

Approved by the Charlotte-  
Mecklenburg Board of Education  
November 10, 2009  
Regular Board Meeting



Charlotte, North Carolina

March 10, 2009

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on March 10, 2009. The meeting began at 4:30 p.m. and was held in Room CH-14 of the Government Center.

Present: Molly Griffin, Chairperson, District 5;  
Kaye McGarry, Vice-Chairperson, Member At-Large;  
Joe I. White, Jr., Member At-Large;  
Trent Merchant, Member At-Large;  
Larry Gauvreau (District 1);  
Kimberly Mitchell-Walker (District 2);  
James Ross (District 3); and  
Tom Tate (District 4)

Absent: Ken Gjertsen (District 6)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; André Mayes, Deputy General Counsel; Hugh Hattabaugh, Chief Operating Officer; Tyler Ream, Chief of Staff; and Nancy Daughtride, Clerk to the Board.

**Upon motion by Mr. White, seconded by Mr. Ross, 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 concerning a real estate transaction;**
- 2. To consult with the Board's attorneys on matters covered by the attorney-client privilege concerning pending litigation matter: *Sugar Creek Charter School v. Charlotte-Mecklenburg Board of Education*; and**
- 3. To consider personnel and legal implications related to the proposed reduction in force of career employees.**

**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 4:30 p.m. to 6:03 p.m.

Chairperson Griffin reconvened the Regular Board Meeting at 6:09 p.m. in the Meeting Chamber of the Government Center. CMS-TV Channel 3 televised the meeting.

Present: Molly Griffin, Chairperson, District 5;

Kaye McGarry, Vice-Chairperson, Member At-Large;  
Joe I. White, Jr., Member At-Large;  
Trent Merchant, Member At-Large;  
Larry Gauvreau (District 1);  
Kimberly Mitchell-Walker (District 2);  
James Ross (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; André Mayes, Deputy 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 Griffin called the meeting to order at 6:09 p.m. Chairperson Griffin welcomed everyone to the Board's first meeting of the month.

### A. Pledge of Allegiance

Chairperson Griffin called upon Mr. Ross to introduce the pledge participant. Mr. Ross introduced Cadet Lieutenant Colonel TyShaun Wynter, a senior at Phillip O. Berry Academy of Technology, to lead those present and in the viewing audience in the Pledge of Allegiance and to speak to the March character trait of "courage." Cadet Lieutenant Colonel Wynter's core academy is Information Technology and he is ranked number one in his class. He is very active in both school organizations and community organizations. At school, he is the Battalion Commander of the US Army JROTC, Committee Chair of Skills USA, Executive President of Student Council, and member of the National Honor Society and National Technical Honor Society. In the community, he is involved with the North Carolina Blumenthal Performing Arts, Charlotte Coalition for Social Justice, and New Life Fellowship Ministries. Cadet Lieutenant Colonel Wynter was accompanied by his mother, Dorinda Wynter; his JROTC teacher, Major Roland Beasley; and his principal, Donald Fennoy. Cadet Lieutenant Colonel Wynter invited everyone to stand and join him in reciting the Pledge of Allegiance. Cadet Lieutenant Colonel Wynter said courage involves physical courage and moral courage. Courage is a display of inner strength or personal strength and that can be just as important as a physical or moral courageous act. It takes courage to succeed because it requires the ability to persevere despite the possibility of failure. In our personal lives without courage there is no success and therefore no future.

Chairperson Griffin welcomed Dr. Chris Folk and the Civics 101 Class who were attending the meeting. Youth Civics 101 class is sponsored by the League of Women Voters and Kids Voting.

### B. Adoption of Agenda

Chairperson Griffin called for a motion to adopt the agenda as presented.

**Mr. White moved, seconded by Mr. Tate, that the Board adopt the agenda as presented,**

Chairperson Griffin asked the Board to approve adding Action Item IV.D. (Recommend approval of employee contracts for executive staff members).

**Mr. White moved, seconded by Mr. Merchant, that the Board add Action Item IV.D. (Recommend approval of employee contracts for executive/administrative staff members) to the agenda, and the Board voted 8-1 in support of the motion. Chairperson Griffin, Ms. McGarry, Mr. White, Mr. Merchant, Mr. Gauvreau, Mr. Ross, Ms. Mitchell-Walker, and Mr. Tate voted in support of the motion. Mr. Gjertsen voted against the motion.**

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

## **II. REQUESTS FROM THE PUBLIC**

Two people discussed the importance of Memorial Day for families in honoring those who have served our country and encouraged the Board to not use Memorial Day as the snow make up day.

- Mack Gadsden.
- George Young.

Four people discussed their concerns regarding Lincoln Heights Elementary School. Items of concern included low performance of the school; lack of action to improve quality of staff and effective leadership; the need to appoint a strong principal; no action to improve the results of the Equity Report; disappointment that interest in the Magnet Program has lessened; and additional budget cuts will negatively impact this challenged school. They encouraged the Board to adopt a plan that better distributes a balance of teachers and leadership; to not merge Lincoln Heights Elementary School with Druid Hills Elementary School; and to immediately implement recommendations to improve the school.

- Tammy Hill.
- Mildred McCullough.
- Teresa Watley.
- Thelma Byers Bailey, president of the Lincoln Heights Neighborhood Association, discussed recommendations to improve Lincoln Heights Elementary School.

Curtis Brown represented the Metrolina Association of School Psychologists (MAPS). This organization includes sixty school psychologists. Mr. Brown discussed his concerns regarding the 2008 Legislative Agenda which states to enhance student counseling services by increasing funding for school social workers and school counselors. He expressed concern that this does not include school psychologists. He encouraged the Board to recognize school psychologists or Student Services Specialists (SSS) as counselors on the Legislative Agenda.

Sixteen people discussed their concerns regarding the budget cuts and the negative impact caused by teacher layoffs in the reduction in force. Items of concern included 1/3 of the CMS elementary teachers will lose their job; negative impact caused by an increase in class size; no teachers should lose their job because the attrition rate is 12%; the impact on teachers with less than four years experience; the announcement of this has caused a negative impact on the morale of teachers and the community; and to reduce budgets in other areas before impacting the classroom. They encouraged the Board to keep the teacher and teacher assistant positions

in the classroom because that will save CMS and the community.

- Hiawatha Foster represented Charlotte-Mecklenburg Professional Association of Educators.
- LeeAnn Cooper, teacher at Sterling Elementary School, budget cuts would eliminate up to fourteen staff members. She encouraged the Board to consider position reductions be based upon effectiveness of the teacher and not years of experience.

Chairperson Griffin noted that there was a miscommunication and there is no proposal to eliminate all teachers with one to four years experience and any layoffs will be based upon performance first. Dr. Gorman noted that all employees received an e-mail today prior to this Board meeting that addressed the entire plan for reduction in force.

The speakers addressing their concerns regarding budget cuts and reduction in force continued.

- Althea Wright encouraged the Board to use stimulus funding to keep teachers and teacher assistants.
- Nina McNair Mullen, parent of CMS student, encouraged the Board to explore other cost saving measures such as learning communities and to protect the school level because it directly impacts student learning.
- Debbie Rubenstein, parent of a student at Chantilly Montessori, believes in CMS and urged the Board to not cut the needs of the various school curriculums, specifically, the Montessori Program which does not use textbooks making teacher assistants a necessity for this program.
- Mary McCray, president of Charlotte-Mecklenburg Association of Educators, discussed the importance of school based employees to the programs and smaller class size. She encouraged the Board to stay the course and to agree to no cuts at the school level.
- Hans Plotseneder, teacher at West Mecklenburg High School, encouraged the Board to cut dollars for non-teaching functions first and to reverse the installation of the Learning Communities. The purpose of school is teaching and learning and the classroom should not be impacted.
- Charlotte Conley, teacher at Nathaniel Alexander Elementary School.
- Glenda Blaisdell-Buck, National Board Certified Teacher at Ranson Middle School.
- Kelly Van Horn, teacher at Sedgefield Middle School.
- Julie Greve, first year teacher with CMS, discussed cost saving measures.
- David Davenport, teacher at Davidson IB Middle School, discussed the use of stimulus funding to divert layoffs.
- Ira LaVerne Reed, represented Charlotte-Mecklenburg Association of Professional Educators, discussed cost saving measures.
- Michelle Lewis, media specialist and a parent of two CMS students, discussed the negative impact teacher layoffs would have on students and the burden on the remaining teachers.
- John Bush, teacher, encouraged the Board to do the right thing. He expressed concern that the state is demanding that CMS make budget cuts but still maintain a high level of success and education. He encouraged the Board to negotiate with the state for wiggle room in the budget, fight for the teachers of CMS, and to seek other options in lieu of teacher layoffs.
- Dennis Townsend, vice-president of Charlotte-Mecklenburg Association of Professional Educators, discussed the state of fear that this has caused teachers, teacher assistants, and the community. He encouraged the Board to have a heart and see the human face in this situation.

### III. CONSENT ITEMS

- A. Recommend approval of minutes.
- March 11, 2008 Regular Board Meeting.
  - March 25, 2008 Regular Board Meeting.
  - February 10, 2009 Closed Session.
  - February 12, 2009 Work Session.
  - February 13, 2009 Board Retreat.
  - February 24, 2009 Closed Session.
  - February 26, 2009 Closed Session.
  - February 26, 2009 Closed Session.

B. Construction Items.

1. Recommend approval of easement for new Mint Hill high school.

*Recommend approval to grant an easement to Union Power Cooperative to run a power line which will extend within the Charlotte-Mecklenburg Schools property line. The new power line will provide services for the new Mint Hill high school.*

- C. Recommend approval of licensed/non-licensed hires and promotions for February 2009.
- D. Recommend approval of supplementary funding request for *No Easy Walk into Character*.

*No Easy Walk (NEW) is a character program designed for challenging urban middle school settings. If funded, the proposed project will provide an experimental study to refine and validate NEW project effectiveness in deterring student gang involvement, increasing school-wide student achievement and creating a positive school climate. The project will target the district's sixteen Focus middle schools. Funding is requested from U. S. Department of Education, Partnerships in Character Education Program, in the amount of \$1,619,386.00 over four years.*

- E. Recommend approval of appointment of administrative personnel.

*Appointments:*

- *Rhonda Gomez named principal at Endhaven Elementary School. Dr. Gomez previously served as assistant principal at Nations Ford Elementary School.*
- *Ernest Saxton named principal at McApline Elementary School. Mr. Saxton previously served as assistant principal at Elizabeth Lane Elementary School.*
- *Susan Deanna Wilson named principal at Oakhurst Elementary School. Ms. Wilson previously served as assistant principal at Oakhurst Elementary School.*
- *Ronda Graddy Houston named principal at Crestdale Middle School. Ms. Houston previously served as assistant principal at Ardrey Kell High School.*
- *Amy Dellinger named principal at Mint Hill Middle School. Ms. Dellinger previously served as assistant principal at Mint Hill Middle School.*
- *Gwen Frazier Shannon named principal at Lansdowne Elementary School. Ms Shannon previously served as assistant principal at Ashley Park Elementary School.*

**Mr. White moved, seconded by Mr. Ross, that the Board approve Consent Items A. through E. and the Board voted 9-0 in support of the motion.**

## IV. ACTION ITEMS

### A. Recommend approval of proposed 2009 Legislative Agenda

Chairperson Griffin called upon Trent Merchant, the Chairperson of the Ad Hoc Legislative Committee, to introduce the recommendation. Mr. Merchant said in January with guidance from the CMS lobbyist the Board adopted eleven individual items that served as a working 2009 Legislative Agenda. That document was introduced as a work in progress document to the Mecklenburg County Legislative Delegation at a Joint Meeting with the City Council on January 12, 2009. In February, Chairperson Griffin and he met with the Mecklenburg County Legislative Delegation in Raleigh to discuss the proposed 2009 Legislative Agenda. Today, Chairperson Griffin and Dr. Gorman were in Raleigh to meet with the Mecklenburg County Legislative Delegation again to discuss some of the items on the list in greater detail. Mr. Merchant said the proposed Legislative Agenda includes strategic items such as developing a high priority statewide crisis plan to increase the graduation rate; some items have a more immediate impact such as allowing CMS to develop an independent law enforcement agency; and others will have a long term affect such as seeking flexibility in public education budget reductions. The Board believes the adoption of the proposed 2009 Legislative Agenda will strengthen the position of the Mecklenburg County Legislative Delegation and provides the delegation more leverage with their constituents in Raleigh. Mr. Merchant said in the past, the Board has adopted the proposed Legislative Agenda as a unified list earlier in the year. Mr. Merchant encouraged the Board to adopt the proposed Legislative Agenda and to not attempt to add items at this point. Mr. Merchant said Mr. Tate has an item that he would like to discuss and he also has an item that may need to be added that has recently been brought to his attention. The proposed 2009 Legislative Agenda is as follows:

#### **2009 Legislative Agenda**

##### Key Initiatives:

1. Develop a high priority, statewide Crisis Plan to increase the graduation rate.
2. Allow CMS to reorganize its existing local law enforcement agency as an independent agency with countywide jurisdiction.
3. Flexibility and discretion in public education budget reductions.
4. Restore the sales tax refund for public schools or enact a sales tax exemption.

##### Additional Initiatives:

5. Increase funding for teacher compensation.
6. Provide local school districts with more calendar flexibility. Revisit the requirements for the school calendar law with the intent to provide time for the implementation of district professional development plans.
7. Retain sovereign and governmental immunity.
8. If necessary, seek clarification regarding the authority of a Local Education Agency (LEA) to provide an optional summer pay plan to teachers.
9. Allow local school districts the flexibility regarding 'green school' building standards.
10. Allow Local Education Agencies (LEAs) to include those students who obtain their high school diploma from a Community College in their graduation rate calculation.
11. Support the North Carolina School Boards Association efforts to grant taxing authority to local school districts with the agreement of the Board of Education and the County Commission.

Chairperson Griffin called for a motion to adopt the proposed 2009 Legislative Agenda.

**Mr. White moved that the Board adopt the proposed 2009 Board of Education Legislative Agenda as presented, seconded by Mr. Merchant, and a discussion followed.**

- Mr. Tate said he would like to suggest adding an item that had been included in previous Legislative Agendas. Mr. Tate asked the Board to add the following: Enhance Student Support Services (SSS) by providing funding for more school social workers and school counselors. Mr. Tate discussed the reasons this is so important at this point. In the work of social workers, school counselors, and the SSS Program that is in place with CMS there are people who have specialties in their own fields that focus on helping students achieve satisfactory adjustment to school and coordinate the efforts of school, family, and community to make it possible for students to achieve maximum benefits from their education. The specialists help students and families make the best use of the initiatives offered by CMS to develop academically, socially, and emotionally to achieve their full potential. They bring to the educational environment an understanding of the psychosocial needs, development of children, and the influences of family, community and cultural differences as they interact with the CMS educational process. The Student Support Services highlight a variety of areas including assessment, attendance, truancy, dropout prevention and intervention, crisis and suicide intervention and prevention, and homelessness. They provide wrap around support to help students to build their capacity and potential for academic success. The CMS Student Support Model is responsive to and reflects the program services needed in each individual school and community. This is especially important with the growing numbers of homeless students and those eligible for free and reduced lunch throughout the school district. CMS should ensure there are enough trained specialists in the schools and available to come into the schools to meet these needs. Research documents that providing direct services to students and families to reduce or eliminate the harmful affects of physical, medical, social, mental, financial, or environmental conditions actually help students maximize academic achievement which is the mission of the Board. Mr. Tate said when more than fifty percent of the CMS students are now identified as eligible for free and reduced lunch we can only imagine that many have difficulty coming to school prepared to learn due to stress from unmet needs, instability, and uncertainty about the future. Students who live in poverty are capable of learning but they are often enmeshed in social problems that accompany poverty such as homelessness, inadequate medical care, substance abuse, child abuse, teen pregnancy, domestic violence, financial problems, and mental or emotional difficulties. These students need extra supports to build their capacity to cope, maintain, and manage the multiple stressors in their lives and to assist them in preparing for the expectations and demands of the school environment. Mr. Tate said this is not the time to take this item off the Board's Legislative Agenda because there is a demand to provide full Student Support Services to all the CMS students. This is the time to ask for what we need so that all the CMS students will be able to make the best of the education that CMS offers. Mr. Tate encouraged the Board to include this in the proposed 2009 Legislative Agenda.

**Mr. Tate made an amendment to the motion that the Board add an item to the proposed 2009 Board of Education Legislative Agenda that would enhance Student Support Services (SSS) by providing funding for more school social workers and school**

**counselors as an Additional Initiative, seconded by Mr. White, and a discussion followed.**

- Mr. White said he would support this item and he agreed with Mr. Tate's comments. He expressed concern that often Board discussions raise expectations that will not happen. He has spoken with people in Raleigh and Washington, and in reality there will be no new money this year. The Board adopting this item does not mean the State will provide funds for this item. Mr. White said these positions are important and probably needed more now than in the past.
- Ms. McGarry said in 2008 the Board had thirteen items on the Board's 2008 Legislative Agenda. At that time, the Board discussed the need to reduce the number of items because it was not feasible to make headway in the session with so many items. This year, the Board did strive to reduce the number and went from thirteen items to eleven items. She appreciates the effort to separate the key initiatives. She expressed concern that many of the additional initiatives already ask for more money and that is not realistic based upon the economic situation. She will not support adding another item at this time because the session has already begun and the Board should focus on the key initiatives.

**The Board voted 5-4 to add an item to enhance Student Support Services to the Additional Initiatives in the proposed 2009 Legislative Agenda and the amendment passed. Chairperson Griffin, Mr. White, Ms. Mitchell-Walker, Mr. Tate, and Mr. Gjertsen voted in support of the amendment. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, and Mr. Ross voted against the amendment.**

**The Board approved adding the following to the proposed 2009 Legislative Agenda as an Additional Initiative:**

**12. Enhance Student Support Services (SSS) by providing funding for more school social workers and school counselors.**

The Board discussed the original motion to adopt the proposed 2009 Legislative Agenda as amended.

- Mr. Merchant said he also would like to add an item to the Legislative Agenda. He encouraged the Board to add an item using vague language that would support legislation to allow for furloughs of Pre-K-12 employees. There has been discussion in Raleigh regarding a bill that would allow school systems to use furloughs. This would be another tool in the toolbox as we strive to meet tight budgets and the potential to save some jobs. Mr. Merchant asked Dr. Gorman to provide an update to this item based upon his meeting in Raleigh today. Dr. Gorman said furloughs were discussed today and it is still in draft form. Dr. Gorman discussed furloughs with the Mecklenburg Delegation and they have mixed views on the support of this item. They prefer seeing the fully drafted document first as that could change their opinion. Those who are not in support of this item at this time have concerns regarding how it would be operationalized and this will be reviewed in the legislative document. Dr. Gorman said at this time it is the intention of the legislators to have a document to come forward and be filed but that has not happened as of today.

**Mr. Merchant made an amendment that the Board add an item to the proposed 2009 Legislative Agenda Key Initiatives that would allow for furloughs of Pre-K-12 employees,**



**seconded by Ms. McGarry, and a discussion followed.**

- Mr. Gauvreau said this should not be a Key Initiative. He will oppose the overall Legislative Agenda because it is filled with items that are manager issues and the Board should not lobby for those items. CMS has a paid lobbyist to lobby the government. Mr. Gauvreau encouraged the Board to include items in the Legislative Agenda that would advocate for more control and freedom because that would allow the Board to make decisions and that would improve the public education system. Mr. Gauvreau expressed concern regarding the items on the Legislative Agenda and specifically the initiative to build a law enforcement agency. Chairperson Griffin said this discussion should be focused on adding an item regarding furlough. Mr. Gauvreau said he would vote "no" on this item.
- Mr. White said in better times he would not support this item. This is a tool to address the budget situation. Furloughs would be one of the last tools he would choose but in dealing with the budget situation CMS needs to consider all possible options. Mr. White said like it or not, this Board approving this item to support the state legislators will have an impact. Mr. White said he would support this item.

**The Board voted 7-2 to add a provision that would allow for furloughs of Pre-K-12 employees as a Key Initiative to the proposed 2009 Board of Education Legislative Agenda. Chairperson Griffin, Ms. McGarry, Mr. White, Mr. Merchant, Ms. Mitchell-Walker, Mr. Ross, and Mr. Tate voted in support of the amendment. Mr. Gauvreau and Mr. Gjertsen voted against the amendment.**

**The Board approved adding the following to the proposed 2009 Board of Education Legislative Agenda as a Key Initiative:**

**5. Allow for furloughs of Pre-K-12 employees.**

**Mr. Merchant moved that the Board adopt the proposed 2009 Board of Education Legislative Agenda as amended, seconded by Mr. White, and a discussion followed.**

Ms. McGarry asked that the question be divided because she would support the Key Initiatives but would not support the Additional Initiatives. Chairperson Griffin said there was no objection from the Board members and she would divide the question.

Chairperson Griffin called for a motion to adopt the Key Initiatives as amended including the furlough provision.

**Ms. McGarry moved that the Board adopt the proposed 2009 Board of Education Legislative Agenda Key Initiatives as amended including the furlough provision, seconded by Mr. White and the Board voted 8-1 in support of the motion. Chairperson Griffin, Ms. McGarry, Mr. White, Mr. Merchant, Ms. Mitchell-Walker, Mr. Ross, Mr. Tate, and Mr. Gjertsen voted in support of the motion. Mr. Gauvreau voted against the motion.**

Chairperson Griffin called for a motion to adopt the Additional Initiatives including the provision for enhanced Student Support Services.

**Mr. Merchant moved that the Board adopt the proposed 2009 Board of Education**

**Legislative Agenda Additional Initiatives as amended including the provision for enhanced Student Support Services, seconded by Mr. Tate, and the Board voted 6-3 in support of the motion. Chairperson Griffin, Mr. White, Mr. Merchant, Ms. Mitchell-Walker, Mr. Tate, and Mr. Gjertsen voted in support of the motion. Ms. McGarry, Mr. Ross, and Mr. Gauvreau voted against the motion.**

**B. Recommend approval of a reduction in force necessitated by decreased funding for teachers and assistant principals including the criteria to be used in the reduction**

Chairperson Griffin called upon Dr. Gorman to present the recommendation. Dr. Gorman said previously the Board was provided an overview of a preliminary plan to reduce costs and it included such items as savings costs through normal attrition, by not filling certain vacant positions in certain departments, and by not budgeting for hold harmless teacher positions. Many of these steps began some time ago and included a hiring freeze in the fall 2008. It is a requirement of Board policy that the Board adopt a reduction in force process. That process includes advising the Board of an estimate of the number of staff that may be impacted by that process. The Board has conducted four preliminary Budget Work Sessions and staff reviewed a great deal of information with the Board. The Work Sessions have been helpful and were open to the public as well as televised on CMS-TV 3. CMS has been asked to return \$10.3 million in reversions on the current year's budget. The State has requested \$5.3 million and the Mecklenburg County has requested \$5 million. CMS has completed the reversion to the State and is in the process of returning the funds to the County. The reversions are being completed without impacting instruction in the classroom. During the first Budget Work Session, staff initially shared with the Board the potential regarding \$53 million in budget reductions which included a 5% local budget reduction and a 5% State budget reduction for the 2009-2010 school year. Staff initially shared the possibility of \$55 million in potential reductions for the Board to consider. At this point, the budget has shifted and CMS is now facing approximately \$52 million in reductions for Mecklenburg County alone and that number is growing on a daily basis. Dr. Gorman said he talks with County Manager, Harry Jones, on a daily basis and the projections related to tax revenue and other dollars are declining. Dr. Gorman at this point we are facing approximately \$55 million in budget reductions but we do not know how this will finalize because there is a lack of clarity based upon the current information. Dr. Gorman reviewed the proposed budget reductions for the first \$55 million as follows:

- 31% of the reductions from the Central Office and Support Operations totaling a reduction of 7.6% of that total budget and includes the elimination of 170 positions with 5% of the positions from Central Office.
- 26% of the reductions from Academic Services and Academic Support or a reduction in the amount of \$14.7 million or 7.4% of that total budget and includes the elimination of 128 positions or 4.5% of the total positions.
- The potential reductions at the school level do not include an increase in class size and a reduction in the traditional class room teacher model. That totals \$23 million or 41% and includes the elimination of 392 positions for a total reduction of 3.8%.

Dr. Gorman said there are no classroom teachers included in the first \$55 million of potential reductions. Approximately 86% of the CMS dollars are spent in salaries and benefits and approximately ninety-two of the expenditures are directly attributable to the operations of a

school site based upon the analysis completed by Education Resource Strategies (ERS). Staff has provided the Board with an outline of Tiers 1, 2, and 3 and the Board has provided direction to staff to develop a Tier 4 based upon potential additional reductions. The Tiers are in the format that should dollars not be cut items and positions in the various Tiers may be added back to the budget. Progressing through the Tiers of budget reductions will eventually impact teacher positions and could impact 371 teachers within the district. The Tiers are grouped in \$8 million increments to provide an insight to the budget should dollars come back to the district as we expanding beyond the initial \$55 million in reductions. Staff is striving to answer questions and e-mails from the public in order to ensure accurate information is being provided. Dr. Gorman said he was in Raleigh today and met with the Mecklenburg Delegation. In response to the *Charlotte Observer* article entitled *Governor Spend More on Students* they had one word to say "How?" They are struggling and do not know where more dollars will be found. Everyone knows that a Governor's initial budget is not a final adopted budget because the process includes additional steps. In meeting with the Mecklenburg Delegation, it was clear that flexibility will be the key driver. Reductions that may need to be made in Mecklenburg County could be different than the reductions that need to be made in Anson County, Caldwell County, or Wake County which may be the most similar in size to CMS. Dr. Gorman said he met with the new Chairman of the State Board of Education and CEO of the Department of Public Instruction and he shared with them the Board's desire to have flexibility. CMS is in a position in which there is a great lack of certainty for how many dollars will have to be reduced because we do not know what the state and county reductions will be or the potential and impact of the federal stimulus funding. Tonight, the Board is in the position of having to approve a process by policy regarding reduction in force and staff is required to provide an estimated number of that staff. Should staff not share that information, staff would be in the position of not being transparent and informing the public. This creates an awkward position for staff of what is best to do. Should staff share what is potential; keep that knowledge to themselves; allow that information to trickle out; or prepare for worse case scenario and then bring items back. This is the point that we are facing at this time. Staff cannot answer the questions whether certain staff members will have a position. Staff can be transparent and provide the best information possible of what might happen as well as present the best possible process to the Board that includes steps to take initial cuts as well as what to do to bring dollars and positions back. Dr. Gorman said he is not hopeful on the first \$52 million from the County which equates to a 10% budget reduction (\$35 million) or the \$17 million for increased costs next year for growth, sustaining operations, and opening six new schools.

Dr. Gorman said the Board is in a difficult position and are at the point in which they must adopt a process. All staff with an e-mail account was e-mailed a copy of the proposed plan for a reduction in force. Throughout the process, as much as possible, staff has shared information with employees and employee associations to keep them up to date. Dr. Gorman said he would present a process and seek approval for a reduction in force necessitated by decreased funding as it relates to teachers and assistant principals including the criteria to implement when eliminating those positions. This is in accordance with Board Policy GCQA for Career Employees and Policy GCQB for Non-Career Employees. Board members have been provided this document and it will be posted on the CMS Website following the Board meeting. At this time it is anticipated that the district can avoid the elimination of Career teacher positions in elementary school but unfortunately it will be necessary to eliminate Non-

Career teachers in elementary schools based on what has been shared at this point in the budget projection. Moreover, it will be necessary to eliminate teachers in secondary schools as well which could include Career teachers within affected subject areas. This reduction in force will also impact assistant principals. The criterion that is recommended in the document generally involves the reduction of Non-Career teacher positions before Career Teacher positions. However, in all cases, performance will be the first criteria used. Before comparing to relative performance of teachers within classifications Dr. Gorman recommended the elimination of Non-Career teachers with licensure deficiencies, Non-Career teachers filling spots following their retirement who continue to receive retirement benefits, Non-Career part-time teachers, non-career interim teachers, and non-career teachers with end-of-the-year contracts. Dr. Gorman reviewed the criteria for assistant principals. Assistant principals are employed under two and four year contracts. Based upon anticipated funding at this time, Dr. Gorman recommended that approximately eighty-three assistant principals be eliminated and should funding not be sufficient additional positions will be considered for elimination. Performance is the first criteria for the elimination of assistant principals. Performance is also the first criteria for the elimination of Career and Non-Career teachers. Based upon the current information, Dr. Gorman is recommending the elimination of approximately 456 teacher positions. Staff hopes it will not be necessary to eliminate that many teachers and as the budget is finalized CMS may be able to bring some positions back. Dr. Gorman said it is our intent to not to eliminate positions but there are certain processes and timelines that must be put in action by both Board policy and state law. This process will provide staff the appropriate time and allow schools to plan for the coming year based upon the current information. There are certain teachers in the Retain Category that are being recommended to be excluded from the proposed reduction in force and they include Math, Science, CTE Health Occupations, CTE Project Lead the Way, Exceptional Children, English as a Second Language teachers, Montessori trained teachers currently teaching at a Montessori School, and teachers who teach a unique Foreign Language Program in which a replacement teacher would be difficult to locate such as Chinese teachers and those individuals who possess specific skills. Other considerations include setting aside Teach For America teachers because the district has made a commitment to provide designated funding to train those teachers and many of them have been placed at schools with high populations of underprivileged students and schools where placement of personnel have proven to be more difficult. The recommendation also includes that teacher eligibility for rehire must have specific rules. If the Board votes to non-renew the contract of a Non-Career teacher based upon the approved criteria, the Non-Career teacher would have the right to reapply for positions but with no guarantee of reemployment. If the Board votes to dismiss a Career teacher based upon the reduction in force, the Career teacher would be placed on a list of Career employees that would be maintained by the Board and shall have a priority on all positions in which the teacher acquired Career status and for which they are qualified which becomes available for three consecutive years following their dismissal. If they refuse a position they will be removed from the list. The document more clearly outlines the criteria and includes multiple steps.

Dr. Gorman said staff does not want to layoff teacher positions. Staff reduced the budget by \$55 million in non-class room teaching positions first and staff will continue to work in that direction. Throughout the upcoming process, staff will continue to update the Board, the public, and staff to keep them informed. Dr. Gorman said he is worried that staff will not have much notice before it is necessary to enact some of these steps. The next few months will be

difficult and unsettling for the entire district. Staff will strive to make the process in making the necessary cuts as fair and impartial as possible. Sizable challenges lie ahead. Dr. Gorman said as we work through the challenges it is important to remember that most important is educating this community's children to the best of our ability.

Chairperson called for a motion.

**Mr. Merchant moved, seconded by Mr. Tate, that the Board approve the process regarding Dr. Gorman's recommendation for reduction in force necessitated by decreased funding for teachers and assistant principals including the criteria to be used in the reduction, and a Board discussion followed.**

- Mr. Gauvreau discussed the reasons he is okay with the plan because the purpose of this item is we need a plan. This plan is not needed because we have an economic crisis. This plan should have been in force long before because of overspending and inflated hiring practices over the past ten years. He believes if CMS reduces properly it will improve the public education program in Mecklenburg County. The bureaucrats in Washington and Raleigh are not leveling with everybody and have their own agenda because there is tons of money coming. This is a cash flow issue at the moment. Mr. Gauvreau expressed concern that the CMS process has alarmed the public unnecessarily with layoffs and cuts. He encouraged the Board to take this opportunity to do what this plan states because the bloat in CMS is also at the schoolhouse level and not just at the Learning Communities, CMS-TV, and the Education Center. CMS has created its own bubble, has overspent, and doubled the budget. Mr. Gauvreau said he would support the process. He is concerned that the document includes wobble words such as "positions likely to be affected" and the Board may not take action to implement the process. He believes CMS should reduce staff regardless of the federal stimulus funding and the Board should act on this process. He expressed concern that the process omits reductions in the Transportation Department and Pre-K funding and those areas should be cut first to streamline the school district. He expressed concern regarding the amount that CMS spends per year in the English as a Second Language and believes that area could be reduced first. He encouraged the Board to create change because the budget has increased and this will be an opportunity to reduce the budget to improve the school system.
- Ms. McGarry said she is disturbed over the ten-page document because it should be more performance based and some Career teachers are protected. She supports the process but believes the implementation of the process is premature because we are still awaiting information regarding State, County, and federal funding. She would prefer to wait and err on the side of logic, reason, and common sense rather than eliminate 500 teachers. She expressed concern that the process will be started immediately. She realizes there are no easy answers but believes there are other options. She said there are approximately 200 teachers in years one through four who are on an Action Plan and Dr. Gorman could choose to not renew those contracts because he does not need Board approval to take that action. She said the teachers who are not making Adequate Yearly Progress should also be considered for termination. She would support terminating those positions because she relies on Dr. Gorman to take that type of action. She said the Board does need this plan in order to implement those steps because Dr. Gorman has authority to terminate staff that is not performing and that action should be a first step. This is an opportunity to eliminate

those teachers who do not have a calling to teach because each year we are losing a generation of students as a result of not terminating those teachers. She encouraged Dr. Gorman to take steps to weed out the underperforming teachers as a first step in making budget reductions. She believes this plan is premature and she would prefer to wait until CMS has a clearer picture of the financial implications before firing teachers in this process.

- Mr. Gjertsen said “no” we do not need this plan. This Board has conducted four Budget Work Sessions and the Board provided clear direction that stated the Board did not want to cut teacher positions. Each time, we got a repackaged budget that created another tier that pushed it back with a speech that said we need to cut teachers. Mr. Gjertsen does not believe it is necessary to cut teachers. This document says there is no choice but there is always a choice. Mr. Gjertsen would like to see what a budget would look like if the teacher positions were not cut. He would prefer to be told that we do not know what the budget cuts will be and we must plan ahead. Mr. Gjertsen said he has two objections. This document is not needed unless the Board decides that it is going to adopt a budget that requires teacher cuts. Mr. Gjertsen asked can we guarantee that if we cut teachers student achievement will not be impacted? Dr. Gorman said, no, he could not. Mr. Gjertsen said the mission of this Board is to improve student achievement. If the Board is serious about improving student achievement than it cannot adopt a budget that cuts teachers and this would be an unnecessary document. Mr. Gjertsen said his second objection is that an upcoming item on this agenda is Board approval to guarantee contracts for eight members of senior staff for the next two years in the amount of \$1.15 million per year. Two weeks ago, the Board took the same action for the area superintendents for approximately \$1 million each year for two years. Mr. Gjertsen expressed concern that the Board would guarantee over \$2 million in senior staff contracts and then tell teachers their positions will be cut. Mr. Gjertsen encouraged the Board to not support this item because it is premature and not well thought out.
- Mr. Tate asked in following Board policies and should the Board delay action on this item would it affect the ability to implement a reduction in force if it became necessary at a later time? Dr. Gorman said, yes, it can be delayed but that would push back timelines for principals to plan for next year and develop schedules for high schools. The Board could consider delaying those planning activities because there is some wiggle room but there is a process that must be addressed that includes meeting certain dates. The statutory deadline for delivery of non-renewal notices to assistant principals is May 1<sup>st</sup>. The process also includes a certain number of days notice and we must attempt to provide adequate notice and knowledge to the teachers in their planning for the coming year. Dr. Gorman said staff has kept the Board informed on this process and we have not lobbied to reduce teachers. Staff has strived to share information on a continuous basis based upon the information available and discussed different options throughout this process. Dr. Gorman said staff can review condensing the plan and pushing it back but based upon the information he was told in Raleigh today the state reductions will not go away. A final state budget and clarifying information will not be ready for several weeks. Dr. Gorman hopes he will receive clarifying information regarding the federal stimulus funding soon. He noted that some Board members have stated they do not believe CMS should use stimulus dollars for filling these positions because it would only provide funding for a couple of years. Staff must prepare and plan for the next steps. The intent of the plan is to not scare people. The intent of the plan is to be transparent, share the potential options,

and the challenges of what we are facing today based upon the best knowledge available at this time. Mr. Tate asked should the Board approve this item tonight and at a future date it was not necessary to cut assistant principal and teacher positions or staff found another option would Dr. Gorman continue to recommend eliminating these positions? Dr. Gorman said, no, that is the hope for plan and he would call a Special Board Meeting to discuss bringing dollars back. Mr. Tate said this is a plan or process that needs to be put in place so that if it were needed it would be in place but we hope it will not be necessary. Dr. Gorman said that is correct.

- Mr. Merchant asked if this is approved and it goes forward when would the employees who appear to be rifted candidates be notified? Dr. Gorman said this is included in the working document and he called upon Hugh Hattabaugh, Chief Operating Officer, to review the process which would begin April 22<sup>nd</sup>. Mr. Merchant asked clarifying questions regarding the process for teachers who are rated below standard on the Summative Evaluations. Mr. Hattabaugh said we must officially notify all teachers by June 12<sup>th</sup> but we must go through the process because it would be a district-wide determination based upon performance and then relative performance. This is based upon budgetary information as it comes forward and we would not want to notify someone until we are assured that this is necessary. The process would follow the outline documented. Dr. Gorman said there are some individuals who would need to be notified by May 22<sup>nd</sup> because the process includes the option for employees to appeal the decision. At any point in time, staff hopes to be able to pull back on this process. Staff is striving to determine a process and then begin the implementation strategy. Staff has struggled whether to share all the pertinent information or not. Staff took the decision to be transparent and share the potential challenges and issues. Mr. Merchant said it is hard to balance that battle because he wants everyone to have as much information as possible. He expressed concern that the fear of the reduction in force procedure is irrational. The plan is truly based upon performance and most teachers know whether they are performers or not. He believes it is illogical that 1,000s of teachers are concerned that they will loose their job. He believes this is a fair and detailed process and he hopes this meeting has provided everyone information that this process includes a clear procedure. He clarified that this is only approving a process and we are not telling Dr. Gorman to terminate 465 people tomorrow. Mr. Merchant expressed concern that the Governor's budget, like last year, will provide everybody with false hope. Last year, Governor Easley's budget proposed a 7% pay increase for teachers and all the Board members knew that would not happen. Mr. Merchant said we are not going to pop out of this because receipts for next year will be lower than this year, there is no magic pill, and waiting will not help. Mr. Merchant said he has confidence in Dr. Gorman and his staff that this is the best possible process. He believes there are other areas that can be explored in the next Tier before reaching a point of using this plan. He encouraged the Board and staff to be creative and aggressive in exploring other options. Mr. Merchant said he would support this plan.
- Mr. White said over the years the school system has been criticized for never having a plan and he has worked with the school system since 1963. Mr. White said he has been a staff member, his wife is a retired teacher, and his daughter-in-law is a teacher. Of the first thirteen people that were let go last week was someone that he has known for years and that hurt. He does not want to see anyone terminated and this is not a pleasant process. This is not a game that we have opted to play. This is real. He has been angry at the Board of County Commissioners and the State legislators for refusing to give the school

system money when they had money to give. He has attended meetings in Washington and Raleigh and he is absolutely convinced that this year they do not have money to give. This year, the Board will have to make tough decisions that no one likes to make. He wants the Superintendent to be in a position to make the best decisions possible by being able to plan ahead and provide direction to the Board. He is hoping that something will happen and this step will not have to be taken. Mr. White said based upon that information he would support adopting this plan.

- Mr. Gjertsen shared the reasons he does not believe the Board should adopt this process. This process would not be needed if the Board had their priorities in order. He does not believe the Board should save middle school sports over teachers. This tells him there is money in the budget and the process would not be needed if the Board chose to not cut the teacher positions. Mr. Gjertsen encouraged the Board to review the budget to find the money to not cut the teachers and this would eliminate this confusion and this problem. Mr. Gjertsen asked if there was a process in place for terminating poor performing teachers regardless of a reduction in force plan? Dr. Gorman said there are different processes for Career and Non-Career. Mr. Gjertsen asked clarifying questions regarding teacher assistants in Montessori schools; how much choice or flexibility principals will have in the cuts for their particular school; and why eliminate Non-Career teachers but not Career teachers in elementary schools. Dr. Gorman answered those questions. Mr. Gjertsen said he would like to see a proposed budget that did not cut teacher positions and he asked if any other Board members would be interested in seeing that information? Ms. McGarry said she would like to see that information.
- Mr. Gauvreau said in order to improve the school district CMS needs to address a budget that gets rid of the bloat and that includes the bloat at the schoolhouse level as well. He expressed concern that in August this budget will be increased. He said he would support this item because it gives the Board an opportunity to start making change. He said this plan is weak but implementing a reduction in force plan is a good idea.
- Chairperson Griffin said there is nothing in this document that makes the budget decision to cut teachers and this is not layoff any teachers. This document only establishes a process to put in place. At the next Board Budget Work Session, the Board can discuss the budget situation. Mr. Gjertsen asked Ms. Griffin if she would support his request to have a budget presented that does not cut teachers? Chairperson Griffin said she would discuss this with the Superintendent and the other Board members. She is in favor of looking at all options but given the fact that the Superintendent has presented the Board \$55 million in reductions without any teacher cuts it is going to be difficult to avoid. She said the Board can discuss various scenarios at the next Budget Work Session but this is not a topic on the agenda tonight.
- Mr. Gauvreau said having a pro forma plan presented that does not impact teachers is worthwhile. He said over the years he has suggested that staff propose budget reductions in transportation and he believes it would be worthwhile to include that as well. Chairperson Griffin asked Mr. Gauvreau to end his discussion because he had already spoken his two turns and he was now discussing the budget. Mr. Gauvreau asked that the information be presented at the next meeting.
- Ms. McGarry said this is posed as a process but based upon the timeline for reduction in force it is voting for implementation of that process. She believes there are other methods of cutting those who are not productive in the classroom, that do not have results, and that process should be done on an ongoing basis. She believes that would be a better method



than using the plan for a reduction in force that includes a two-page outlined timeline that begins March 20<sup>th</sup>. Dr. Gorman said that document is a privileged and confidential working document for Board members only of a draft plan of what the process could follow. Dr. Gorman said the purpose of the process is to be compliant with Board and State policies and guidelines.

- Mr. Ross said this is not a plan to cut any positions. It is a plan to state what will happen should CMS not receive adequate funding. The plan provides staff and the public advanced notice that this could possibly happen. This is the plan that will be followed should CMS not receive funding.

Chairperson Griffin called for a vote on the proposed process for implementing a reduction in force. She noted that this is not a document for an immediate layoff of any teachers.

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

C. Recommend approval of modification to the 2008-2009 school calendar

Chairperson Griffin called upon Dr. Gorman to present the recommendation. Dr. Gorman called upon Sarah Crowder, Associate General Counsel, to present staff's recommendation regarding modification to the current 2008-2009 school year calendar. Ms. Crowder said the Board adopted the 2008-2009 school calendar in November 2006. The calendar includes make up days in the order they are to be used for times school is closed because of inclement weather. On February 24, 2009, the Board approved changing the scheduled make up day for the February 4, 2009 "snow day" from April 6, 2009 (the first day of spring break) to March 27, 2009. On March 2<sup>nd</sup>, students and staff were again out of school because of inclement weather. On the originally approved calendar, the designated make up day for this "snow day" is April 7, 2009 which is the second day of spring break. Staff's recommendation is a modification to the 2008-2009 school calendar to change the make up day for March 2, 2009 to Monday, May 25, 2009 which is the Memorial Day holiday.

Chairperson called for a motion.

**Mr. Merchant moved that the Board approve a modification to the 2008-2009 school calendar by changing the make up day from April 7, 2009 to May 25, 2009, seconded by Mr. Tate, and a discussion followed.**

Chairperson Griffin asked Dr. Gorman to review the curriculum plans and the focus for students attending school on Memorial Day. Dr. Gorman said all schools will have activities that are level specific that will recognize the importance and meaning of Memorial Day including participation in a "moment of silent remembrance" or other appropriate commemorative activities. The Curriculum and Instruction Department will be distributing information to all schools following spring break.

- Mr. White said he would like to put the responsibility where it should be placed. He strives to maintain a good relation with the representatives in Raleigh because we need their support. Should Raleigh get out of the school calendar business and allow each local school system to develop a calendar this would not be an issue because we could have

added a day at the end of the school year as we have done in past years. He said if the public is displeased with this decision he would encourage them to advocate to the representatives in Raleigh to allow schools systems to develop their own school calendars in order for them to best serve the needs of the individual communities.

- Mr. Gjertsen said this calendar was adopted one-year with a staff recommendation after getting community input. He does not like this change because it requires extra work on the Curriculum Department and this is the Memorial Day holiday in which we honor those who served our country. He did not have a problem with moving a “snow day” to March 27<sup>th</sup> which was a teacher work day but he has a real problem with moving a “snow day” to Memorial Day in an effort to spare the hardship of making changes to vacation plans during spring break. He does not want to prioritize a spring break over a Memorial Day holiday. Mr. Gjertsen said he would not support this item.
- Mr. Gauvreau does not believe the people in Raleigh run the school district. He encouraged the Board to add another day to the end of the school year in lieu of having school on Memorial Day because that is an important day. He also encouraged the Board to consider having school on a Saturday.
- Ms. McGarry said it is difficult to develop a calendar to include protected teacher work days and holidays throughout the school year. Originally, the Board approved three snow days for April 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> and she voted to approve them as make up days. She is not willing to change that because the calendar was developed by a Calendar Committee consisting of fifty people and they recommended the best make up days available. She will not go back on their recommendation. She said Memorial Day is a family day. Spring break is a vacation and many people in this economy are not planning to go out of town and would be glad to have a school so they would not have to worry about day care. She said Memorial Day is to honor the death of those who served our country of every war and this is a holiday for all Americans. She believes having school on Memorial Day is disrespectful.
- Mr. White said he served his country and he is a Green Beret, and he has no intentions of disrespecting anybody who have served this country.
- Mr. Tate said he would support this item. He believes being in school may be a good way to honor Memorial Day. He is pleased that CMS is developing special programming because the Memorial Day holiday is designed to be a day to historically remember what has happened and the people who have given their life. Conducting history lessons in school on Memorial Day is a great opportunity to commemorate the holiday and it would not be disrespectful to attend school on that day. He encouraged staff and the Calendar Committee in developing a school calendar in the future to ensure where those make up days may fall.

**The Board voted 6-3 in support of the modification of the 2008-2009 school calendar. Chairperson Griffin, Mr. White, Mr. Merchant, Ms. Mitchell-Walker, Mr. Ross, and Mr. Tate voted in support of the motion. Ms. McGarry, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.**

**D. Recommend approval of employee contracts for executive/administrative staff members**

Chairperson Griffin called upon Dr. Gorman to introduce the recommendation. Dr. Gorman said this is the approval of employee contracts for eight administrative staff members and the Board was provided copies of the contracts prior to the meeting. The employee contracts were

for the following administrative staff members:

- Guy Chamberlain, Associate Superintendent for Auxiliary Services.
- Sheila Shirley, Chief Financial Officer.
- Susan Johnson, Chief Information Officer.
- Maurice Ambler, Chief Human Resources Officer.
- Tyler Ream, Chief of Staff.
- Jonathan Raymond, Chief Accountability Officer.
- Barbara Pellin, Assistant Superintendent for Pre-K-12 Support Programs.
- Dr. Mary Jane Rhyne, Assistant Superintendent for Exceptional Children.

Chairperson Griffin called for a motion.

**Mr. Tate moved, seconded by Mr. White, that the Board approve the employee contracts for eight administrative staff members, and a discussion followed.**

- Mr. Gauvreau encouraged the Board to not support two-year employee contracts for executive staff that are not performance based. He expressed concern that this item will not change the dynamic of the public education program, the salaries are too high, and no one in Mecklenburg County should have a two year contract.
- Ms. McGarry said these are all good people but she is opposed to this item at this time. She expressed concern that CMS is facing reductions in force of 500 teachers and to be a good steward of the taxpayers' dollars she must be concerned that this item is the approval of eight staff positions in the amount of \$1.1 million per year. She is concerned that the contracts do not include a severance clause and believes those contracts should be rewritten. She said the timing for this item is bad because the contracts do not expire until July 1 and there is not a sense of urgency to approve this item at this time. She offered an amendment to the motion.

**Ms. McGarry made an amendment to the motion that the Board delay the vote on this item in order for staff to rewrite the employee contracts for administrative staff members to include a suitable severance clause and bring this item back before the Board in two weeks for approval, seconded by Mr. Gauvreau, and a discussion followed.**

- Mr. Gauvreau encouraged that this process include rewriting the contract to be a more performance oriented contract that changes behavior and increases salary/bonus with performance and decreases salary/bonus in the absence of performance. He does not believe eliminating the bonus for these staff members is enough because the bonuses should be performance based and the contracts should be rewritten to include more than just a severance clause.
- Ms. McGarry expressed concern that without a severance clause should these individuals be terminated prior to end of contract CMS would be obligated to pay the full remainder of the employment contract.
- Mr. Gauvreau discussed his concerns regarding that the contracts are not performance oriented. Chairperson Griffin said the discussion is about the amendment and this is not germane to that topic.

**The Board voted 3-6 on the amendment to the motion and the amendment failed. Ms.**

**McGarry, Mr. Gauvreau, and Mr. Gjertsen voted in support of the amendment to the motion. Chairperson Griffin, Mr. White, Mr. Merchant, Mr. Ross, Ms. Mitchell-Walker, and Mr. Tate voted against the amendment to the motion.**

The Board discussed the original motion to approve the employee contracts for executive staff members.

- Mr. Gauvreau encouraged the Board to not approve this item because the contracts should be about better government.
- Mr. Ross said CMS is a \$1.2 billion corporation and in order to run a system that large requires staff members. He believes it is important to have people in position to run an organization this size. He would like the Board to do something different with the contracts but that cannot be done at this meeting. He encouraged the Board to review this item through policy at the upcoming Sustainability Meeting in March.
- Chairperson Griffin said the contracts for Dr. Gorman's executive staff before the Board include no salary increase and no bonus. Dr. Gorman said that is correct. Chairperson Griffin said this is a reflection of the difficult budget times that we are facing.
- Ms. McGarry encouraged the Board to vote this item down tonight, rewrite the contracts, and bring this item back before the Board for approval in two weeks.

Chairperson Griffin said that motion was defeated and she encouraged the Board to vote on the motion before the Board to approve the employee contracts as presented.

**The Board voted 5-4 in support of the motion to approve employee contracts for eight executive/administrative staff members. Chairperson Griffin, Mr. White, Mr. Ross, Ms. Mitchell-Walker, and Mr. Tate voted in support of the motion. Ms. McGarry, Mr. Merchant, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.**

## **V. REPORT/INFORMATION ITEMS**

### **A. Report on Financial Statements for January 2009**

Chairperson Griffin called upon Dr. Gorman to introduce the report. Dr. Gorman said Report Items A. and B. are the monthly reports and they are as presented.

### **B. Report on Budget Amendments for January 2009**

Presented with Report Item V.A.

### **C. Report on Strategic Plan 2010 Charter: Global Studies and World Languages**

Chairperson Griffin called upon Dr. Gorman to introduce the report. Dr. Gorman asked the Board to remove Report Item C. (Report on *Strategic Plan 2010* Charter: Global Studies and World Languages) from the agenda as the presenter of this item became ill and had to leave the meeting.

### **D. Report/First Reading on proposed amendments to Policy JJJ: Extracurricular Activity Eligibility**

Chairperson Griffin called upon Tom Tate, Chairperson of the Policy Committee, to present the report. Mr. Tate said this is the First Reading on proposed amendments to Policy JJJ:

Extracurricular Activity Eligibility. The amendment changes the timing of when grade point average is calculated for purposes of determining if students meet the 2.0 eligibility standards for participating in extracurricular activities which include interscholastic athletics. Mr. Tate said the Board will conduct a Public Hearing and a Board vote on the proposed amendments at the April 14, 2009 Regular Board meeting. The amendments will be posted on the CMS Website for public comment.

The proposed amendments are as follows:

Effective with the 2009-2010 school year, in order for students to participate in school sponsored extracurricular activities, for the preceding semester all students in middle schools and high schools must have earned a grade point average of 2.0 (calculated using final semester or course grades) and have 85% attendance. A student may participate in a school-sponsored extracurricular activity only if (1) the student is currently enrolled in at least one-half of the minimum academic course load, and (2) the student was in attendance at school that day for at least one-half of the instructional day. Any exceptions for eligibility requirements of clubs and organizations must be approved by the Superintendent. Eligibility of students in the programs for exceptional children will be in accordance with local, state and federal guidelines. A student suspended for conduct that constitutes a violation of Board policy and/or school rules will not be allowed to participate in extracurricular activities during the length of suspension. Any student subject to the North Carolina High School Athletic Association's eight-semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law, or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult, is not eligible to participate in the North Carolina High School Athletic Association's sports program from the date of the conviction or adjudication of delinquency through the end of the student's high school career. Pending appellate or other post-conviction review of the conviction or adjudication of delinquency does not affect the student's immediate ineligibility.

## **VI. REPORT FROM SUPERINTENDENT**

Dr. Gorman said he did not have a report to present. He asked staff to join him in CH-14 following the meeting.

## **VII. REPORTS FROM BOARD MEMBERS**

Tom Tate reported that he would not longer be serving as the Board liaison to the Equity Committee and that would be an open position. He said the Equity Committee will continue to meet the first Friday of each month. Mr. Tate invited the Board members to join the Equity Committee on a Tour of Charlotte conducted by the Levine Museum of the New South on Friday, May 8<sup>th</sup> beginning at 8:30 a.m. at the Levine Museum. The tour will highlight how Charlotte-Mecklenburg and the school system has developed and changed over the years.

Ken Gjertsen enjoyed participating in the "Big Read" at Ballantyne Elementary School. He read several books including "Curious George Makes Pancakes" to a first grade class and they voted that their favorite pancakes were M&M Pancakes.

Kaye McGarry invited everyone to join her at "Kaye About Town" on March 26<sup>th</sup> at the Starbucks located at 201 South College Street from 7:30 a.m. until 9:00 a.m. to discuss school

related issues. She was scheduled to participate in "Read Across America for Dr. Seuss Day" on the "snow day" and that was rescheduled. She enjoyed reading to a group of first and second graders at Elizabeth Traditional Elementary School and she commended them on their excellent behavior and enthusiasm for education.

Joe White said Dr. Gorman joined CMS approximately two years ago as one of the youngest superintendents at a large school district in the country. He wished Dr. Gorman a happy birthday as he will be celebrating his birthday next Tuesday.

Chairperson Griffin thanked Dr. Gorman and his staff for the incredible work they do each day for CMS and the students. She said their work is particularly hard as we face this difficult time and she knows their contributions to CMS are out of love for education and love of the students.

### **ADJOURNMENT**

**Ms. Griffin called the meeting adjourned, and by consensus, the Board agreed to adjourn the Regular Board meeting.**

The Regular School Board Meeting adjourned at 9:11 p.m.

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Molly B. Griffin, Chairperson

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Nancy Daughtridge, Clerk to the Board