

Approved by the Charlotte-
Mecklenburg Board of Education
November 12, 2008
Regular Board Meeting



Charlotte, North Carolina

September 23, 2008

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on September 23, 2008. The meeting began at 4:42 p.m. and was held in Room 267 of the Government Center.

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

Absent: Kaye McGarry, Member At-Large, and
George Dunlap (District 3)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; and Molly Griffin served as Clerk to the Board.

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

- **To consider a personnel matter of an administrative employee.**

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 6:16 p.m. in Room 267 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 6:16 p.m. Chairperson White welcomed everyone to the Board's second meeting of the month that would be held in a Work Session format. He apologized for starting the meeting late and he noted that the Board had been conducting business in Closed Session. Chairperson White recognized Dr. Chris Law, Director of North Carolina Teaching Fellows, and twenty-six North Carolina Teaching Fellows who were attending the meeting.

A. Adoption of Agenda

Ms. McGarry moved, seconded by Ms. Leake, that the Board adopt the agenda as presented, and a discussion followed.

Chairperson White said the Board discussed a number of items relative to Dr. Gorman's employment contract in Closed Session that would require a Board vote in Open Session. He called upon Ms. Griffin to review the Action Items to be added to the agenda.

- Add Action Item III.C.1. Recommend approval of amendment to Dr. Gorman's employment contract to add a sentence reflecting the performance of his duty as Superintendent.
- Add Action Item III.C.2. Recommend approval of amendment to Dr. Gorman's employment contract to amend aggregate base salary in accordance to the 2008 state increase approved for teachers as approved in the 2008-2009 CMS Budget.
- Add Action Item III.C.3. Recommend approval of discretionary bonus for Dr. Gorman for the 2007-2008 school year.
- Add Action Item III.C.4. Recommend approval of amendment to Dr. Gorman's employment contract to reflect information about confidentiality of information discovered through medical exams.
- Add Action Item III.C.5. Recommend approval of amendment to Dr. Gorman's employment contract to provide security to the Superintendent and/or his family in certain circumstances.
- Add Action Item III.C.6. Recommend approval of amendment to Dr. Gorman's employment contract to extend by one year ending June 30, 2012.

Mr. Gjertsen asked that the Board move the Report Item IV.C. (Report on Federal Free and Reduced Lunch Program information from United States Department of Agriculture) to be presented prior to the Action Item III.A. (Recommend approval of Ms. McGarry's request to conduct an audit of self-verified Free and Reduced Lunch Applications using a random sample methodology). Chairperson White said he would allow the Superintendent the opportunity to speak at that time.

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

II. CONSENT ITEMS

A. Construction Items.

1. Recommend approval of disposal of surplus property in the form of single family lots surrounding Ballantyne Elementary School.
2. Recommend approval of design contracts for E07-04 (York Road/Red Fez Club Road) and E07-07 (Ervin Cook/Oliver Hagler Road) elementary schools.
3. Recommend approval of an easement to Duke Energy Carolinas for E07-06 (Youngblood/Steele Creek Road) elementary school.

B. Recommend approval of Mr. White's, At-Large Representative, request of citizen appointment to the Bond Oversight Committee.

C. Recommend approval of Mrs. Griffin's, District 5 Representative, request of citizen appointment to the Bond Oversight Committee.

D. Recommend approval of appointment of administrative personnel.

Ms. Griffin moved that the Board adopt Consent Items A. through D., seconded by Ms. McGarry, and a discussion followed.

Ms. Leake pulled A.3. and D.

Mr. Tate pulled A.1.

Chairperson White's said he is reappointing Malachi Greene as his citizen appointment to the Bond Oversight Committee with a term ending September 30, 2011. Mr. Greene is currently serving a term that will end September 30, 2008 and he is eligible for reappointment. Ms. Griffin said she is appointing Tom Nelson as her citizen appointment to the Bond Oversight Committee to fulfill a term ending September 30, 2010.

Mr. Tate moved, seconded by Ms. McGarry, that the Board adopt Consent Items A. through D. excluding A.1., A.3., and D., and the Board voted 9-0 in support of the motion.

The Board discussed Consent Item A.1. Mr. Tate said this item is about the disposal of surplus property in the form of single family lots surrounding Ballantyne Elementary School. He would like additional information prior to the Board vote because this would initiate a procedure for CMS to find a developer and bid for the property for developing housing surrounding the school. He said for years, the Board has had a desire to develop workforce affordable housing. The Board has a resolution to work the Board of County Commissioners and the City Council to initiate this process. Mr. Tate would like this property considered for that purpose and information on the steps to put that in place. Mike Raible, Executive Director for Facilities Planning, said the process before the Board maximizes the dollar return on the investment. Once there is an upset bid in hand there will be little control over housing and it is strictly a dollar value. The process would include CMS has a minimum bid and would advertise for a higher bid. The highest bid would go before the Board of Education and Board of County Commissioners for acceptance. Mr. Raible said staff would need to review how to legally set aside a portion of the development for affordable housing and how to make that a part of the proposal from the developer. One of the potential developers at market rate is Charlotte Housing and they have proposed to include workforce or affordable housing as part of their development option but CMS would not be working with them if they were not the

highest bidder. Mr. Tate would like to postpone this item if it is not time sensitive so that staff could review options for including workforce housing. Mr. Raible said timing is not critical at this point. The school is completed and the lots are ready to be developed. Staff would be glad to review options for affordable housing but staff may determine that this cannot be done legally. This process will also include determining a current value for the lots.

Mr. Tate made a motion, seconded by Ms. Leake, that Consent Item A.1. (Recommend approval of disposal of surplus property in the form of single family lots surrounding Ballantyne Elementary School) be postponed until a review by staff has been completed, and a discussion followed.

- Ms. Leake asked clarifying questions regarding the number of lots and current value. Mr. Raible said there are eighty-eight lots and the original developer offered CMS \$50,000 per lot. Ms. Leake believes the property value has increased and she would like to have a current value as soon as possible.
- Mr. Dunlap would like staff to consider proposals that would include a certain percentage of the lots for workforce housing and special rates for CMS staff/teachers. Mr. Dunlap would like an estimate for market rate and workforce housing.
- Mr. Gjertsen said the new school has only been opened for four weeks and it may be premature to deem this property as excess because the site already has parking challenges. In the past, it has been necessary for CMS to secure additional land for school sites to accommodate school expansions, additional parking, mobiles, and etc. He believes it may be better to keep some of the property for future needs.

The Board voted 9-0 in support of the motion to delay the Board vote on Consent Item A.1.

The Board discussed Consent Item A.3. Ms. Leake asked clarifying questions regarding the Duke Power easement, costs, and who is responsible for the property. Mr. Guy Chamberlain, Associate Superintendent for Auxiliary Services, said the easement is for Duke Power to install electrical service to the school underground and connecting it to existing power. It also includes access to that area for all maintenance of the electrical service. Duke Power will be responsible for the property. Ms. Leake wants to ensure that the property is properly maintained.

Ms. Leake moved, seconded by Mr. Merchant, that the Board adopt Consent Item A.3., and the Board voted 9-0 in support of the motion.

The Board discussed Consent Item D. Ms. Leake said she always pulls the personnel appointments. Ms. Griffin noted that there were no personnel appointments included in Consent Item D.

III. ACTION ITEMS

- A. Recommend approval of Ms. McGarry's, At-Large Representative, request to conduct an audit of self-verified Free and Reduced Lunch Applications using a random sample methodology

Chairperson White called upon Ms. McGarry to present the recommendation. Ms. McGarry said she expected to receive the report (Report Item IV.C.) on this information from Dr.

Gorman prior to the Action Item. Chairperson White said this same item was an Action Item on the agenda at the September 9th Board meeting and it was defeated by a Board vote of 2-7 with the instructions that it would not come back before the Board unless the Superintendent presented it with new information. Chairperson White asked Dr. Gorman if there was new information to be presented at this time. Dr. Gorman called upon Regina Bartholomew, General Counsel, to update the Board on the process for the information request from the United States Department of Agriculture (USDA). Ms. Bartholomew said she personally followed up with the USDA and made a second request for a legal opinion even though this information had been previously requested. She spoke with the person with whom the assignment had been given and he had delegated the request to a member of his staff. Ms. Bartholomew did not receive a return call from that person and it was indicated that the person was out of the office with an undetermined return date. Ms. Bartholomew also personally made contact via telephone and correspondence with the general counsel for USDA, and she has not heard back from him. At this time she does not have any new information on the outstanding questions.

Board member comments were as follows:

- Ms. McGarry expressed concern that this was the fourth time this topic had been on the agenda for a Board meeting. The taxpayers are her employers and she believes the Board must be more proactive to facilitate an audit for free and reduced lunch because she believes the process includes fraud. She said the delay is government bureaucracy. **Ms. McGarry requested to delay the vote on this item until October 14th and this item be added to the agenda for that meeting.** She said it is the obligation of the Board to go forward with an audit even though the state has informed CMS, through the Department of Public Instruction, that if the audit is conducted they will withhold the \$34 million funding to CMS for Child Nutrition. Ms. McGarry would like clarification because she believes there is something wrong in the system and she is concerned about the integrity of the actual number of free and reduced lunch students in CMS. Inflating that number generates millions of additional resources to CMS and it is wrong to use those funds when there is fraud in the system. She believes there should be a sense of urgency in getting accurate information.
- Ms. Leake said there has been no proven fraud in the Free and Reduced Lunch Program. She expressed concern regarding a Board member phrasing fraud in the system. She expressed concern that this issue is targeted at poor people and she will always be on the side of supporting poor children being fed. Dr. Gorman has reported that CMS has followed the state and federal guidelines for conducting an audit. She encouraged CMS and the community to take care of the weakest children. She said corporations commit fraud on a daily basis and that is not a concern to many citizens. She said this is the fourth time this item has been on the agenda and she is embarrassed for the parents who have to hear this repeatedly because the Board should feed those who cannot feed themselves. She encouraged the Board to understand that CMS has followed the required guidelines and to focus on student achievement and hiring quality staff.

Ms. McGarry said she would like to speak to this item again. Chairperson White said Ms. McGarry has requested this item be withdrawn and placed on the agenda for discussion at the October 14th Board meeting. If this item is going to be discussed at that meeting there is no reason to continue with this discussion. Ms. McGarry requested thirty seconds to speak. Ms.

Bartholomew said once an item is withdrawn from the agenda, it is no longer available for discussion unless the withdrawer rescinds the request. Ms. McGarry requested an opportunity to speak to the item. Mr. Gauvreau said he had a comment to make regarding the report and the Board should be able to discuss the report. Chairperson White allowed the Board to discuss the Report Item.

- Mr. Gauvreau is happy this item is going off the agenda because it should not be on the agenda. He addressed this item in 2003 with the Superintendent and tried to get this matter solved in CMS. This should send a signal to Dr. Gorman that he needs to take action and he does not need the Board's approval or discussion. This is not about lunch for poor children. It is about the operational characteristics of the school district. Mr. Gauvreau discussed the poverty levels in Mecklenburg County and he does not believe CMS has 63,000 students that qualify for free and reduced lunch. Wake County is having this same issue and they are working with their Board of County Commissioners. Mr. Gauvreau said he has notified the North Carolina State Auditors because he does not see the Board or Superintendent resolving this issue. If the Board does not take action, he will go to the Department of Justice because this involves False Claim Acts. If this is not resolved he will request Dr. Gorman to provide all the correspondence among key staff and he will personally take the data to the USDA. He encouraged Dr. Gorman to do his job and resolve this issue because it is an important operational matter in the school district.
- Mr. Dunlap said the Action Item on this issue was withdrawn and the Chair allowed it to be discussed under the guise of a Report Item. He would also like to make comment. He said no one on the Board of Education supports fraud of any kind. It has not been determined that anyone in the community has committed fraud. He believes people should be concerned about wasteful use of taxpayers' dollars. He discussed items that may be considered wasteful spending that included \$700 billion government bailout, the BOCC voting to build a jail, and the City Council buying new toys for the NASCAR Museum, and no one talked about wasteful spending of money. He expressed concern regarding the continued discussion of this item. He said if there are incidents of fraud, please bring them forward and the Board will deal with them. He encouraged the Board to move forward and deal with the business of the Board of Education.

B. Recommend approval of Mr. Gjertsen's, District 6 Representative, request for Charlotte-Mecklenburg Schools to make up the shortfall in the state teacher bonus cut

Chairperson White called upon Mr. Gjertsen to present the recommendation.

Mr. Gjertsen moved, seconded by Ms. McGarry, that the Board approve making up the shortfall in the state teacher bonus cut, and a discussion followed.

- Mr. Gjertsen said there is a State Teacher Bonus Program and the maximum bonus payable is \$1,500 per year. Up until this year, it has always been paid out at the maximum and this year the state did not fully fund that initiative. Several teachers brought this to the attention of the Board at the last Board meeting. They said they performed to expectation and after the school year ended they found out they would only receive a \$1,053 bonus. Mr. Gjertsen said several school districts in the state are making up the bonus shortfall for teachers and he encouraged CMS to do the same.

- Mr. Merchant said this is a goodhearted motion. The state set aside a certain amount of funding anticipating that a certain number of teachers would reach this bonus. Mr. Merchant is in favor of rewarding success and the reason CMS had more teachers than expected to qualify for the bonus is because they did a great job. A part of this also includes the reading scores were not figured in for the bonus consideration. This year, the bonus calculation only included the math scores which may have impacted teachers who qualified for the bonus. The Board approved the 2008-2009 CMS Budget at the last meeting and this was not included in that funding. He will not support this motion.
- Ms. Leake does not support bonus payments. She supports salaries because that cannot be taken away. She said the state did not do right for teachers in their budgeting process. She encouraged the Board and teachers to lobby the Legislators to pay teachers an adequate salary. She encouraged the community to vote the Legislators out of office if they do not support adequate salaries for teachers. She asked what counties have made up the shortfall? Mr. Gjertsen said Cumberland County but he is not sure what other counties.
- Ms. Griffin regrets that the state did not fully provide the funds for the bonus commitment. She would not support this item because it would require \$3.3 million and that amount is not available in the CMS budget. This is a state bonus program and if CMS did have that funding available she would not award it in accordance with the state bonus program as she would prefer to award it in alignment with CMS goals. She does not believe it is the job of the Board to fund the state shortfall. She would support the Board and CMS encouraging the state to fully fund that program.
- Mr. Gauvreau said he is against everyone getting a blanket bonus but this is an ABC Bonus that is tied at the schoolhouse level for a team effort and the state did not fund the full amount. He expressed concern that the Board would not approve \$3.3 million for teachers but approved funding \$50,000 for gay bullying. He said if the Board wanted to fund a portion of the shortfall those funds could be found. He supports this motion because it makes sense. He believes CMS could fund this item by using funding from the bullying policy and the transportation/busing budgets. He encouraged the Board to direct the Superintendent to find the funds needed for this item and to develop a plan. Mr. Gjertsen said if this item passes the Superintendent would need to find the funds.
- Ms. McGarry said she would prefer a system based upon true merit pay but until such time we are stuck in a status quo mentality. She said some teachers are paid out of the state budget and some are paid out of the county budget. She said these teachers expected a bonus because they met that standard and it is wrong to not provide them the bonus that they earned. Teachers are the backbone of the CMS system and have contributed to the successes of CMS. She would support the motion and CMS should find the money.
- Mr. Merchant said this year, the standard did not include reading scores and that made it a different standard than was applied previously because it did include math. This was one of the reasons that there were so many more teachers statewide that made the goal and qualified for the bonus. He does not discount the great work of teachers. He would not feel comfortable filling a gap that was lowered from previous years.
- Mr. Dunlap said most teachers are state employees and the state is responsible for the salaries of teachers. Teachers are not receiving the full bonus because the state chose to not pay them. The majority of the Board supported a budget that would have supported these bonuses had the state paid the bonus. He expressed concern that the three Board

members supporting this item voted against the 2008-2009 CMS Budget.

- Mr. Gauvreau encouraged the Board to put the ownership on the Superintendent and prioritize on how staff is paid including the Superintendent. He is not sure the state actually committed to paying a bonus in the amount of \$1,500 to each teacher. Mr. Merchant noted that it was up to \$1,500. Mr. Gauvreau encouraged the Board to take action on moving funds around to fund this item.
- Ms. Leake encouraged the Board to support supplements for teachers and to support a budget that supports teachers and children. She challenged the Legislators to provide adequate salaries for teachers.
- Chairperson White said he recognizes the importance of teachers but this is not a CMS debt and CMS should not be obligated to make up the shortfall. He expressed concern that approval of this item would set a precedent to the Legislators that school systems are willing to pick up their obligations.

The Board voted 3-6 and the motion failed. Ms. McGarry, Mr. Gauvreau, and Mr. Gjertsen voted in support of the motion. Chairperson White, Ms. Griffin, Mr. Merchant, Ms. Leake, Mr. Dunlap, and Mr. Tate voted against the motion.

- C.1. Recommend approval of amendment to Dr. Gorman's employment contract to add a line reflecting the performance of his duty as Superintendent

Mr. Tate moved, seconded by Mr. Dunlap, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner, to edit the wording that appears in Section 2, entitled "Professional Certification and Responsibility" by adding the following sentence after the fourth (4th) sentence of Section 2: "This is an Agreement for the performance of professional services as Superintendent by the Superintendent, who shall not be assigned to any other position or have his duties reassigned to others without his consent." The remainder of Section 2 shall remain unchanged, and a discussion followed.

- Mr. Gauvreau discussed his concerns regarding this motion.

The Board voted 7-2 in support of the motion. Chairperson White, Ms. Griffin, Ms. McGarry, Mr. Merchant, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Mr. Gauvreau and Mr. Gjertsen voted against the motion.

- C.2. Recommend approval of amendment to Dr. Gorman's employment contract to amend aggregate base salary to reflect the approved 2008 state increases

Mr. Tate moved, seconded by Mr. Merchant, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner: to change Section 5, entitled "Compensation" in particular, subpart (a), entitled, "Aggregate Base Salary" from \$260,000.00 (monthly aggregate base salary of \$21,666.66), to \$267,150.00 (monthly aggregate base salary of \$22,262.50). The remainder of Section 5(a) shall remain unchanged. The Board voted 7-2 in support of the motion. The Board voted 7-2 in support of the motion. Chairperson White, Ms. Griffin, Ms. McGarry, Mr. Merchant, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Mr. Gauvreau and Mr. Gjertsen voted against the

motion.

C.3. Recommend approval of discretionary bonus for Dr. Gorman for the 2007-2008 school year

Mr. Merchant moved, seconded by Ms. Leake, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner: to change Section 5, entitled “Compensation” in particular, to add and/or modify subpart (b)(i), entitled, “Discretionary Performance Compensation for the 2007-2008 Academic Year” which shall read as follows: Pursuant to the terms and conditions contained in Section 5(b), for his work during the 2007-2008 Academic Year, Dr. Gorman shall receive discretionary performance compensation in the amount of \$18,200.00, and a discussion followed.

- Mr. Merchant said, for the most part, this is the same percentage of bonus that teachers were eligible to receive for the ABC Bonus.
- Mr. Gauvreau said Dr. Gorman is a fine man but he is not the right Superintendent to reform CMS and run this district. He will not support this motion. He believes the salary is too high for Dr. Gorman’s levels of experience, judgment, and leadership. He does not believe he should receive a bonus in addition to salary because CMS has not received the End of Grade scores. He expressed concern regarding the Board’s Superintendent search process and believes there are better people suited to manage and change the school system.
- Mr. Tate disagreed with Mr. Gauvreau. He would have preferred the bonus amount to be more because Dr. Gorman does a great job. Dr. Gorman has taken the direction of the Board regarding the Theory of Action and is making it work. Dr. Gorman listens to the Board of Education and tries to clear a path that reflects the wishes of the Board and the best interest of students. Dr. Gorman has recognized that all the goals have not been met but he is moving CMS forward. Mr. Tate believes many people in the community appreciate Dr. Gorman’s service to CMS and believe Dr. Gorman is doing a great job. Mr. Tate said this bonus is based upon Dr. Gorman meeting performance measures and he matched the criteria outlined by the Board.
- Ms. McGarry said this year there were more measurable data to be used to determine the bonus consideration than last year and the results were not there. She encouraged the Board to abide by the established measurable goals. The state has adequately provided a salary increase and that should be enough because there is more work to be done. The discretionary bonus is not a given each year.
- Ms. Leake disagreed with Mr. Gauvreau. She hoped the students were not listening to the negative comments because Dr. Gorman has the capabilities to run this district and he is working to close the gap. Dr. Gorman is experienced for leading a school district. She respects Dr. Gorman and the work he has done in the district. She expressed concern that Dr. Gorman is publicly being attacked in this manner. She agreed that student achievement must improve but CMS is moving forward in that area. This is a yearly process and the Board has approved discretionary bonus considerations for previous superintendents.
- Ms. Griffin thanked Dr. Gorman for his leadership in the past year. She said CMS has made strong progress and made remarkable accomplishments under Dr. Gorman’s leadership. She realizes there is more to do but CMS has made great strides. She is

thankful for Dr. Gorman's leadership, judgment, leadership with his staff, and his leadership with the Board. Ms. Griffin believes Dr. Gorman deserves this bonus for his service to CMS and working with the Board.

- Chairperson White agreed with Mr. Tate. He is disappointed that the Board did not reward the Superintendent with the respect in compensation for which he has earned. Chairperson White thanked Dr. Gorman for the excellent job he has done in moving CMS forward.

The Board voted 6-3 in support of the motion. 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.

C.4. Recommend approval of amendment to Dr. Gorman's employment contract to reflect information about confidentiality of information discovered through medical exams

Ms. McGarry moved, seconded by Mr. Merchant, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner: to change Section 6, entitled "Vacation and Other Benefits" in particular, subpart (g), entitled, "Medical Examination" by adding the following sentences at the end of said section: This statement shall be treated by the Board as medically confidential information pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and any other applicable and/or subsequent federal or state enacted law, and this confidentiality clause shall survive the term of this contract and any amendment thereof. Further, any and all costs of said medical examination and subsequent report(s) shall be borne solely by the Board. The remainder of Section 6(g) shall remain unchanged, and a discussion followed

- Mr. Gauvreau said he would support this motion. He believes Dr. Gorman consulted an attorney in forming the language for the employment contract amendments. He expressed concern that these requests are being used as a distraction.

The Board voted 9-0 in support of the motion.

C.5. Recommend approval of amendment to Dr. Gorman's employment contract to provide security to the Superintendent and/or his family in certain circumstances

Mr. Merchant expressed concern that this is a private matter and should not be discussed publicly. Chairperson White said this is part of Dr. Gorman's employment contract that is open to the public and must be voted upon by the Board in Open Session.

Ms. Leake moved, seconded by Mr. Tate, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner: to change Section 6, entitled "Vacation and Other Benefits" by adding the following subpart: i. Security. In the event of public controversy or for any other reason, if the Board or the Superintendent deems it necessary, the Board will provide reasonable security measures for the Superintendent and/or his family. Verbal or written notice to the Chair and Co-Chair of the Board by the Superintendent of his intent to act upon this subpart shall be deemed sufficient to

allow for the availability of security measures to take place. Further, the Superintendent shall have sole discretion, within budgetary constraints, to determine the reasonableness of the security measures necessary for the safety of his family and himself, and a discussion followed.

- Mr. Gauvreau expressed concern regarding this request because he believes it is extensive and Dr. Gorman has put his family in front of the public. He encouraged the Board to not support this item. He also expressed concern that the approval of these requests would put Dr. Gorman's salary compensation over \$300,000 per year.
- Ms. McGarry believes the Superintendent already has the authority to get security if he feels he needs it for himself or his family. She does not believe it needs to be stipulated in his employment contract and no one should question his authority for security.
- Ms. Leake supports this motion because Board members have requested security and the Superintendent deserves the same consideration.
- Mr. Merchant said this is a serious request. He agreed with Ms. McGarry that it is not necessary to include this in his employment contract because should Dr. Gorman feel he needed additional security that provision already exists.

The Board voted 5-4 in support of the motion. Chairperson White, Ms. Griffin, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.

C.6. Recommend approval of amendment to Dr. Gorman's employment contract to extend by one year ending June 30, 2012

Mr. Tate moved, seconded by Mr. Dunlap, that the Board of Education hereby modify the contract and where applicable, any amendments to the original contract of Dr. Peter C. Gorman in the following manner: to change the ending date that appears in Section 4, entitled "Term" to June 30, 2012, and a discussion followed.

- Mr. Gauvreau expressed concern that the majority of the Board approves this item every year and there is no reason for anyone to have a four-year term. He believes the Superintendent has dramatically increased the CMS cost for public education year after year. He has not implemented any structural changes and this is based upon a Strategic Plan with little substance and no results. There has been no instructional change and students are still attending a 6½ hour school day. He believes this motion puts the community and taxpayers at risk. He believes the message this sends to the community is that the Board is not competent enough to hire a Superintendent and put them on a performance based contract. Mr. Gauvreau expressed concern that this motion would lock Dr. Gorman in until 2012 as Mr. Gauvreau would prefer a Superintendent who would reform and structural reorganize the school system with performance and operational benefits.
- Ms. Leake said the Superintendent has a three-year contract and this motion would add one more year. Dr. Gorman began employment with CMS with a four-year contract and this motion would be consistent with his original employment contract.
- Mr. Gauvreau said a key item that has not been discussed is the Superintendent's employment contract also includes an annual payment of \$35,000 to his retirement fund and that makes him a \$300,000 plus Superintendent.

- Mr. Merchant would not support this motion because Dr. Gorman is already under contract for three more years. He hopes Dr. Gorman will remain with CMS and continue his good work. The Board has renewed this item on an annual basis but extending Dr. Gorman's contract by one year will not lock him in to CMS because Dr. Gorman may still choose to leave CMS and the Board could still choose to terminate him. He does not see the need to add an additional year to Dr. Gorman's contract.

The Board voted 5-4 in support of the motion. Chairperson White, Ms. Griffin, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.

IV. REPORT/INFORMATION ITEMS

A. Report/Update on Data Dashboard

Chairperson White called upon Dr. Gorman to introduce the report. Dr. Gorman called upon Jonathan Raymond, Chief Accountability Officer, and Michael Davis, Director of Performance Management, to present the report on Data Dashboard. Dr. Gorman said Mr. Raymond will provide a recap of the progress of the Data Dashboard System and Mr. Davis will provide a demonstration of how the system works and the variety of information that can be obtained. Mr. Raymond said this process began in October 2006 when the Board adopted Reform Governance Policy AEC, Creating a Data Dashboard. The purpose of the policy was to ensure the district could obtain and maintain excellence in learning by using data to drive the decisions being made. The policy included the following objectives:

- Ensure a concise and comprehensive summary of district performance using baseline data, goals, targets, and results.
- Data should be clear and easy to understand.
- Data and the Dashboard should clearly communicate the district's priorities.
- Dashboard should be flexible to allow for new information and data through management oversight and Work Sessions.

The Data Dashboard was developed by the district's Office of Accountability in partnership with Mariner, a Charlotte-based consulting firm. The Data Dashboard provides in-depth data on a wide range of information including test scores, financial performance, bus punctuality, and school safety. The Data Dashboard can be accessed from the Internet browser on any computer by going to the CMS Web site at www.cms.k12.nc.us. Parents, teachers and administrators can see specific measures of student achievement such as End-of-Grade scores and year-over-year trends. Parents can easily compare the performance of their children's school with other schools in the district. The information is provided in an easy-to-understand scorecard format. Mr. Davis said the Data Dashboard system will go live on the CMS Website today at 9:30 p.m. He provided the Board with a demonstration of how the Data Dashboard can be accessed and reviewed examples of the data that can be explored on a student, school, or district basis. The data includes the Strategic Goals 2010 and can provide a snapshot of how the district is performing on various measures. The system includes a feedback link to send e-mails to staff and staff is expected to respond within twenty-four hours. Dr. Gorman said accountability and performance management are key issues in education and the Data Dashboard gives direct access to current district data in a user-friendly format. It will allow

our parents, our administrators, and anyone who is interested to see how we are meeting our goals and how well our students are learning.

Board members were invited to make comments:

- Ms. Leake expressed concern that there are many CMS parents who do not have access to computers. Ms. Leake asked how would those parents access this information? Dr. Gorman said the information is accessible from any computer with internet including computers at the public library and CMS schools. CMS will be rolling out school progress reports in the near future and some of that information will be provided through publications from each school. Mr. Raymond said principals have been asked to share this information with staff, School Leadership Teams, and PTAs.
- Mr. Merchant said this is great work and great data. He commended staff for the huge amount of work this required. He believes this could be simplified by eliminating the drill down information. He wished the content could be better and realizes that staff is working to improve the data. He would like this to allow CMS to provide requests to the public on a school basis. Dr. Gorman said he would direct staff to include that process. Mr. Merchant wants to ensure there is staff commitment to update this information in a timely manner. Dr. Gorman said there are systems in place such as linking data, loading files automatically, and GPS systems on buses to facilitate updating information. Mr. Merchant asked how close is CMS to connecting all systems and departments within CMS? Dr. Gorman said for Human Resources we must wait until Lawson goes live and the targeted date for that link is January 2009. That data will include information regarding vacancies such as vacancies by school, when a position was entered, and when it was filled. Other links will be added and they have different timelines.
- Mr. Gjertsen said this is a great job. He asked a clarifying question regarding the data for Community House Road Middle School. Mr. Raymond explained that the tracking information indicates it is trending away from target. Mr. Gjertsen noted that the information in green shows progress and he would like to see more green. He is pleased the data indicates the areas that require focus.
- Ms. McGarry said this information is exciting. She expressed concern regarding safety in schools. She would like the information on inappropriate behavior to be expanded to include incidents involving loaded guns, assaults on teachers, and other items related to safety in schools. She said the Board stated they wanted the information to be nebulous but she would like the Board to consider putting this in a more concise format. Dr. Gorman said other items could be added. It would be more feasible to link them to one of the systems in which the data is entered and automatically updated. It is important to consider the manual time required for entering an item versus extracting it from another system and creating an interface between the two systems.
- Mr. Dunlap said this is exciting. When the Board began the Data Dashboard initiative we did not imagine that this amount of information and the progress of the district would be readily accessible to the community from the CMS Website. This is the type of work that is demonstrated at national conventions and he has never seen anything to match this sophisticated system. He believes this capability is an intellectual property that can be marketed to other school systems and CMS could financially benefit. He is very happy with the results of this process because the Board communicated to the public that CMS would become transparent. Mr. Dunlap commended Dr. Gorman and his staff on the

accomplishments of the Data Dashboard System. He believes this is a great demonstration to the community.

Mr. Gjertsen left the Regular Board meeting at 8:00 p.m.

B. Report/Update on Pre-K-12 Support Programs

Chairperson White called upon Dr. Gorman to introduce the report. Dr. Gorman called upon Barbara Pellin, Assistant Superintendent for Pre-K-12 Support Programs, to present the report on Pre-K-12 Support Programs. Dr. Gorman said he previously told the Board that he planned to separate certain components that fell under the realm of Curriculum and Instruction. The Data Dashboard was one of those items as well as Pre-K-12 Support Programs. Ms. Pellin commended her team and she noted that the various departments work together in a total team effort in order to serve the students and families. She said this team effort could not be completed without the tremendous efforts and contributions of the CMS Community Partners. Ms. Pellin thanked the Community Partners for their service to CMS. She said many of the partners were attending the meeting and she introduced them as follows:

Bill Anderson, Executive Director	Communities In Schools
Isaac Applewhite, Coordinator/Supervisor	Community Services, Community and Recreation Center Services Division
Kim Campbell, Director	MeckCares, System of Care
Rev. K. Frances Cook, Director	Gang of One
Grayce Crockett, Director	Area Mental Health
Shaunté Evans, Chief Administrative Officer	Charlotte Housing Authority
Linda Gallehugh, Executive Director	Teen Health Connection
Maria Hanlin, Executive Director	Mecklenburg Ministries
Fred Hudson	Assistant United States Attorney General for Western North Carolina
Roxanne Kolar, Executive Director	North Carolinians Against Gun Violence
Laura McFern	Chief Court Counselor
Katie Robinson and Jinda Ahdeih	Junior League Health Link Partners
Judy Seldin-Cohen	Representing Temple Beth El
Annabelle Suddreth, Executive Director	A Child's Place
Judge Louis Trosch	Juvenile Justice Court Judge
Sheila Wall-Hill, Director	Parent Voice

Ms. Pellin introduced the departments of Pre-K-12 Support Programs as follows:

Coordinated School Health Program	Nancy Langenfeld, Director
School Social Workers and Site Coordinators	Brenda Kendrick, Specialist
School Guidance and Student Services	Karen Thomas, Director
Athletics	Vicki Hamilton, Director
Alternative Education and Safe Schools Program	Dr. Ralph Taylor, Executive Director

After School Enrichment Program	Colette Jeffries, Director
Diversity	José Hernández-Paris, Specialist
Media Services	Gloria Miller, Director
Dropout Prevention	Ray Wilson, Coordinator

Ms. Pellin said the Pre-K-12 Support Program utilizes the Board’s Theory of Action and the Strategic Plan 2010 to outline the framework of the services provided. The team established a framework that focused on the following areas:

- Address the needs of children in poverty
- Expand after-school programs at middle school
- Promote wellness
- Increase graduation rates
- Expand the Truancy Court Initiatives
- Train teachers on best ways to handle bullying among students
- Decrease dropout rate
- Develop parent and community partnerships
- Launch Parent University
- Strengthen community partnerships and volunteers
- Build parent and community involvement
- Develop wrap-around services

Ms. Pellin highlighted the important aspects and focus areas of each department. She said evaluation components are included in each program because a program is only as meaningful as the output of data that indicates we are serving the children and the families in the manner necessary. Each program will have a specific measurement and analysis component. Ms. Pellin said she is proud of the work of the CMS departments and community partners have done together. She said the CMS students belong to all of us and the work we do together is important. She is grateful for a school and a community that cares about its children and the leadership.

Mr. Merchant left the Regular Board meeting at 9:06 p.m.

Board members were invited to ask questions and make comments.

- Ms. Leake thanked Ms. Pellin, staff, and the Community Partners for their service to CMS. She expressed concern regarding bullying issues because this is the responsibility of principals and teachers. This issue takes leadership and they are responsible because someone must be accountable. She requested the number of students who were unable to return to school because they did not have their immunization shots current. Ms. Leake said there is a summer program at West Charlotte High School headed by Calvin Wallace in which young, black businessmen work with the students. The report did not include information on that program. She would like this program tracked so we can see how well they are doing. She said CMS implemented an initiative on Conflict Resolution in which staff was trained to help students. She would like a status of that initiative. She expressed concern regarding the length of the report because the Board previously agreed that presentations would have time limits.
- Mr. Tate commended Ms. Pellin on the scope of the report. He asked how do the support

programs impact student achievement? Ms. Pellin said the bottom line for each department is student achievement. Research indicates that when students are in school and has the opportunity to learn with a solid instructional strategy piece in place and the family is supported there will be academic achievement. That is why these programs include an evaluation component because if they are not working, they should be eliminated. If children come to school hungry or their mother was abused the night before, they will not be able to learn. She believes family support is an important piece because these children can learn. Ms. Pellin said this is tied to curriculum and instruction, and this is a team effort. Mr. Tate said this is about providing resources to students and it is evident that students need these services to help them learn. Mr. Tate requested additional information on the national norms for counselors as this would be helpful during the budgeting process. Mr. Tate is pleased with the scope of the bullying policy because it incorporates safety and respect for all students.

- Ms. McGarry said this was an articulate presentation. She commended the many partnerships for their contributions to CMS.
- Ms. Griffin said this was a great report. This is an important aspect for reaching children and helping children learn because we cannot reach children if they are not prepared to learn. She thanked the Community Partners for their contributions to CMS. Ms. Griffin said the information provides services for many schools. She asked are there any schools that have been left out? Ms. Pellin said staff is reviewing the information to ensure all schools are included and we can move programs should a school be left out. Staff is ensuring there are services provided where they are needed.
- Mr. Dunlap commended Ms. Pellin for having a great grasp on the many services provided by CMS. Mr. Dunlap encouraged staff to ensure they accurately report information regarding scholarships received by CMS students. He believes this number is under reported because there are many agencies and African-American churches that award scholarships to students that are not reported. He commended the Charlotte-Mecklenburg Police Department for providing a scholarship for the first time this year. He encouraged the community to create a self-reporting system to help CMS capture the real dollar amount offered in scholarships. Mr. Dunlap said a challenge for CMS is capturing the number of students who move into the district and putting them on track with the existing students in the district. He would like that information made available to the public. He said regarding school nurses, other school districts have put more nurses where they are needed. That initiative was sponsored along with Community Partners and it allowed members of the community assess to school nurses at the schools. He expressed concern that some people focus on students who are in trouble. This report noted that less than 1% of the CMS students have been arrested. CMS has 134,000 students and some Board members are focus on 134 students. Mr. Gauvreau wanted to interrupt Mr. Dunlap but Mr. Dunlap said he had the floor. Mr. Dunlap said this report also mentioned the number of students in CMS who are in Temporary Assistance for Needy Family Benefits (TANF), Foster Care, in transition, and homeless. That number equates to a substantial number of students. He believes most of those students would be eligible for free and reduced lunch status. Mr. Dunlap said education is more than just having a teacher that can instruct on reading, writing, and arithmetic. Mr. Dunlap commended CMS on the wrap-around services provided to students and families that help ensure those students receive a high quality education. He commended the Community Partners for helping CMS ensure students get a high quality education.

- Chairperson White commended Ms. Pellin on the report and for truly caring about students. He thanked Ms. Pellin for “keeping on keeping on” for the young people of the community.

C. Report on Federal Free and Reduced Lunch Program information from United States Department of Agriculture

Item presented with Action Item III.A.

ADJOURNMENT

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

The Regular School Board Meeting adjourned at 9:40 p.m.

Joe I. White, Jr., Chairperson

Nancy Daughtride, Clerk to the Board