



Charlotte, North Carolina

December 9, 2008

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on December 9, 2008. The meeting began at 4:34 p.m. and was held in Room CH-14 of the Government Center.

Present: Joe I. White, Jr., Chairperson, 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: Vacant Seat (District 2) and
Vacant Seat (District 3)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; Hugh Hattabaugh, Chief Operating Officer; 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:

- 1. 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 the following litigation matters:**
 - i. Peter Smith v. Charlotte-Mecklenburg Board of Education, WC Claim #WCBE200671747.*
 - ii. Sami Ali v. Charlotte-Mecklenburg Board of Education, WC Claim #WCBE2007074433.*
 - b. To consider a real estate matter pertaining to the new north middle school site.**
- 2. 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.

The Board held a Closed Session meeting from 4:34 p.m. to 5:40 p.m.

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

Present: Joe 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: Vacant Seat (District 2) and
Vacant Seat (District 3)

Following Board action for Agenda Items I.C. (Election and Installation of District 3 Board Member) and I.D. (Election of Board Chairperson and Vice-Chairperson) attendance and titles were amended as follows:

Present: Joe I. White, Jr., Chairperson, Member At-Large;
Kaye McGarry, Vice-Chairperson, Member At-Large;
Trent Merchant, Member At-Large;
Larry Gauvreau (District 1);
James Ross (District 3);
Tom Tate (District 4);
Molly Griffin (District 5); and
Ken Gjertsen (District 6)

Absent: Vacant Seat (District 2)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; Members of Executive and Senior Staff; 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 6:00 p.m. Chairperson White welcomed everyone to the Board's first and only meeting of the month.

A. Pledge of Allegiance

Chairperson White introduced Timothy Harter, a 12th grade student at Hopewell High School, to lead those present and in the viewing audience in the Pledge of Allegiance and to speak to the December character trait of "caring." Timothy has a 4.2 GPA and is in his fourth year of JROTC serving as Cadet Captain. Due to his outstanding performance and leadership ability, he is assigned to serve as Headquarters Company Commander and Provost Marshal which are positions of great responsibility. Timothy has been awarded a four-year Army ROTC scholarship and a significant scholarship from Furman University. Timothy has chosen Furman University and will attend in the fall on a full scholarship. His post college plan is to make a career as an officer in the United States Army. Timothy is accompanied by his Senior Army Instructor at Hopewell High School, Colonel Mike Puckett. Timothy invited everyone

to stand and join him in reciting the Pledge of Allegiance. Timothy said caring is having an interest or concern for someone or something. The JROTC Program is a character building program that focuses on loyalty, duty, respect, selfless service, honor, integrity, and personal courage. Timothy discussed the impact the character traits have on his life and how he cares about his school, family, and himself.

B. Adoption of Agenda

Ms. McGarry moved, seconded by Mr. Merchant, that the Board adopt the agenda as presented, and a discussion followed. Chairperson White called upon the Superintendent to recommend amendments to the agenda for the Board's consideration. Dr. Gorman asked the Board to pull Consent Item III.D., Consent Item III.E., and Action Item IV.C. from the agenda. He also asked the Board to add Consent Item III.J. (Recommend approval of employment of a relative of a member of executive staff in accordance with Policy GBEA) to the agenda.

Ms. McGarry moved, seconded by Ms. Griffin, that the Board approve amending the agenda by pulling Consent Item III.D., Consent Item III.E., and Action Item IV.C. and adding Consent Item III.J. (Recommend approval of employment of a relative of a member of executive staff in accordance with Policy GBEA), and the Board voted 7-0 in support of the motion.

Chairperson White asked the Board to approve adding a real estate item to the Consent Agenda as a result of the Board's action in Closed Session. The request is as follows:

Add Consent Item III.K. (Recommend approval to purchase approximately 36.57 acres for a new north middle school site). Chairperson White said the recommendation includes the approval to purchase approximately 36.57 acres, tax parcel numbers 009-341-01, 009-101-66, 009-101-28, 009-341-99, 009-103-05, 009-105-92, 009-105-95, and 009-105-94, for a future north middle school site for a purchase price of \$75,000 per acre for approximately 34.46 of the 36.57 acres (exact price to be based on surveyed acreage), subject to approval of the purchase price by the Mecklenburg Board of County Commissioners.

Mr. Tate moved, seconded by Ms. Griffin, that the Board approve adding Consent Item III.K. (Recommend approval to purchase approximately 36.57 acres for a new north middle school site) to the agenda, and the Board voted 7-0 in support of the motion.

Ms. McGarry moved, seconded by Mr. Merchant, that the Board adopt the agenda as amended, and the Board voted 7-0 in support of the motion.

C. Election and Installation of District 3 Board Member

Chairperson White said this item is the nomination, election, and installation of a new Board member to complete the unexpired term ending December 2009 for the District 3 seat. Following the election and Installation Ceremony, the new Board member will immediately be seated at the dais to participate in the remainder of the meeting. Chairperson White opened the floor for Board members to make nominations for the District 3 representative.

Mr. Gauvreau nominated Dr. Hans Plotseneder.

Mr. Merchant nominated James Ross.

Ms. Griffin nominated Michael Evans.

Ms. McGarry nominated Colvin Morgan Edwards.

Ms. Griffin moved that the nominations be closed on the said four names, seconded by Mr. Merchant, and the Board voted 7-0 in support of the motion.

Chairperson White declared the nominations closed. He said *Robert's Rules of Order* provides that nominees will be voted upon in the same order of nomination.

The Board voted upon the nominees as follows:

Dr. Hans Plotseneder:

- Mr. Gauvreau requested an opportunity to speak to this item. Mr. Gauvreau said Dr. Plotseneder is a CMS teacher and has the best resume of the pool of applicants. Dr. Plotseneder has worthy academic credentials and ran for this seat in the November 2007 election. He is the best person to bring about change within the Board and the direction of the school system.

Dr. Plotseneder received one vote. Mr. Gauvreau voted in support of Dr. Plotseneder

James Ross:

- Mr. Merchant said Mr. Ross brings a lifetime of experience in Charlotte to the Board. He has been intimately involved in the affairs of the community and influential in the successes of Charlotte. He has served on several committees and has business experience and perspective. Mr. Ross has a broad support from the community.

James Ross received two votes. Mr. Merchant and Mr. Gjertsen voted in support of Mr. Ross. Mr. Gauvreau wanted to vote a second time. Chairperson White informed Mr. Gauvreau that was not allowed and he would have an opportunity to vote again if there is a second round. Chairperson White said this is following the same procedure as outlined in *Robert's Rules of Order* in which the person or persons with the lowest number of votes is removed from consideration and the Board will continue to vote until someone receives five votes or, in this case, four votes.

Michael Evans:

- Mr. Tate said Mr. Evans has demonstrated his commitment to public education and shown leadership abilities throughout Charlotte by participating in a number of community endeavors and associations. Mr. Evans has demonstrated financial experience and has a willingness to serve the community.

Michael Evans received three votes. Chairperson White, Ms. Griffin, and Mr. Tate voted in support of Mr. Evans.

Colvin Morgan Edwards:

- Ms. McGarry said Mr. Edwards has lived in District 3 for many years and he would bring leadership and decision-making skills to the Board. He has served on many committees and advisory boards.

Morgan Edwards received one vote. Ms. McGarry voted in support of Mr. Edwards.

Chairperson White said the two people with one vote, Dr. Plotseneder and Mr. Edwards, are eliminated.

Chairperson White conducted the next round of votes for Mr. Ross and Mr. Evans.

Mr. Ross received four votes. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, and Mr. Gjertsen voted in support of Mr. Ross.

Chairperson White said Mr. Ross has received the majority of the Board votes (four votes) and therefore has been elected as the District 3 representative. Chairperson White called upon Mr. Ross to come forward to participate in the Installation Ceremony. Chairperson White introduced The Honorable Rickye McKoy-Mitchell, North Carolina District Court Judge, to preside over the Installation Ceremony. Judge McKoy-Mitchell swore in James Ross as the District 3 Representative of the Charlotte-Mecklenburg Board of Education.

Chairperson White thanked Judge McKoy-Mitchell for attending the meeting. Chairperson White invited Mr. Ross to meet the Board members and to take his seat at the dais.

D. Election of Board Chairperson and Vice-Chairperson

Chairperson White called upon Dr. Gorman to conduct the nominations for Board Chairperson. Dr. Gorman reviewed Bylaw BDB which provides that a Chairperson and Vice-Chairperson shall be elected at the first Regular Board meeting in December and shall assume the office immediately upon election. The election of a Chairperson will proceed according to the following procedure:

- Call for nominations. The practice with this Board has been for each nomination to receive a second. The nominations will continue until every member has had the opportunity to place a name in nomination.
- The nominations will be closed.
- Following the close of the nominations and if there is more than one nomination for the seat, the votes will be called for in the order in which the nominees were nominated. The first person to receive the majority of the votes of those Board members present will be elected as the new Chairperson and will assume the office immediately.

Dr. Gorman opened the floor for nominations for Board Chairperson and he invited Board members to make nominations.

Mr. Gauvreau nominated Kaye McGarry. The nomination did not receive a second and failed.

Ms. McGarry nominated Trent Merchant, and it was seconded by Mr. Gjertsen.

Mr. Tate nominated Molly Griffin, and it was seconded by Mr. White.

Dr. Gorman declared the nominations for Board Chairperson closed on the said two names. Dr. Gorman conducted the election of the Board Chairperson following the order of the nominations.

Trent Merchant received four votes. Ms. McGarry, Mr. Merchant, Mr. Ross and Mr. Gjertsen voted in support of Mr. Merchant.

Molly Griffin received four votes. Mr. White, Mr. Gauvreau, Ms. Griffin, and Mr. Tate voted in support of Ms. Griffin.

Dr. Gorman said in the case of a tie the Board has followed one of two practices. The Board has conducted a revote or placed the election on the agenda for the next scheduled Board meeting. In December 2006, there was a tie for Vice-Chairperson and it was placed on the agenda for the next scheduled Board meeting. The next scheduled Board meeting is January 13, 2009.

Mr. Gauvreau moved that the Board approve delaying the election of the Board Chairperson until the next Board meeting scheduled for January 13, 2009, seconded by Mr. Merchant, and the Board voted 8-0 in support of the motion.

Dr. Gorman said following Board procedure, Chairperson White will continue to serve as Board Chairperson until the new election of Chairperson scheduled in January. Dr. Gorman called upon Chairperson White to conduct the nominations for Board Vice-Chairperson.

Chairperson White opened the floor for nominations for Board Vice-Chairperson.

**Mr. Merchant nominated Kaye McGarry.
Mr. Tate nominated Molly Griffin.**

Mr. Merchant moved that the nominations be closed on the said two names, seconded by Mr. Tate, and the Board voted 8-0 in support of the motion.

Chairperson White said the vote for Board Vice-Chairperson will be conducted following the order of the nominations.

Kaye McGarry received five votes. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, Mr. Ross, and Mr. Gjertsen voted in support of Ms. McGarry as Board Vice-Chairperson.

Chairperson White said Kaye McGarry has received the majority of the Board votes (five votes) and therefore has been elected as the Board Vice-Chairperson. Chairperson White congratulated Ms. McGarry on being elected Vice-Chairperson to the Board.

E. Report on Comprehensive Annual Financial Report for fiscal year ending June 30, 2008

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman said this item is the Annual Financial Report for fiscal year ending June 30, 2008. He called upon Sheila Shirley, Chief Financial Officer, to present the report. Ms. Shirley said she is pleased to present the Comprehensive Annual Financial Report for fiscal year ending June 30, 2008 and the Compliance Report for year ending June 30, 2008. She commended staff for their exceptional work and the positive results of the audit. She introduced Vince Quinn, Managing Partner with Dixon Hughes, to present the results and opinion of the Financial Audit for fiscal year ending June 30, 2008. Mr. Quinn said Dixon Hughes has audited the financial statements of the governmental activities, the business-type activities, each major fund, budget to actual comparison for the general and State Public School funds, and the aggregate remaining fund information of the Charlotte-Mecklenburg Board of Education, as of and for the year ending June 30, 2008. It is the opinion of Dixon Hughes that the financial information contained in the financial section is fairly stated. Mr. Quinn highlighted details of the fund balance, income statement, and financial audit. Included with this item is a series of three reports that are bound by Dixon Hughes. The reports regard the federal and state monies received during the

year and certain amounts of those funds must be audited to ensure they are being spent within compliance with the procedures that are set forth. The programs audited by Dixon Hughes this year were the Exceptional Children Program, the commodities of the Food Distribution Program, and the state revenues received for school buses. Mr. Quinn said the audit did not find any findings in reviewing the compliance procedures and CMS was in compliance with the particular items tested. Board members did not have questions at this time.

F. Public Hearing on proposed amendments to Policy JCA, "Student Assignment Plan"

Ms. Griffin, Chairperson of the Policy Committee, moved that the Board open the Public Hearing on Policy JCA, Student Assignment Plan, seconded by Mr. Merchant, and the Board voted 8-0 in support of the motion.

There were no speakers to speak.

Mr. Merchant moved that the Board close the Public Hearing on Policy JCA, Student Assignment Plan, seconded by Mr. Ross, and the Board voted 8-0 in support of the motion.

G. Public Hearing on proposed amendments to Policy IKF, "Graduation Requirements," and its accompanying Exhibit IKF-E, "CMS/North Carolina Course of Study Graduation Requirements"

Ms. Griffin, Chairperson of the Policy Committee, moved that the Board open the Public Hearing on Policy IKF, Graduation Requirements, and Exhibit IKF-E, CMS/North Carolina Course of Study Graduation Requirements, seconded by Mr. Tate, and the Board voted 8-0 in support of the motion.

There were no speakers to speak.

Ms. Griffin moved, seconded by Mr. Ross, that the Board close the Public Hearing on Policy IKF, Graduation Requirements, and Exhibit IKF-E, CMS/North Carolina Course of Study Graduation Requirements, and the Board voted 8-0 in support of the motion.

II. REQUESTS FROM THE PUBLIC

Martin Davis discussed his concerns regarding CMS, student achievement, and the athletic investigation at Independence High School.

Ricky Woods encouraged the Board to select an appointment for District 3 that represents the district. He thanked the Board for their service to the community and he encouraged Mr. Ross to represent District 3 in the way that the members of that district wish to be represented.

III. CONSENT ITEMS

- A. Recommend approval of minutes.
- September 9, 2008 Regular Board Meeting.
 - October 28, 2008 Closed Session.
 - October 31, 2008 Special Meeting/Work Session.
 - November 12, 2008 Closed Session
 - November 20, 2008 Closed Session.

- B. Construction Items.
 - 1. Recommend approval of an easement to Energy United at new Bailey Road High School.
- C. Recommend approval of licensed/non-licensed hires and promotions for November 2008.
- D. Recommend approval of supplementary funding for Midwood High School Dropout Prevention.
- E. Recommend approval of supplementary funding for West Charlotte High School Freshman Transition Program.
- F. Recommend approval of School Improvement Plans.
- G. Recommend approval of the adoption of a resolution authorizing the Director of Storage and Distribution to dispose of surplus school property by way of on-line Bid.
- H. Recommend approval of appointment of administrative personnel.
- I. Recommend approval of one citizen appointment to the Equity Committee by the Superintendent.
- J. Recommend approval of employment of a relative of a member of executive staff in accordance with Policy GBEA.
- K. Recommend approval of acquisition of land for new north middle school site.

The adoption of the agenda included the following:

- Pulling Consent Items D. and E.
- Adding Consent Items J. and K.
- Consent Item I: Dr. Gorman recommended the appointment of Maria Boral as the Superintendent's appointment to the Equity Committee. Ms. Boral will be serving a second three-year term that will expire November 30, 2011.
- Consent Item H: Administrative personnel appointment:
 - Lynne Robinson Tingle named Director of Research and Evaluation. Ms. Tingle previously served as Senior Research and Evaluation Analyst and Senior Assessment Analyst from 2005 to present.

Ms. Griffin moved that the Board adopt Consent Items A. thru K. excluding Consent Items D. and E. which were pulled, seconded by Mr. Tate, and a discussion followed.

Mr. Gauvreau asked for clarification regarding Consent Item III. J. which was added to the Consent Agenda with the adoption of the agenda. Dr. Gorman said this is the recommendation of employment for Tiffany White as a K-3 teacher at McAlpine Elementary School and the relationship is with Board Chairperson Joe White.

The Board voted 8-0 to adopt Consent Items A. through K. excluding D. and E.

IV. ACTION ITEMS

- A. Recommend approval of proposed amendments to Policy JCA, "Student Assignment Plan"

Chairperson White called upon Ms. Griffin, Chairperson of the Policy Committee, to present the recommendation. Ms. Griffin said this item is the approval of proposed amendments to Policy JCA, Student Assignment Plan. The proposed amendments were presented to the Board for First Reading at the November 12, 2008 Regular Board Meeting and the Board

conducted a Public Hearing at tonight's meeting. The recommendations come before the Board with unanimous support of the Policy Committee. The amendments are now before the Board for adoption. Ms. Griffin reviewed the details of the recommendation. The first amendment (page 5 and 6) streamlines the process for assigning new students who submit applications after the first and second lotteries have been conducted. Rather than completing a lottery application, these students will be assigned to their home schools. They may then submit a request for reassignment or transfer if they wish to be assigned to a different school. The second amendment (page 6 and 7) applies to students who are not attending their home schools. This amendment would permit the Superintendent to reassign these students to their home schools if they are not following attendance or disciplinary rules or if they do not have reliable transportation to and from school (evidenced by numerous tardies or remaining on campus after school has dismissed). The proposed amendment also reiterates the district's rule requiring magnet students to fulfill all requirements of the Magnet Compact or be subject to reassignment.

Ms. Griffin moved that the Board approve the proposed amendments to Policy JCA, Student Assignment Plan. This was being presented from the Policy Committee and no second was required.

Board members were invited to ask questions and make comments.

- Mr. Merchant asked for clarification regarding students who are not meeting the requirements of a particular school and subject to be returned to their home school. Dr. Gorman said several Magnet Schools have Magnet Compacts and students must meet those requirements as well as components of the academic program and attendance requirements. Staff is developing a process to ensure students are monitored and not returned inappropriately. The process will also include follow-up and parental involvement. Mr. Merchant is pleased that people will be held accountable for the Magnet Compact. He said parents have expressed concern regarding the Code of Student Conduct and ensuring fairness in the process. Some parents want to ensure that certain students, such as students with discipline issues, are not targeted and shipped out. Dr. Gorman said the process in the regulations require both the receiving and sending principals and the receiving and sending area superintendents to review the issue and each individual case. The process will include follow up and review of any Behavior Improvement Plan; the incident; how the incident was handled; and was this a first incident or multiple incidents. The decisions will have the support of the principals and area superintendents involved.
- Mr. Gauvreau said this sounds as if a student misbehaves they will be returned to their home school. He asked what happens if a student misbehaves in their home school? Will they be sent to a Magnet School? He said this is goofy but he will support the motion because it may help to create a little structure. Dr. Gorman said this was a topic of discussion at a Board Work Session and Board members wanted to ensure students followed the requirements of the Magnet Compact.

The Board voted 8-0 in support of the motion.

B. Recommend approval of proposed amendments to Policy IKF, “Graduation Requirements” and its accompanying Exhibit IKF-E, “CMS/North Carolina Course of Study Graduation Requirements”

Chairperson White called upon Ms. Griffin, Chairperson of the Policy Committee, to review the proposed amendments to Policy IKF, Graduation Requirements, and Exhibit IKF-E, CMS/North Carolina Course of Study Graduation Requirements. Ms. Griffin said the proposed amendments were presented to the Board for First Reading at the November 12, 2008 Regular Board Meeting, staff provided a detail review of the proposed amendments at the November 25, 2008 Regular Board meeting, and the Board conducted a Public Hearing at tonight’s meeting. The recommendations come before the Board with unanimous support of the Policy Committee. The amendments are now before the Board for adoption. The proposed amendments are, in part, to correspond with changes in the North Carolina requirements and to change the internal CMS requirements. The proposed changes are as follows:

Policy IKF, Graduation Requirements:

- New Section I (page 1): Effective with students entering the 9th grade in the 2009-2010 school year.
 - Change the number of credits required to graduate from high school in CMS from twenty-eight to twenty-four credits.
 - Implement two courses of study rather than the current five.
 - As required by State Board of Education policy, add a four-credit concentration and two additional electives in specified subject areas.
- Renumber Section II (pages 2 and 3): specify which graduation standards are applicable to students entering 9th grade before the 2009-2010 school year and delete the simplified course of study charts for students entering high school prior to August 2004.
- Renumber Section III (page 4):
 - Limit the North Carolina Competency Test requirement to students entering high school from 1994 to 2005.
 - Clarify the requirements of the Graduation Project.
- Renumber Section III, D (page 5): Clarify the requirements for the High School Exit Standards.
- Renumbered Section IV (pages 5 and 6): Add a provision awarding graduation credit for high school level math and second language courses taken in middle school (effective 2007-2008 school year).

Exhibit IKF-E, Course of Study Graduation Requirements:

The proposed amendments show in detail the course, credit, and proficiency graduation requirements effective with students entering the 9th grade in the 2009-2010 school year. These requirements incorporate the “Future Ready Core” adopted by the North Carolina Board of Education on September 11, 2008.

Ms. Griffin moved that the Board approve the proposed amendments to Policy IKF, Graduation Requirements, and Exhibit IKF-E, CMS/North Carolina Course of Student Graduation Requirements. This was being presented from the Policy Committee and no

second was required.

Board members were invited to ask questions and make comments.

- Mr. Ross asked clarifying questions regarding the difference between twenty-four and twenty-eight credits. Dr. Gorman called upon Ann Clark, Associate Superintendent for Pre-K-12 Curriculum and Instruction, to respond. Ms. Clark said the difference is the number of electives required of the students and there is no adjustment to the core requirements that are currently in place with the twenty-eight unit requirement. This recommendation adjusts the number of electives that a student must take in order to graduate. Students can still take thirty-two courses over a four-year period of time. This recommends that students only need to successfully complete twenty-four units to graduate and those are in certain categories.
- Ms. McGarry has the same concerns that she previously expressed. The recommendation provides flexibility for the senior year but the students who would study abroad would do that anyway even if the number of credits were not reduced. She is concerned about the rest of the students in CMS. She understands that students can still take thirty-two courses but the students who need to take some of those courses will not be pushed to take additional courses if the number of credits is reduced. She wants to ensure a high school diploma is meaningful. She believes electives should have more substance and provide students' skills so that following graduation they are able to get a job. Students must have entry job level skills; on-the-job training; an education the equivalent of two years beyond high school; or a four-year college or university degree to succeed in North Carolina. The Board's Mission Statement includes students should be prepared to go into the next environment that they choose. Ms. McGarry expressed concern that reducing the number of courses is "dumbing down" graduation requirements and allowing students to leave high school without enough substance in the high school diploma. She said having flexibility in the senior year is not enough to approve this recommendation. She also does not support eliminating the two year language requirement.
- Mr. Gjertsen said this is not the most perfect policy. He will support the recommendation but it includes items that the Board must continue to address and review. He has concerns regarding eliminating foreign language because most colleges require foreign language as an entrance requirement. He would prefer that foreign language continue to be a requirement and then allow students to request to "opt out" if they are not going to attend a college in which it is required. He encouraged the Board to explore this consideration. He expressed concern some parents of sophomores, juniors, and seniors may be upset that they cannot take advantage of the opportunities that this recommendation affords and it should be expanded to those students. He suggested that the students in the upper grades may be allowed to continue with the twenty-eight credits or "opt" into the twenty-four credits with the concentration that is required. He would also like staff to develop technology so that it is much easier for parents and students to track their progress against the requirements on-line. He encouraged the Board to discuss this consideration. Mr. Gjertsen does not believe this is "dumbing down" the graduation requirements because the required courses are still the required courses and students have the capability of taking thirty-two courses. The recommendation is adding a concentration that focuses the electives. He said dropping

the electives overall increases the opportunity and flexibility for the students. He will support the recommendation because it is a step in the right direction given the items he suggested that will make it better.

- Mr. Tate supports the recommendation. He thanked the parents who have contacted him to voice their support that the recommendation should be made available to all students and not just the rising 9th graders. He said because the recommendation includes the four-course elective concentration and the flexibility in the senior year, he supports it being implemented with the rising freshman only. He said there could be a few students that could be helped, for a variety of reasons, if the number of credits were reduced. He encouraged staff to help them find a path to graduate and meet the graduation requirements. He also encouraged staff to make this as easy for students and parents to navigate as possible. He wants to ensure students are accurately mapping their way to graduation whether that is electronically or otherwise.
- Mr. Merchant supports the recommendation. It is not exactly what he wants but it is a step in the right direction. He thanked staff for their hard work. He supports the recommendation because it creates an element of simplicity and adds flexibility. He said for those who are concerned about rigor, activity does not equal rigor. He said CMS must reach a point in which they are not just talking about numbers of credits and numbers of classes but holding people accountable for their actions or inactions. He said this recommendation will put added pressure on everyone at the schoolhouse level to be counselors. He hopes the teachers will be given the training they will need to be skilled and informed academic advisors because this will force more proactive communication. He believes the recommendation has the potential to help more students who may not be getting the attention they need.
- Mr. Gauvreau said he is disappointed and sorry that this Board will allow this to happen. He said there is good argument to be made with the notion of twenty-four credits being a proper standard and the mix of electives. He is not suggesting that lowering this standard will end the world in public education. He expressed concern that the Board is missing the chance to direct staff to increase the opportunity for higher standards and rigor. This is cutting and lowering the standard for CMS students. He believes CMS should reach for a higher standard than other school systems. He said symbolically this is “dumbing down.” He is opposed to this recommendation and a strong public school system would be opposed to it as well because this is stepping back as opposed to moving forward. He hopes the movement to lower the standards is not for the purpose of fixing the numbers to make the school system’s graduation rates look better. He expressed concern that the Board would want to lower the standards for graduation requirements because the school system already has standards that are too low and poor student achievement. He said academic output of students is improved by increasing standards and not decreasing standards.
- Mr. Ross asked clarifying questions regarding the math requirements and the highest level of math that a student can take. Ms. Clark said CMS offers all the advanced placement courses sponsored and approved by the College Board.
- Ms. McGarry asked why would the Board’s recommendations for the Legislative Agenda (which was an item deleted from this agenda) include allow LEAs to count in their graduation rates those students who obtain their high school diploma from a community college if the student attended the LEA preceding their enrollment in the community college’s program? Dr. Gorman said this is not part of the policy

recommendation and he would be happy to address this at a later time. Ms. McGarry believes if a student receives their GED from a community college, the community college should have credit for that graduation.

- Chairperson White said there is a misunderstanding that more credits may better prepare a student to go out into the community and be successful. He is not that concerned whether it is twenty-four credits or twenty-eight credits. What is more important is preparing students for the next step in their life, whether that is college or the workforce, and to be successful. That is still the challenge and that does not change by changing the number of credits required to graduate.
- Mr. Gauvreau expressed concern that because a student has a credit does not mean it is a significant credit. He believes electives should have more substance and be academically orientated. He encouraged the Board to not approve lowering the standard for the students of CMS.

Mr. Gauvreau made a substitute motion that the Board approve maintaining the twenty-eight credit graduation requirement and require that the four electives be academic electives, seconded by Ms. McGarry, and the Board vote 1-6-1 and the motion failed. Mr. Gauvreau voted in support of the motion. Chairperson White, Ms. McGarry, Mr. Merchant, Mr. Tate, Ms. Griffin, and Mr. Gjertsen voted against the motion. Mr. Ross abstained.

The Board voted on the original motion.

The Board voted 5-2-1 to approve the amendments as presented to Policy IKF and Exhibit IKF-E. Chairperson White, Mr. Merchant, Mr. Tate, Ms. Griffin, and Mr. Gjertsen voted in support of the motion. Ms. McGarry and Mr. Gauvreau voted against the motion. Mr. Ross abstained.

C. Recommend approval of the proposed 2009 Legislative Agenda

Item deleted with the adoption of the agenda.

D. Recommend approval of the process for electing District 2 Representative to complete the remaining term ending December 2009

Chairperson White called upon Regina Bartholomew, General Counsel, to review the process for electing the District 2 Representative to complete the remaining term ending December 2009. Ms. Bartholomew reviewed the proposed time-line as follows:

- | | |
|------------------------------|---|
| Tuesday, December 9, 2008 | Declare vacancy of District 2 seat |
| Wednesday, December 10, 2008 | Begin the twenty (20) day period for accepting applications for the vacancy of District 2 seat, excluding the three (3) winter break days (December 24 th , 25 th , and 26 th) and the New Year's Day holiday (January 1, 2009) and the day following New Year's Day (January 2, 2009). |
| Monday, January 5, 2009 | All applications must be received in the Clerk of the Board's Office, located at 701 East Martin Luther King, Jr., Blvd., Room 418, Charlotte, NC 28202, by or before |

Monday, January 5, 2009, 5:00 p.m., Eastern Standard Time (E.S.T.). Received means, it must be in the physical location of the Board Office on January 5, 2009 by the aforementioned time. The Board will not be responsible for postal delays, courier service delays or any other delay of any type whatsoever, irrespective of the date of mailing. Any application that is not in the Board's physical office by the date and time specified herein, will be deemed late and will be returned, unopened to the applicant.

Wednesday, January 7, 2009

Beginning at 6:00 p.m., E.S.T., in the Board Room located at 701 East Martin Luther King, Jr., Blvd., 4th Floor, Charlotte, NC 28202, the Board of Education will allow for applicants to present 3-minute speeches to the collective membership of the Board of Education, regarding his/her candidacy for the position.

Tuesday, January 13, 2009

At its regularly scheduled Board meeting, on Tuesday, January 13, 2009, the majority membership of the Board of Education will elect an individual from the pool of qualified applicants to fill the District 2 vacancy.

Chairperson White said this is the same process that the Board followed to fill the District 3 seat with the exception that it includes the holidays which makes it approximately twenty-three days rather than twenty days.

Mr. Gjertsen moved, seconded by Mr. Merchant, that the Board approve the process for electing a District 2 Representative to complete the remaining term ending December 2009, and the Board voted 8-0 in support of the motion.

Chairperson White reported that the process for applicants has officially started.

V. REPORT/INFORMATION ITEMS

A. Report on Financial Statements for October 2008

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman said Report Items A., B., and C., are the monthly reports and they are as presented.

B. Report on Final Budget Amendments for October 2008

Presented with Report Item V.A.

C. Report on Capital Project Ordinances for October 2008

Presented with Report Item V.A.

D. Report on Employee Background Checks

Chairperson called upon Dr. Gorman to present the report. Dr. Gorman said this is a report on Employee Background Checks which will become effective January 2, 2009. He called upon Maurice Ambler to present the information. Dr. Gorman said staff has been developing this process some time and the Board recently received an update on this item in the Board Update. Mr. Ambler said criminal activity, drugs, workplace violence, and crimes against children are a piece of our national society and a major concern throughout the country. Charlotte and CMS have not been immune to these problems. CMS has developed safeguards to how this can be addressed within CMS. Mr. Ambler recognized staff that has been involved in the process which included Janet Hamilton, Executive Director of Employee Relations; Earnest Winston, Executive Coordinator for Chief Operating Officer; Edana Lewis, Associate General Counsel; Mike Raible, Executive Director of Planning and Project Management; Hugh Hattabaugh, Chief Operating Officer; and past employees Maurice Green and Lorraine Little. This process began over one year ago. Mr. Ambler provided a review of the employee background checks.

- Purpose for comprehensive background checks.
 - Responsibility to ensure safety of students in our schools.
 - Employee challenges with existing process.
 - Safe and orderly schools is a goal of *Strategic Plan 2010*.
 - State law authorizes the Board of Education to conduct criminal background checks.
- Status of current background checks.
 - Current process only focuses on pre-employment.
 - Administrator of the Court (AOC) check is conducted but that typically is centered in North Carolina only.
 - Fingerprinting checks Federal Bureau of Investigation (FBI) and State Bureau of Investigation (SBI) database.
 - Current program includes gaps and must be strengthened.
 - Any employee hired prior to October 1990 never had a background check.
 - Self-reporting under Board Regulation and Policy is not effective.
 - Nationally there is an increase in employee acts in schools placing students and employees at risk.
- Details of more comprehensive plan.
 - No credit checks will be conducted.
 - New-hire checks will continue to include AOC, FBI, and SBI checks.
 - National criminal and sex-offender checks.
 - A one-time criminal background check will be conducted on all employees.
 - Random background checks each quarter to include out-of-state checks.
 - “Keep Watch” (nightly check of data-bases to screen for new arrests of employees).
 - Process for verifying information.
 - Panel review will review every case.
 - Appeal process.
 - Background checks will be completed by CMS Human Resources employees.
 - Involve third-party vendor on a limited bases (state of South Carolina).
- Employee requirements.
 - Complete and return authorization forms as a condition of employment.
 - Only the last five digits of the social security number and date of birth required.

- Safety measures implemented to ensure security.
 - Returned authorization forms will be under the control of principals, division heads, and Human Resources at all times.
 - All forms will be shredded after they are scanned into the employee file.
 - All Human Resources employees have signed confidentiality agreements.
- Launch of revised plan
 - Comprehensive communication plan (meetings with executive staff, principals, STAC, and teacher association groups have been held).
 - Future meetings will be held with other employee groups.
 - Authorization forms sent to employees the first week of January 2009.
 - Employees will return authorization form within ten days.
 - Background checks begin the end of January 2009.

Mr. Ambler said returning the authorization form and authorizing CMS to perform the background check is a condition of employment. CMS wants to ensure that every employee is safe and every student is safe in our schools. Staff has developed a plan to cover the existing gaps, provide checks and balances on the system, and to communicate with outside authorities to ensure efficiency. This is a good program that will be fair and consistent.

Board members were invited to ask questions and make comments.

- Mr. Merchant said regarding the Keep Watch or the nightly check for arrests, what action will be taken? Mr. Ambler said if a person shows up on the Watch List, staff will communicate with the employee to understand the circumstances of the incident. Depending on the seriousness of the incident, staff will determine the next steps. If the incident involves a crime against children or drugs the individual could be terminated. CMS will not terminate immediately but suspend the employee during the investigation process. Dr. Gorman said CMS currently has a policy that allows employees to self-report for an arrest but that process has not worked. Mr. Merchant said a first priority should be safety for our families and employees but he does not want CMS to become the morality police. Mr. Merchant asked what is the estimated cost for implementation? Dr. Gorman said the cost of the initial background check for all employees is approximately \$40,000 and then the price is reduced. CMS will incur the costs for the quarterly checks, the nightly checks, and the South Carolina checks. Dr. Gorman said he would like to report to the Board and the community that CMS has a clean check of all employees at this point in time.
- Mr. Gauvreau said he does not want to see a report for a clean check for 19,000 employees. He understands this situation but he would expect the management team to do basic, reasonable background checks on employees. He said this report is a result of a newspaper article. He expressed concern that CMS could spend too much time on these issues and it could become public education. He believes Dr. Gorman's role is to manage staff and he hopes he will not have to hear about this anymore. Dr. Gorman said the Board did request that this information be brought before the Board. Mr. Gauvreau said he does not want the information. Dr. Gorman said the reason this is being implemented is for the safety of our students. CMS had an incident in which an individual had a serious drug conviction in North Carolina and that type of information will surface. Dr. Gorman believes there is value in the nightly checks and it will create safety nets. Mr.

Gauvreau hopes this will not turn into a Big Brother situation and go overboard.

- Mr. Ross asked who will be on the panel? Mr. Ambler said the panel will consist of three individuals and an individual from Human Resources. Janet Hamilton will present every case to the panel. The panel will include Mr. Ambler as the Chief Human Resources Officer; Hugh Hattabaugh, Chief Operating Officer; and Edana Lewis, Associate General Counsel. Mr. Ambler said the process will also include Bud Cesena, Director of School Law Enforcement, should additional information regarding the investigation be required.
- Mr. Tate asked regarding the self-reporting policy that is not working, does the Board need to revise the policy in order to make it appropriate with this plan? Dr. Gorman said, no, it is still appropriate to have self-reporting as a component because if an individual outside the state of North Carolina was arrested for a certain charge they would need to report it to their supervisor as that would not be picked up through the nightly checks within North Carolina. Mr. Tate asked are other districts implementing these measures? Mr. Ambler said the number of schools districts will be increasing. The entire state of Florida has already implemented this and it is a requirement in Texas. School districts throughout North Carolina are calling CMS to understand how CMS is implementing this process. Dr. Gorman said this is the only district that he has worked in that does not have this comprehensive process. Mr. Tate said the safety of our students and staff is a priority. He hopes this does not distract from our primary work of education. He is pleased this includes a review panel and an appeal process because he wants to ensure staff is not unjustly accused.
- Mr. Ross asked if the appeal process would follow the same process of other appeals in which an appeal to the Board would be the final step? Dr. Gorman said, yes.

VI. REPORT FROM SUPERINTENDENT

Dr. Gorman said he did not have a report to present.

VII. REPORTS FROM BOARD MEMBERS

Tom Tate thanked the staff of Billingsville Elementary School and the Achievement Zone for inviting him to be a judge for the Spelling Bee Contest. He thoroughly enjoyed the event and congratulated the students who participated. He thanked Sheila Shirley, Chief Financial Officer, and her staff for their hard work in receiving an excellent Financial Audit. He thanked the people for applying for the District 3 seat and offering their service to the community. He welcomed Mr. Ross to the Board and congratulated Ms. McGarry on her election as Vice-Chairperson to the Board.

Kaye McGarry thanked the applicants for applying for the District 3 seat and she commended them for their willingness to serve the community. She congratulated and welcomed Mr. Ross to the Board of Education. She thanked her colleagues for their vote of confidence in electing her Board Vice-Chairperson. This is her fifth year for serving on the Board of Education and she takes pleasure in continuing to serve this Board in a leadership position. She welcomed everyone to join her for “Kaye About Town” to discuss school matters at the Starbucks on Wilkinson Blvd. on Wednesday, December 17th from 7:30 a.m. to 9:00 a.m. She wished everyone a happy Hanukkah and a Merry Christmas.

Molly Griffin recommended that the Board consider creating an ad hoc Legislative Committee to help staff recommend a proposed Legislative Agenda (this item was pulled from tonight’s

agenda). The Board previously had a standing Legislative Committee with the idea that the Board would utilize it as an ad hoc committee on an as needs basis.

Trent Merchant thanked the District 3 representatives and he commended them on their courage for participating in the process. He encouraged the Board to address the process for Board members speaking during Board meetings. He encouraged the residents of District 2 to have the courage to apply for the District 2 seat and to contact Board members.

James Ross thanked the Board members for their support in electing him as the District 3 Representative. He said as a long standing member of the community it was heartening to see the number of qualified people that applied for the District 3 seat. He thanked the community and the Board for their support.

Larry Gauvreau congratulated and welcomed Mr. Ross to the Board. He wished everyone happy holidays, Merry Christmas, and a better 2009.

Chairperson Joe White said this Board will not meet again until January 13, 2009. That will be an important meeting in which the Board will conduct the District 2 nominations, election, and Installation Ceremony. He thanked the District 3 applicants for applying for the seat and commended them for being an impressive group of people. He was so impressed with them that he would be calling one of those applicants in the near future to offer them an appointment to serve on a Board Committee as his representative. He wished everyone a safe and happy holiday.

ADJOURNMENT

Mr. Tate moved, seconded Ms. McGarry, 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 7:45 p.m.

Joe I. White, Jr., Chairperson

Nancy Daughtride, Clerk to the Board