008 Closed Session
- B. Recommend approval of appointment of administrative personnel.
- C. Recommend approval of licensed/non-licensed hires and promotions for August 2008.

Mr. Dunlap moved that the Board adopt Consent Items A. through C., seconded by Ms. Griffin, and a discussion followed.

Ms. Leake pulled Consent Items B. and C.

Mr. Tate moved, seconded by Mr. Merchant, that the Board adopt Consent Item A., and the Board voted 9-0 in support of the motion.

The Board discussed Consent Item B. Ms. Leake said Maurice Ambler, Chief of Human Resources, is doing an excellent job in hiring personnel. She expressed concern regarding how CMS secures and uses substitute teachers to impact teacher shortages.

Ms. Leake moved, seconded by Mr. Tate, that the Board adopt Consent Item B., and the Board voted 9-0 in support of the motion.

The Board discussed Consent Item C. Ms. Leake said the meeting materials include information on hiring a number of licensed (teachers) and non-licensed personnel (secretaries, cafeteria workers, and custodians). Ms. Leake commended Dr. Gorman, Mr. Ambler and his staff for doing good work.

Ms. Leake moved, seconded by Ms. Griffin, that the Board adopt Consent Item C., and the Board voted 9-0 in support of the motion.

Dr. Gorman's personnel appointments were as follows:

Appointment:

- Jerri Haigler named Executive Director of Parent University, Family and Community Services. Ms. Haigler has a Bachelor of Science in Speech Communications from Wingate College, Wingate, North Carolina. Ms. Haigler previously served as Assistant to President for Community Relations, Marketing Services, and Public Affairs at Central Piedmont Community College.

Transfer:

- Penni Beth Crisp named principal at Torrence Creek Elementary School. Ms. Crisp previously served as assistant principal at Torrence Creek Elementary School, assistant principal at Morehead Elementary School, and principal-intern at Windsor Park Elementary School.

IV. ACTION ITEMS

A. Recommend approval of 2008-2009 Charlotte-Mecklenburg Board of Education Budget

Chairperson White called upon Dr. Gorman to present the recommendation. Dr. Gorman called upon Sheila Shirley, Chief Financial Officer, to present the revised proposed 2008-2009 Charlotte-Mecklenburg Board of Education Budget. Dr. Gorman said CMS has received \$10 million in new funding of the \$28.4 million requested from the Board of County Commissioners (BOCC). CMS has also received the final budget funding from the state. The proposed budget was developed to be aligned with the Strategic Plan; to have an academic focus; to pay new initiatives in the Strategic Plan with existing resources or through partnerships; and to request new funding for growth, new schools, personnel costs, and sustaining other operations. Dr. Gorman said the revised 2008-2009 Budget reflects a 1.8% change from the adopted 2007-2008 Budget and based upon the final budget from the BOCC, his recommendation has strived to avoid cuts in the classroom. Ms. Shirley commended the members of her executive team and finance team for their hard work in preparing the budget.

Ms. Shirley recapped the budget process; the steps the Board has taken to make the budget recommendations, and the BOCC final budget approval for Charlotte-Mecklenburg Schools which represented a shortfall of \$18.4 million. The total current expenses for the 2008-2009 Budget including all funding sources is \$1,194,709,778 and that represents an increase of \$21.6 million over the previous year or 1.8%. The primary drivers of that increase over the prior year are the salary and benefit increases at \$33.2 million and the student enrollment growth and opening of six new facilities at \$27.6 million. Those increases are offset because our increase was only \$21.6 million over the prior year. Those increases are offset by decreases over the prior year in areas such as the state budget was reduced \$1.4 million for the student enrollment shortfall last year; \$17.9 million in county reductions (\$2.2 million originally in the proposal and \$15.6 million in additional cuts); and a net decrease in the overall fund balance appropriation of \$11.5 million. The proposed budget is as follows:

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County Current Expenses	351,366,785
State Current Expenses	718,590,515
Federal Current Expenses	101,630,106
Other Local Current Expenses	23,122, 372
Total Current Expenses	1,194,709,778
Capital Replacement	5,200,000
Child Nutrition	61,952,356
After School Enrichment	16,456,046
Total	\$1,278,318,180

Several items impacted changes in the proposed 2008-2009 Board of Education Budget. The final approval of the state budget resulted in lower state salary and benefits increases than projected which allowed CMS to reduce the proposed budget request by \$3.1 million in county funding; the employer portion of the retirement rate increased and the cost adjustment was \$1.6 million in state funding and \$626,000 in local funding; a state reduction in at-risk funding resulted in \$1.1 million reduction; the charter school enrollment increased more than projected and that resulted in \$2.3 million reduction in state funding; and reduction of \$1 million for the shortfall of the ABC Bonus Program. The county approved an appropriation of \$351,366,785 and that was \$18.4 million less than requested by the Board of Education. That funding shortfall combined with the other adjustments resulted in identifying \$20.5 million in reductions to the proposed budget. The signification adjustments were as follows:

	\$ Reduction
Salary increase adjustment based on lower rate approved by state	3,100,000
Reduced high school challenge funding replacement	1,100,000
Modified assistant principal staffing allotment formula at middle and high schools (reduction of 26 positions)	2,000,000
Modified student service specialists formula in elementary schools (reduction of 14 positions)	734,000
Adjusted staffing allotment formula for media specialists and media assistants (reduction of 93 positions)	3,100,000

Reductions in funding in Central Office departmental budgets in areas of staffing, overtime, equipment, supplies, contracted services, etc.	2,900,000
Elimination of 13 vacant ESL teacher positions	640,000
Reduced maintenance operation budget (elimination of 42 vacant positions, overtime, equipment dollars, and repairs and expenses)	2,500,000
Elimination of 7 PBIS Coaching positions	528,000
Eliminated funding plan for adding the 15 th Transportation area, 5 bus driver positions, and overtime	853,000
Elimination of new PLC scheduled to open fall 2008	625,000

In all, the reductions and redirections made to adjust the county appropriation totaled \$17.9 million. More than \$1.6 million in redirected funds will pay for expansions and new initiatives. The majority of the new initiatives are focused on student achievement: the designation of five additional schools as FOCUS (Finding Opportunity, Creating Unparalleled Success, a designation indicating a school with high poverty), creating four academies of engineering with a concentration on Motorsports, and establishing data-driven instruction for schools in the Achievement Zone. Other new initiatives in the budget are creating a comprehensive training program on anti-bullying and employing performance management processes and tools that use best practices in an effort to improve student achievement. Since 2003, Charlotte-Mecklenburg Schools has redirected more than \$157.4 million to pay for district growth, new schools, new programs and sustaining operations at current service levels. In addition, it is expected that CMS will receive \$5.2 million from the County for capital replacement services, and \$78.3 million dollars will be generated from both Child Nutrition Services and the After School Enrichment Programs, bringing the district's total expenditures to \$1.278 billion for the 2008-2009 school year.

Ms. Griffin moved, seconded by Mr. Merchant, that the Board approve the proposed 2008-2009 Board of Education Operating Budget, and a discussion followed.

Board members were invited to ask questions and make comments.

- Ms. Leake expressed concern regarding the shortfall for teacher bonuses. She said the most valuable people are the children and we must appropriately pay staff for their work with students. She encouraged the Board and the community to lobby the state legislators to provide teachers an adequate salary and to not use bonus as a means to entice teachers. She also encouraged the Board and staff to consider providing a supplement recommendation in the budget for next year. She is pleased with the information regarding salary increases for bus drivers, secretaries, custodians, and cafeteria staff. She requested information on the number of hours that cafeteria employees must work to receive benefits. She commended the Legal Department for their cost saving measures. She expressed concern regarding the cuts in campus security because that is a focus area for parents. She is not pleased with the final budget but she would support the request. She encouraged the state and the county to do what is necessary to raise the salaries for teachers. She expressed concern that many teachers must work two or three jobs to meet their personal expenses. She stressed the importance of teachers making adequate salaries.
- Mr. Gauvreau said this is the sixteenth time that the Board has discussed the budget this

year. He expressed concern that the budget has increased \$20 million although Dr. Gorman discussed devastating cuts. This process occurs every year and the majority of the Board routinely approves the recommendation. He expressed concern that Dr. Gorman has not systematically made cuts to the budget but has increased it year after year. In the past two years, Dr. Gorman has increased the budget \$136 million and that is at a greater rate than student enrollment. He supports the cuts to the PBIS Program and the transportation costs because they should not have been there in the first place. He would support making additional cuts to the number of buses. He expressed concern that the Board allows this bureaucracy to continue every year without systematically reviewing the items prior to approval. He also expressed concern that everyone gets a blanket pay raise each year including the Board members. He said this budget is \$20 million more than last year and the devastating cuts will never really happen. He said the majority of the Board rubber stamps a spreadsheet driven analysis each year and the massive increases over the last few years have not resulted in performance outcomes. He encouraged the Board to say no to the budget request because the 6.8% unemployment rate in Mecklenburg County and the economic conditions do not warrant budget increases. He said the Board could improve the public education program by defunding the Superintendent's budget recommendation.

- Ms. Leake discussed the importance of supporting the previously approved salary increases because CMS needs quality teachers and that will ultimately support children. She is a supporter of children and that includes supporting adequate resources and funds. She supports education and salaries for people who work hard to support children. Parents want the best staff available and they do not come cheap. She expressed concern regarding the economic conditions and the importance of helping the children who need it the most. She supports children and providing them a quality education because it is more important to educate rather than incarcerate. She supports increasing salaries as opposed to paying bonuses.
- Mr. Gjertsen said it is important to provide all children a quality education. He expressed concern regarding the cuts in the media specialist positions because reading is a key in getting a foundational education for students and the method in which education is delivered. He also expressed concern that these cuts would require more parents to volunteer in the schools and the libraries because children love the library and that is a vital part of their educational experience. He previously requested that these cuts not be made. He recommended that the media specialist and media assistant positions be reinstated and the recommendation be funded by redirecting the Public Information's budget.

Mr. Gjertsen made an amendment to the motion that the Board approve reinstating the media specialist and the media assistant positions (93 positions) that were eliminated in the proposed budget and this recommendation be funded by redirecting the Public Information's budget, seconded by Ms. McGarry, and a discussion followed.

Ms. Leake made a friendly amendment that the Board also approve including paying the state shortfall in paying teachers the Adequate Yearly Progress Bonus, and a discussion followed.

Chairperson White said that must be a separate amendment because it is not related to the original amendment. Regina Bartholomew, General Counsel, agreed with the Chair's decision

unless Mr. Gjertsen agreed to accept the amendment. Mr. Gjertsen stated he would prefer to keep Ms. Leake's amendment separate from his amendment because he does not have a source for those funds. Ms. Leake said she would like to use the same funds as recommended by Mr. Gjertsen. Chairperson White ruled that the amendment was not related to the original amendment and he noted that Mr. Gjertsen had rejected the amendment.

- Mr. Gjertsen discussed the importance of having media specialists/librarians in the schools helping students. He said the Public Information Department is important but it is not as important as having people in the libraries helping students.
- Ms. McGarry said she would support the amendment. She would have encouraged budget cuts at the central office as opposed to the school house level. She said reading is an important aspect in education and the library is the hub of every school. She encouraged that the hours of the libraries in each school be extended to include before school and after school. She does not support cutting the media specialist and media assistant positions because they help students learn. She also expressed concern regarding the reductions in assistant principal positions.
- Ms. Griffin said she shares the same concerns as Mr. Gjertsen regarding Media Centers because it is a critical part of the school. These cuts are painful and they are the drastic cuts as discussed by Dr. Gorman. She encouraged Dr. Gorman to explore options for bringing these positions back next year. She expressed concern regarding reinstating the positions this late in the budget process and the impact the recommendation would have on the Public Information Department. She understands that Dr. Gorman and staff explored all options in an effort to avoid these cuts. She noted that the budget cuts already included cuts at the Central Office location. She relies on and trusts Dr. Gorman's recommendations and she will not support the amendment.
- Mr. Gauvreau encouraged the Board to say no and not rubber stamp the budget request. He said staff should have recommended maintaining the media specialist positions. This is a good motion because they are staffed at a school and add academic value at the schoolhouse level in lieu of Public Information's staff. He said the Board must make this decision because the Superintendent is not prepared to make that decision. He will support the motion. He also recommended that the Board redirect the Superintendent to come back with a better plan or budget than this recommendation. This follows the same process every year. There are millions of dollars in the budget that would be better academically suited in other areas and millions that should be defunded that have no academic value in the schools. He encouraged the Board to add value to the budget by reducing areas. Mr. Gauvreau asked what is the net full-time equivalent or increase in this year's budget compared to last year's budget? Ms. Shirley said there is an increase because we opened several new facilities but she does not have that information at this time.
- Mr. Merchant asked what would be the approximate cost to reinstate the 93 media assistant positions? Mr. Gjertsen said \$3,156,000. Ms. Shirley said this can be found on page 24 of the information (media specialists formula was \$576,990 and media assistants formula was \$2,579,478). Mr. Merchant asked what is the budget funding for the Public Information Department? Ms. Shirley said approximately \$3.3 million and redirecting these funds would leave less than \$200,000 in the Communications Department and that budget also includes CMS-TV and our partnership areas.
- Mr. Tate said he also does not like eliminating media assistant and media specialist positions. He expressed concern that it is not the best way to create a budget by making

cuts to a whole department. He will not support the amendment.

- Mr. Gjertsen said this recommendation is not a surprise because he stated three months ago that it was not a good idea to eliminate these positions. He also said last week that he would not support these cuts. He encouraged staff to find other funding options. He said there is \$12 million in policy, leadership, and public information. He said last year the budget for Public Information was over \$4 million and now it is \$3.3 million. He requested clarification on those numbers. He believes librarians are more important than some of the items budgeted at Central Office. He asked where can we find \$3 million to save the media assistant and media specialist positions? He would prefer to have librarians in the schools than have a Public Information's budget?
- Mr. Gauvreau encouraged staff to use the \$250,000 that is in the budget for the Chief Operating Officer's position.
- Mr. Tate said this is the first time that he has heard this concern because he has not been privy to the meetings regarding not recommending these cuts. This has not been discussed with the Board prior to this meeting. He expressed concern that this request is at the cost of destroying an entire department.
- Ms. McGarry said she previously made it clear that she would not support these cuts especially if you support students because the library is the hub of the school.
- Ms. Griffin said to make it clear to the public this recommendation does not cut out media specialists in the schools. The schools will still have a media specialist and depending on enrollment they will have media assistants as needed. She said no one on the Board likes this cut and she would support this recommendation if there was another \$3 million available. She does not feel comfortable trying to find these funds available at this time. She is confident that this was also a difficult cut for Dr. Gorman and his staff.
- Chairperson White said the Board has been involved in this budget process since March and they have had many opportunities to discuss the budget with the Board, Superintendent, and staff. They have had the opportunity to add or delete items. He expressed concern that no one discussed this concern with him prior to this meeting and this is the last night of the Board vote. He also supports media specialists and assistant positions. He would have been willing to discuss other options for making these cuts but he believes it is unfair to bring this up at this time.

The Board voted 3-6 on the amendment to reinstate media assistant and media specialist positions and the amendment failed. Ms. McGarry, Mr. Gauvreau, and Mr. Gjertsen voted in support of the amendment. Chairperson White, Ms. Griffin, Mr. Merchant, Ms. Leake, Mr. Dunlap, and Mr. Tate voted against the amendment.

The Board discussed the original motion.

- Ms. McGarry noted that the request regarding media specialists was previously addressed. McGarry asked what is the revised per pupil spending? Ms. Shirley said it is \$8,794.00 for all funding sources. Ms. McGarry said regarding charter schools enrollment and funding, does that amount include the monies owed to them from the lawsuit? Ms. Shirley said the formula has been adjusted to include the Bright Beginnings' funding going forward and that amount does not include any liability from last year. Ms. McGarry asked clarifying questions regarding funding for the student enrollment shortfall compared to the projected student enrollment. Ms. Shirley said CMS has not reached the 20th day at this time and the state will only accept those figures on the 20th day and again on the 40th day. Using the

best count, the state will fund CMS based on the average daily membership. That is typically the 40th day count and staff will not make an adjustment at this point. Staff will assess the enrollment at the 20th day. Ms. McGarry said there is plenty of money in this budget and she expressed concern that staff has chosen to make cuts in the classroom and schoolhouse. Ms. McGarry asked clarifying questions regarding the high school challenge replacement funding and Ms. Shirley responded.

- Mr. Gauvreau asked clarifying questions regarding student enrollments and Dr. Gorman responded.
- Ms. McGarry said the CMS operating budget is \$1.2 billion and that is more than the gross national product of over fifty nations worldwide. She asked is the Board really being accountable to the taxpayers for student achievement when the results are not evident?

The Board voted 6-3 in support of the proposed 2008-2009 Board of Education Budget as presented by staff. Chairperson White, Ms. Griffin, Mr. Merchant, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Ms. McGarry, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.

- B. Recommend approval of Mr. Merchant's, Member At-Large Representative, request to direct the Superintendent to conduct an audit of self-verified Free and Reduced Lunch Applications using a random sample methodology

Chairperson White called upon Mr. Merchant to present the recommendation. Mr. Merchant said this is the third consecutive meeting that the Free and Reduced Lunch (FRL) Program has been on the agenda. He said his original motion was to direct the Superintendent to conduct an audit of self-verified Free and Reduced Lunch Applications using a random sample methodology. He said the Board has discussed free and reduced lunch but the Board has not had a lot of data. The discussions have been mainly focused on opinions, definitive statements of ideology, and emotion. He said Board members have different opinions on this subject and he thought it would be appropriate to have definitive data on this matter to help resolve the concerns regarding fraud and using the FRL numbers as the basis for the CMS multiplier in allocating resources in the budget. He said he has discussed with the Superintendent and staff his interest to randomly sample a certain percentage of self-verified Free and Reduced Lunch Applications that would produce an accuracy rate of plus or minus 2%. He has learned that if CMS sampled a 6.3% of the self-verified applications CMS could reach that number. At a previous meeting, Mr. Chamberlain said that if CMS conducted a 100% audit it would cost approximately \$100,000. Mr. Merchant said his original intent was to not do that but just to conduct a sample audit. He has since learned that CMS is most likely prevented from doing more than a 3% sample or verification. As a result of that information, he talked with Dr. Gorman about making an alternative motion that instead of taking a targeted sample of 3% of self-verified applications conduct a random sample of 3%. Mr. Merchant said today he learned that CMS may be prevented from using a random sample method. At this time, he is not sure if there is anything for the Board to vote upon regarding this matter. He asked Dr. Gorman to keep this item on the agenda because it is important and he wanted to get clarity on the matter. He said Dr. Gorman and Ms. Bartholomew and her staff have been very helpful and accommodating in assisting him in getting answers and a better understanding of what CMS can do to get actual data. Mr. Merchant said his personal intent is to not make it so that a hungry child cannot get anything to eat. Mr. Merchant expressed concern that the Board has

just voted upon a budget and the method that CMS allocates resources uses free and reduced lunch as a multiplier because a student who is on free and reduced lunch is counted as 1.3 students. He would like to have data to ensure that is a valid number. He asked Dr. Gorman to clarify what he is learned through this process. He said he would ultimately like to challenge the United States Department of Agriculture (USDA) and the North Carolina Department of Public Instruction (NCDPI) and proceed with the random audit to verify the accountability of these numbers but he does not want to spend taxpayers' dollars fighting a lawsuit. Dr. Gorman said staff has been working on this request for a couple of weeks and staff has been bounced around. Staff has spoken with the USDA in Washington and Atlanta and spoken to NCDPI representatives. Some of the information has varied and memos have been contradicting. Dr. Gorman said he received word late this afternoon from the DPI and they have been directed to withhold the federal funding for the Child Nutrition Program if CMS decides to conduct the verification process outside of what is directed by the USDA. Last year, the CMS federal Free and Reduced Lunch Program fund was \$34 million. Dr. Gorman said most recently staff has been attempting to get specific information from the general counsel of the USDA who is the regulatory agency for handling the federal Free and Reduced Lunch Program and to have them to respond in writing to particular questions regarding the allowable size of an audit and conducting a random. He called upon Ms. Bartholomew to provide additional information on the matter. Ms. Bartholomew said she has requested an opinion letter from the general counsel of the USDA to address the points that Dr. Gorman reviewed as well as to inform us what the penalty would be if CMS did not abide by the USDA's guidance and directive in stating that CMS cannot conduct a random sampling. What we are currently using and allowed to use is a standard sample method which is 3% of the error-prone applications that must be used by all Local Educational Agencies (LEA) unless it qualifies to use an alternative sample size. The NCDPI determines if a LEA is qualified to use an alternative sample method and the sampling method is not optional. CMS has not been qualified to use an alternative sample in previous years and we will not know if DPI will allow CMS to use an alternative sample this year until mid-September and they are based upon previous year's numbers. Ms. Bartholomew said she could provide the alternative sample qualifications methods if needed.

Board members were invited to ask questions and make comments.

- Mr. Merchant said he is not concerned with the legalities of the sampling methods. He said he has been concern that even when the Board attempts to perform with the best intentions to ensure accuracy of this benefit, a bureaucrat in Raleigh or Washington prevents it from happening. He encouraged Dr. Gorman to continue this path until there is a definitive response on conducting a random sample. He said if the answer is no, he encouraged Dr. Gorman to challenge the government in a lawsuit.
- Mr. Gauvreau asked if there was a motion on the table. Mr. Merchant said at this point there is not a motion to present.
- Chairperson White said this is an Action Item and he understands that Mr. Merchant does not have a motion to present at this time. In addition, Mr. Merchant has asked that the Superintendent continue to pursue information and data that may provide additional information for Mr. Merchant to present a motion on this item in the near future.
- Mr. Merchant said he does not want the Board to vote upon something that will result in a lawsuit or the federal and state agencies withholding funding to CMS. He would like Dr.

Gorman to get a more definitive answer and to accelerate that process as much as possible. Dr. Gorman said staff will provide the Board a report on the findings.

- Mr. Gauvreau said regarding lawsuits, North Carolina has a Taxpayers Act and the Board should fear that more than the people in Washington and Raleigh because they will create reasons to not take action. He believes the majority of people in Charlotte believe there is substantial fraud in the CMS Free and Reduced Lunch Program and this is a nationwide problem. He said every policy point in CMS is impacted by the FRL numbers and it is a substantial budget amount. He believes many on the FRL Program do not qualify. He expressed concern that CMS would not demand the tax forms of citizens with students who want to apply to the program to authenticate the cost. He expressed concern that the taxpayers were the bag holders on this deal because there are thousands of students who should not be in that program. He also expressed concern that the Board was not allowing the Superintendent to take action. He believes the Superintendent and the Board are afraid of the findings. He said Commissioner Bill James has volunteered to pay for the cost of an audit and he has contacted Congresswoman Sue Myrick to help with this matter. Mr. Gauvreau encouraged the Board and Superintendent to ignore the excuses from Washington.
- Mr. Merchant said he would prefer to not handle this in that matter because there is a process. He said he and Mr. Gauvreau have suggested about the same recommendation in which someone outside of the school system such as the taxpayers may want to pursue this matter on their own. He said in the meantime, he would like CMS to get answers so that CMS can take action in a manner that is fair, legal, and does not put CMS in jeopardy. He said his ultimate personal concern is not fraud but that CMS is using this number that has no accountability, which at the time we are being prevented from verifying, and that flawed number is being used as a multiplier for certain budget items. He said he just voted yes for the budget but it may be the last time that he votes in the affirmative for any kind of multiplier that is based exclusively on FRL until he gets a form of verification of that number and that there is something more than a relationship between FRL and achievement. He encouraged the Board to allow Dr. Gorman and Ms. Bartholomew to follow the steps that have been outlined to get the information.
- Ms. McGarry expressed concern regarding the integrity of the FRL number because the use of that number could potentially misdirect millions of dollars within the school system. She also expressed concern that the investigation has resulted contradicting information and government bureaucracy. She noted that the information from the USDA referenced if there is known fraud in the system you have the obligation to take action but it also included restrictions on sample size and the ability to conduct application verification activities connected to its general oversight responsibilities. Ms. McGarry said the Board must do its oversight and she encouraged the Board to conduct an audit. She would honor Mr. Merchant's request and delay it until the next meeting but to keep delaying this matter is wrong and unfair to the taxpayers. She said it is also wrong to continue to use the FRL number for distributing resources in same manner that we have until we have answers.
- Chairperson White called upon Mr. Merchant to formally withdraw his motion.

Mr. Merchant withdrew his motion, and Mr. Gauvreau requested an opportunity to make a motion.

Mr. Gauvreau moved to direct the Superintendent to audit the free and reduced lunch count in CMS by determining the credibility of the claims of the CMS students and their

compliance with the federal poverty data, seconded by Ms. McGarry, and the Board voted 2-7 and the motion failed. Ms. McGarry and Mr. Gauvreau voted in support of the motion. Chairperson White, Ms. Griffin, Mr. Merchant, Ms. Leake, Mr. Dunlap, Mr. Tate, and Mr. Gjertsen voted against the motion.

V. REPORT/INFORMATION ITEMS

A. Report on Science and Math Project Charter

Chairperson White called upon Dr. Gorman to present the report on Science and Math Project Charter. Dr. Gorman said he previously informed the Board that he would bring forward different topics that report within the Curriculum and Instruction Department. Dr. Gorman said this is the first of those reports and he would provide the Board a reporting schedule for the remaining topics in the next Board Update. Dr. Gorman called upon Ann Clark, Associate Superintendent for Pre-K-12 Curriculum and Instruction, and Dr. Cindy Moss, Director of Math and Science Department, to present the report.

Chairperson White and Mr. Gjertsen left the Regular Board meeting at 8:11 p.m. and Ms. Griffin served as Chairperson.

Ms. Clark introduced Dr. Moss to present the report. Ms. Clark saluted Dr. Moss and her team for extraordinary work for the past school year and the exciting plans for the upcoming year. Dr. Moss provided an update on the End-of-Grade (EOG) and End-of-Course (EOC) test scores for the 2007-2008 school year; staff's response to that data; and the key deliverables for the 2008-2009 school year. Ms. Clark commended Dr. Moss on her passion, energy, knowledge of the content area, and for being known as a national connection to the CMS school system. Dr. Moss reviewed the Math EOG data for the past three years in 3rd, 4th, and 5th grades. She said DPI has not released the numbers relative to state averages at this time but CMS was very close to the state averages in 2006 and 2007.

Elementary School Math EOG Performance:

	2006	2007	2008
Grade 3	69.7	70.3	69.7
Grade 4	66.9	68.5	70.5
Grade 5	67.4	68.8	71.7

Dr. Moss said there is only one person on staff that works with the one hundred elementary schools and that is not enough. The department is attempting to grow the leadership skills of the teachers in the elementary schools. Initiatives include the Math Leadership Corps and this summer staff worked with Meredith College with a grant received from the National Science Foundation (NSF). Fifty teachers have been trained in the objectives of the new Standard Course of Study and they will assist the other elementary schools in their Learning Community. Other initiatives include monthly Math Facilitators Meetings in which best practices for the upcoming objectives are discussed and opportunities for professional development are reviewed. This year, CMS is implementing an Elementary Math Adoption process and the state of North Carolina is recommending all reform math products. These programs were funded by the NSF and require a different method of teaching math. The new Standard Course of Study will require a change in teaching practices. This summer, 195

teachers from 19 elementary schools participated in training to teach K-2 students math in a different way. The new process is about inquiring and acquiring knowledge.

Middle School Math EOG Performance:

	2006	2007	2008
Grade 6	61.5	61.5	64.8
Grade 7	58.3	59.6	63.5
Grade 8	62.2	63.3	65.3

Dr. Moss said the results show an increase in math scores but staff would prefer faster results. Initiatives to improve math scores include Math Alliance Meeting, Math Forward to include six Title 1 middle schools (CMS is only district in the country working with this project), and Global Scholar with three middle schools (McClintock Middle School, Coulwood Middle School, and Piedmont Open Middle School).

Math EOC Performance:

	2006	2007	2008
Algebra I	76.3	71.3	70.9
Geometry	55.5	57.9	65.4
Algebra II	69.1	61.4	67.3

Science EOC Performance:

	2005	2006	2007	2008
Biology	55.8	60.9	62.9	71.9
Physical Science	74.6	52.1	N/A	53.1
Chemistry	55.4	58.5	N/A	64
Physics	81.0	74.1	N/A	76.7

Dr. Moss reviewed initiatives to improve Math and Science scores which included Leadership Corps; monthly Alliance Meetings; Gizmos for Algebra I, Physical Science, and Physics; TI Nspires for Geometry; CyberEd for Biology and Chemistry; and Inquiry Project for Biology.

Board members were invited to ask questions and make comments.

- Ms. McGarry expressed concern regarding the decline in Science scores. Dr. Moss explained the transition of the emphasis of the courses and college requirements. This year, there was a new EOC Physics test with new norming and there were problems with its delivery. The test was only delivered on-line, each student had to be on-line; and there were bugs in the program that originated from Raleigh. Ms. McGarry asked questions regarding 9th Grade Academics and Gateway Math. Ms. Clark explained that Algebra I is a Gateway course and if a student fails the course they must retake the course as a 9th grader. If an 8th grader passes Algebra as a course but fails the ECO, they must retake the test. A student must pass the EOC test in order to fulfill the graduation requirements. Ms. McGarry encouraged Human Resources to make finding Math and Science teachers a priority because they are available across the nation and CMS should make it easier for

teachers to transfer into the state.

- Ms. Leake asked what were the results of the summer sites for the 3rd graders who failed Math last year? Dr. Gorman said he would provide that information at a later time.
- Mr. Dunlap commended Dr. Moss for the great presentation and her content knowledge of Math and Science Programs.
- Mr. Tate asked clarifying questions regarding DPI instructing school districts to teach elementary math in a different method. Dr. Moss reviewed the Elementary Math Adoption process and the new Standard Course of Study that included information on helping parents understand the new process.
- Ms. Griffin asked if the decision to have a Math Facilitator at a school was a school-based decision? Dr. Moss said yes, principals have the ability to staff their schools in a manner that is most appropriate for the needs of their school and approximately eighty elementary schools have Math Facilitators. Ms. Griffin asked did having a Math Facilitator at a school positively impact the math scores? Dr. Moss said the results were across the board and there was no direct impact because administrators staffed their schools based upon the needs of the school. For example, if a school had a senior staff the administrator may choose to not have a Math Facilitator.

B. Report/Update on Athletic Programs

Ms. Griffin called upon Dr. Gorman to present the report on Athletic Programs. Dr. Gorman called upon Vicki Hamilton, Director of Athletics, to provide an update on the Middle School and High School Athletic Programs. Ms. Hamilton said CMS has eighteen high school athletic directors that do a tremendous job for CMS. Ms. Hamilton introduced three Certified Athletic Directors who were attending the meeting: Greg Clewis from Myers Park High School, Leroy Holden from North Mecklenburg High School, and Ken Konstanty from Olympic High School. She also introduced Sue Duran, Assistant Director of Athletics, who would be taking the exam to be a Certified Athletic Director this summer. Ms. Hamilton provided an overview of the athletic programs as follows:

- 18 high schools with 31 comprehensive athletic programs.
- 30 middle schools with 13 comprehensive athletic programs.
- Metro school with 6 athletic programs.
- 1,700 athletic directors, coaches, athletic trainers, and sports medicine first responders.
- In the 2007-2008 school year, 10,800 high school student-athletes participated in one or more sports, 6,400 middle school student-athletes participated in one or more sports, and 87 Metro School student-athletics participated in one or more sports.

The various programs take place fall, winter, and spring. There are ten schools without athletic programs; however, the students-athletics attending those schools may play at their home schools. The schools include Northwest School of the Arts, Piedmont Open Middle School, Davidson IB Middle School, Military and Global Leadership Academy at Marie G. Davis, Midwood High School, and Hawthorne High School. Ms. Hamilton reviewed the role of athletic directors and the impact sports have on student achievement. In 2007-2008, nearly 300 athletic scholarships totaling \$20 million were awarded to graduating student-athletes. CMS requires a 2.0 GPA in 7th through 12th grades. CMS emphasizes the need to have good

grades to be able to participate in sports. Ms. Hamilton also reviewed the strategies for verifying athletic eligibility and the district sponsored partnerships that focus on student-athletes, parent partnerships, and the healthy well-being of the school community.

Board members were invited to make comments and ask questions.

- Ms. Griffin commended Ms. Hamilton on the quality of her work and the success of sports in CMS.
- Ms. Leake commended Ms. Hamilton on her work and for being well known as an outstanding Athletic Director across the nation. She requested a list of the athletic programs at each high school and the number of athletic directors at each high school by race and gender. Ms. Leake asked if CMS has a Lacrosse Program? Ms. Hamilton said CMS has several Club Programs such as Lacrosse, Rugby, and In-Line Skating at some high schools and it is a Pay-for-Play Program in which students must pay a fee to play. Ms. Leake expressed concern that not all students are able to participate in these sports because some families can not afford those expenses. Ms. Leake requested a list of the schools that have programs in which students must pay to participate.
- Mr. Merchant asked if being a Certified Athletic Director enhanced their job performance? Mr. Clewis said the certification has been a tremendous benefit. He believes this training is of the utmost importance to enhance the professionalism of sports. Mr. Merchant expressed concern about the amount of time it takes to acquire the certification because athletic directors already have a very busy schedule. Mr. Merchant asked if staff is well-informed to discuss injury prevention and teaching proper methods? Ms. Hamilton said, yes and explained the training process required for staff to upgrade their certificates. Mr. Merchant stressed the importance of emphasizing health and safety in sports.
- Ms. McGarry thanked Ms. Hamilton for a comprehensive report.
- Mr. Dunlap commended Ms. Hamilton for doing an outstanding job. Mr. Dunlap asked regarding the changes last year as a result of issues with athletic eligibility, how is CMS doing? Ms. Hamilton said through training and the lessons learned last year, CMS has developed a better way to verify athletic eligibility. This included awareness to parents in communicating the expectations of CMS. Ms. Hamilton is pleased to report that parents are calling to verify if their student is eligible to play sports. CMS is optimistic and has solid strategies in place. CMS is moving forward with force and will not slack off.

C. Report/Update on High School Challenge as requested by Ms. McGarry, Member At-Large Representative

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman said Ms. McGarry requested a report on High School Challenge and staff has limited information to share tonight regarding the performance of the schools and funding. Staff has been scheduled to bring a full report to the Board on the High School Challenge at the first meeting in October. That presentation will be given by Curtis Carroll, Area Superintendent of the Achievement Zone; Ann Clark, Associate Superintendent for Pre-K-12 Curriculum and Instruction; and high school principals and teachers from the schools. Dr. Gorman provided a review of performance by school for the 2005 to 2008 school year and a funding summary. He noted that the funding for 2008-2009 school year would be the continuation of the 15% merit-based supplement which was approved in the budget tonight.

Board members were invited to ask questions and make comments.

- Ms. McGarry said she requested basic information that included what were the goals, were any of the schools reconstituted, and were teachers or principals fired that did not perform. She said she could not find information on the High School Challenge on the CMS Website. Dr. Gorman said this information will be provided in the presentation scheduled for October 14th. Ms. McGarry expressed concern that information could not be provided at this time. Dr. Gorman said staff has been involved with opening of schools and gathering data for the presentations that were already scheduled for this meeting. He received short notice on this request and he has asked Board members to provide him direction on what Board expectations are for reports from individual Board members that require a great deal of time to prepare. Ms. McGarry said she requested this information two weeks ago and that was within the timeframe of when Board members are allowed in following policy for placing items on the agenda.
- Mr. Dunlap encouraged the Board at the upcoming Board Retreat to discuss what items should be placed on the Regular Board meeting agendas. He said every time a Board member has a question of the Superintendent does not dictate that to be an agenda item. He encouraged Board members to ask the Superintendent questions without putting items on the agenda to be discussed. He expressed concern regarding some of the items that have been placed on recent meeting agendas. He said the majority of the Board attended Broad Training and they spent many hours discussing the issues that Boards should deal with at meetings and lately the Board has not followed that training. He said recently the Board has had one item on the agenda four different times and have not reached a resolution. Mr. Dunlap encouraged the Board to deal with the issues that they should vote upon, work with the Superintendent rather than against the Superintendent, and to provide the Superintendent direction.
- Ms. Griffin said she would request this item be placed on the Board Retreat agenda.
- Ms. Leake said three of these schools are in District 2. She commended staff and noted that it is difficult to gather the needed information for a thorough report on short notice. She commended the school staff of these schools for doing a great job in opening school this year and supporting children, parents, and the community.

VI. REPORT FROM SUPERINTENDENT

Dr. Gorman said staff will continue to keep the Board informed on enrollment related issues. CMS is tracking behind but they are mirroring other school districts. Last year, staff asked the state of North Carolina to review the CMS student enrollment project process and they developed a larger student enrollment projection than CMS. Staff has also asked the Urban Institute to review the CMS process.

VII. REPORTS FROM BOARD MEMBERS

George Dunlap reported that he would host a District 3 Community Meeting to discuss Magnet Programs and Graduation Requirements on Monday, September 15th from 6:00 p.m. to 8:00 p.m. in the Board Room at the Education Center. It is designed to allow the public to ask questions regarding staff recommendations and to provide feedback. Special guests will include Dr. Gorman and members of CMS staff.

Vilma Leake commended Robert Avossa, Area Superintendent for the South Learning Community, staff, and the community for supporting students at Sterling Paideia Elementary School. She also thanked the community for their donations of school supplies to the various community drives. She visited several schools that included West Charlotte High School, Lincoln Heights Elementary School, Walter G. Byers Elementary School, Global Leadership Academy at Marie G. Davis, and Steele Creek Elementary School. She also thanked Alpha Kappa Alpha Sorority, Inc., for volunteering at Druid Hills Elementary.

Tom Tate commended staff at Piedmont Open Middle School for receiving World-School Status for their IB Program.

Kaye McGarry discussed school options for families and the lack of policy in public schools regarding gangs in North Carolina schools. She encouraged the Policy Committee to review a Board Policy on Gangs. She invited everyone to join her for “Kaye About Town” on Monday, September 22nd from 7:30 a.m. to 9:00 a.m. at the Starbucks in Cotswold Shopping Center.

ADJOURNMENT

Mr. Dunlap moved that the Board adjourn the meeting, seconded by Ms. Griffin, and by consensus, the Board agreed to adjourn the Regular Board meeting.

The Regular School Board Meeting adjourned at 9:25 p.m.

Joe I. White, Jr., Chairperson

Nancy Daughtridge, Clerk to the Board