

Approved by the Charlotte-  
Mecklenburg Board of Education  
February 14, 2012  
Regular Board Meeting



Charlotte, North Carolina

November 9, 2011

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on November 9, 2011. The meeting began at 6:04 p.m. and was held in the Meeting Chamber of the Government Center. CMS-TV 3 televised the meeting.

Present: Eric C. Davis, Chairperson, District 5;  
Tom Tate, Vice Chairperson, District 4;  
Kaye Bernard McGarry, Member At-Large;  
Trent Merchant, Member At-Large;  
Joe I. White, Jr., Member At-Large;  
Rhonda Lennon, District 1;  
Richard Allen McElrath, Sr., District 2;  
Dr. Joyce Davis Waddell, District 3; and  
Timothy S. Morgan, District 6

Absent: There were no absences.

Also present at the request of the Board were Hugh Hattabaugh, Interim Superintendent; George E. Battle, III, General Counsel; Members of Executive and Senior Staffs; Judith Whittington, Manager of Board Services; and Nancy Daughtridge, Clerk to the Board.

**I. CALL TO ORDER**

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

**A. Adoption of Agenda**

Chairperson Davis called upon Tom Tate to present a motion to adopt the proposed agenda.

**Mr. Tate moved that the Board adopt the proposed agenda as presented without Agenda Item V. E. (Report on transition at all schools affected by the school closings) and direct the Superintendent to deliver to the Board at its December 13, 2011 Regular Board meeting a more comprehensive report on the schools and students affected by the actions taken by the Board at its November 9, 2010 Regular Board meeting, seconded by Mr. McElrath, and a Board discussion followed.**

Mr. Tate provided clarification regarding the reason he requested the report be delayed. It is important the Board and the public hear this report but he would like a more in depth report in front of the new Board who will have authority to take action if needed. Mr. Tate said this

motion will remove the report from this agenda and by Board action place it on the agenda for the December 13<sup>th</sup> meeting. The Board should hear what is occurring in each of the schools that were reconfigured or moved as a result of the Board action a year ago. On September 13, 2011, the Board heard an Open School Report and it provided an update on the schools. Delaying this report will allow the Board time to provide the Superintendent input on what should be included in the report and prepare questions. It is important to understand delaying this report is not a signal the Board or staff is unconcerned about these schools. The Superintendent, staff, principals, and staff at each school are taking steps to ensure safety at each school and those steps include monitoring discipline and critical incidents; adding Campus Security Associates, School Resource Officers, and other staff at the schools; working with community and governmental agencies to help students have what they need to learn; and supporting teachers in order for them to provide the best educational programs for our students. The Board wants our students to be and feel safe in an environment that focuses on learning. The Board is listening and acting in a time of transition. Mr. Tate thanked Ms. McGarry for following the guidelines for putting items on the proposed agenda. The Board policy also allows the Board the right to determine its own agenda at the beginning of each meeting with the adoption of the agenda. Mr. Tate asked the Board members to join him in delaying this report until the next scheduled Board meeting December 13<sup>th</sup>. A Board discussion followed.

- Mr. McElrath said he originally thought the report was a good idea but he believes the scope of the report should be broadened to include all schools as well as the Board's expectations for the schools and whether CMS is meeting those expectations. He believes the incoming Board members should hear the report because they will be the ones to help resolve any concerns.
- Ms. McGarry addressed concern regarding removing this item from the agenda. Staff has prepared a report to present and removing it is sweeping it under the rug and a disservice to the community. Ms. McGarry was told she would have a report prior to meeting and she does not have it. Mr. Hattabaugh said a staff member has the report should the Board request it be presented. Ms. McGarry said staff has preaddressed other schools that have an issue and she identified other schools that are having issues. Chairperson Davis said those schools are not affected by the school closings and he asked Ms. McGarry to remain on topic. Ms. McGarry said the students and parents are scared; the high schools are having incidents; the time is of the essence and it is important to share this with the public; this is relevant and urgent; and it is a mistake to wait another month. This report was put on the agenda following Board policy and the new Board members can listen to the report via this meeting.
- Dr. Waddell said she supported putting this item on the proposed agenda but since that time other issues have evolved and she concurs with the motion to delay the item. Delaying the report will allow staff more time to provide an in depth report and allow new Board members an opportunity to hear the report, visit the schools, and get involved. Dr. Waddell said she and Mr. McElrath visited Harding on Monday and some of the same things happening at the school are also happening at other schools.

Chairperson Davis called for the Board vote to adopt the proposed agenda with the deletion of Agenda Item V.E. to be rescheduled for the December 13, 2011 Regular Board meeting.

**The motion to adopt the agenda as amended passed upon 8-1 voice vote of the Board**

**with Ms. McGarry opposed.**

**B. Pledge of Allegiance**

Chairperson Davis called upon Dr. Waddell to introduce the student to lead those present and in the viewing audience in the Pledge of Allegiance and to speak on the November character trait of *honesty*. Dr. Waddell introduced Stephen Niday who is a 12<sup>th</sup> grade student at Cato Middle College High School. Stephen's major is Architecture or Music Production and he will graduate from high school with approximately twenty-six hours of college credit earned. Stephen is undecided where he will attend college at this time. Accompanying Stephen were his father, Chris Niday, and Cato Middle College High School principal, Joey Burch. Stephen invited everyone to stand and join him in reciting the Pledge of Allegiance. Following the pledge, Stephen said *honesty* is defined as truthfulness and sincerity or frankness. Stephen said his favorite quotes are by Thomas Jefferson "Honesty is the first chapter in the book of wisdom" and by Brigham Young "Honest hearts produce honest actions."

**C. Report on the Comprehensive Annual Financial Report for fiscal year ending June 30, 2011**

*Correlation to Board of Education Vision, Mission & Core Beliefs: Operating effectively and efficiently with fiscal accountability.*

Chairperson Davis said this item is the Comprehensive Annual Financial Report for fiscal year ending June 30, 2011. Chairperson Davis called upon Sheila Shirley, Chief Financial Officer, and Aprille Bell, auditor with Dixon Hughes Goodman LLP, to present the report. Ms. Shirley recognized staff in the Financial Department for their hard work, outstanding accounting, and auditing work that greatly contributes to the positive audit outcomes CMS receives each and every year. Ms. Shirley called upon Ms. Bell to present the results of the audit and the opinion issued regarding the financial statements. Ms. Bell thanked the Board for the opportunity to allow Dixon Hughes Goodman to serve as the Board's independent auditor. Ms. Bell provided an overview of the 2011 Comprehensive Annual Financial Report results and the deliverables which included the Audit Opinion. The Audit Opinion again this year was an unqualified opinion which is the best opinion possible. An unqualified opinion means the financial statements are presented in accordance with generally accepted accounting principles. The audit materials include a letter addressed to the Board of Education which is required at the conclusion of the audit. The letter outlines any problems encountered during the audit; any changes in accounting principles or significant estimates; and material adjustments to the accounting records as a result of the audit. There were no such incidences this year as in prior years and the Board of Education received a standard letter. The audit packet includes a Compliance Report or Single Audit Report which is compiled by Dixon Hughes Goodman. This report reviews the federal and state programs audited by Dixon Hughes Goodman and the results of those audits. Highlights of the Financial Results of the Audit included the following:

- Analysis of the revenues in the governmental funds excluding the capital outlay funds. The revenues have decreased over the last three years with the most significant decline in 2009-2010 as it relates to the State revenues. CMS receives the majority of its funds from the State but they are decreasing. In 2011 CMS received approximately 57% of its total funding from the State compared 60% in 2009.
- Analysis of the governmental funds expenditures. The expenditures have declined over the past three years. The biggest decline was from 2009-2010 and that was in response to

the decline in the State funding for those same years.

- Analysis of CMS expenditures over the past three years, Instructional Expenditures and Other Expenditures. The categories are defined by the state of North Carolina and are mandated to be used by all school districts across the State. Other Expenditures includes special, school leadership, co-curricular and school-based support. The relationships have been consistent for the past three years.
- Fund Balance has grown in total over the past three years and that is in response to CMS knowing the federal funding will decline next year. To be good stewards of that money and to ensure CMS is able to backfill that decline in federal expenditures and federal revenues, CMS has been able to increase its fund balance accordingly over the last couple of years. The biggest pieces of fund balance that are most important are the amounts available for appropriations and the unassigned amounts. Those dollars have remained consistent over the past three years.
- Analysis of Appropriations and Unassigned Amounts: These are the parts of the fund balance the State has said school districts can use to appropriate into the next year's budget. It is important that these areas maintain a consistent level and there should not be a significant decline in the amounts available for appropriation because that could deplete the general fund and the funds available to backfill when the federal revenues decline next year.
- Child Nutrition Program has had favorable results in the past couple years and based upon the net income the program has been profitable. Food sales have declined over the past couple of years and the total revenues have increased each of the years. The food sales represent the plate lunches sold in the schools and the federal revenues are comprised of commodities received from the federal government and reimbursement for free and reduced lunch. This is a reflection of the impact the economy has had on the Child Nutrition Program. Even with this, the program has had profitable results this year as well as the past couple of years.
- Compliance Report provides the results of the compliance testing with Federal and State programs and the North Carolina General Statutes. The Federal Programs audited this year were more than in the past because of the amount of ARRA funds received by CMS. The Federal Government said they could not be put into a rotation for audit purposes. The Federal Programs audited were Title I, School Improvement Cluster, Special Education Cluster, State Fiscal Stabilization Fund, and The Education Technology States Grant Cluster. The State Program audited was the State Public School Fund. Dixon Hughes Goodman is pleased to report there were no findings that were required to be reported. This is a great accomplishment given the size of CMS and the number of Federal Programs audited this year. This is a reflection on both the Finance Department and the entire school system.

Chairperson Davis called upon Kaye McGarry, Chairperson of the Audit Committee, to make comments. Ms. McGarry said the Audit Committee met yesterday and had the opportunity to ask questions. Ms. McGarry thanked Ms. Bell and Dixon Hughes Goodman for the report and the work performed for CMS. Ms. McGarry commended the CMS staff for being very qualified and receptive to providing information and answering questions. A Board discussion followed.

- Mr. White said the Child Nutrition Program is an enterprise fund which is a program accounted for like a 'for profit business.' This year and in years past, the CMS Child

Nutrition Program was profitable. There have been discussions about privatizing the Child Nutrition Program and that will result in somebody else making money off our children. Mr. White expressed concern how CMS could save money by privatizing the food service program when it does not cost CMS any money.

- Mr. McElrath suggested reports be printed on two sided-paper in order to save money.
- Dr. Waddell commended staff for preparing in advance for the ARRA funds and the pending funding cliff. Ms. Shirley provided clarification regarding the ARRA funding and the plan implemented in the budget process to address the pending funding cliff.
- Mr. Morgan said this is a public document and he asked how can it be accessed by the public? Ms. Shirley said it will be posted on the CMS Website.

Chairperson Davis thanked Ms. Shirley for her expertise in running the Financial Department and for providing the Board excellent financial information in order for the Board to make good financial decisions. Chairperson Davis thanked Ms. Bell for putting the CMS system through the same intense scrutiny of any private enterprise in order to get an unqualified audit letter.

D. Public Hearing on proposed new Board Policy IMG, *Service Animals*

Chairperson Davis reported this was the second Public Hearing for new proposed Board Policy, IMG, *Service Animals*, and he called upon the public speakers.

- Grace Bradam, student at Trinity Episcopal Church, said service animals should be allowed on CMS school premises because disabled people are dependent upon their service animals to guide them and they will help students get a better education.

Chairperson Davis called the Public Hearing closed at 6:35 p.m.

## II. REQUEST FROM THE PUBLIC

Chairperson Davis said the Public Request section is an opportunity to hear from the public and gain valuable feedback. Chairperson Davis outlined the speaker and audience protocol. He asked the audience to be mindful of showing respect to the speakers and to refrain from either showing support or displeasure. Generally, personnel, confidential or specific school level matters are not proper subjects to discuss during the public comment period. Instead, those matters are more appropriately addressed in accordance with the appeal rights supported under North Carolina General Statutes. Each speaker will have three minutes to address the Board. Chairperson Davis asked the speakers to direct comments to him as the representative of the Board and to refrain from comments directed at staff members.

Eugene Hash, represented First Diversity, and suggested ways CMS could save money. First Diversity is a minority, bi-lingual, nationally recognized company with the potential of providing an on-site manager to hire employees and conduct background checks.

Two speakers discussed concerns regarding the CMS Bell Schedule changes and the negative impact it has on student learning. Students feel fatigued, do not have time to do homework or have family time, and cannot participate in extracurricular activities. The bell schedule was changed to save transportation funding but there are unintended consequences.

- Arturo Perez, Senior Leadership Team at Randolph Middle School.
- Jenna Crocker, parent of a student at Collinswood Language Academy, asked the Board

to find a better solution to a 9:15 to 4:15 schedule.

Camille Battah, a senior at Hough High School presented her Senior Exit Project. Ms. Battah discussed the importance of academic education and physical activities. She asked the Board to implement physical education as a requirement each year in high school as this will generate a more productive student. It will stimulate their mental and physical health resulting in physical fitness and emotional wellness which will help students maximize their potential to succeed throughout their life.

Blanche Penn discussed the importance of parental/grandparent involvement in the school and specifically in the classroom. Parent involvement leads to better grades and high school graduation. She encouraged CMS to ensure parents/families are welcomed at the schools.

Chairperson Davis thanked the speakers for their comments and he called the Request from the Public closed at 6:51 p.m.

### III. CONSENT ITEMS

A. Recommend approval of Closed Session meeting minutes:

- August 15, 2011.
- August 16, 2011.
- October 11, 2011.
- October 25, 2011.
- October 27, 2011.

B. Recommend approval of Open Session meeting minutes:

- August 9, 2011 Regular Board Meeting.
- August 23, 2011 Regular Board Meeting.
- September 2, 2011 Regular Board Meeting.

C. Recommend approval of Licensed/Non-Licensed Hires and Promotions for October 2011.

*Monthly hire report includes prior month(s) hires not processed when report was presented to the Board of Education last month.*

- *Total Hires July 1, 2011 - June 30, 2012: 2,603. (Licensed Hires: 1,543/Non-Licensed Hires: 1,060).*
- *Total Promotions July 1, 2011 - June 30, 2012: 140. (Licensed Promotions: 61/Non-Licensed Promotions: 79).*

D. Real Estate Items:

1. Recommend approval of permanent easement to Town of Matthews on Charlotte-Mecklenburg Board of Education (CMBOE) property located at 200 McDowell Avenue, Matthews, North Carolina (Matthews Elementary School).

*Town of Matthews needs an easement to connect sewer services to Old Agricultural Building located at Matthews Elementary (Tax Parcel Number 227-211-02). When CMS expanded the media center at Mathews Elementary eight years ago the sewer services was cut and not replaced. At that time, CMBE owned the Agricultural (Ag) Building. Now, Town of Matthews owns the building and desires to reconnect the sewer. In order to accomplish this, Town of Matthews requires easement for the purpose of laying, constructing and maintaining a sanitary sewer line(s) and/or water line(s)/meter(s) in connection with the renovation of the old Agricultural Building. Fiscal Implications: None.*

2. Recommend approval of temporary construction easement and permanent storm

drainage easement on Charlotte-Mecklenburg Board of Education property located at 5833 Milhaven Lane, Charlotte, North Carolina (Statesville Road Elementary School).

*In relation to its sidewalk project to connect Old Statesville Road to Sunset Road along one side of Milhaven Road, the City of Charlotte would like CMBE to donate a temporary construction easement of 5,823 square feet, as well as a permanent storm drainage easement of 1,938 square feet. The storm drainage easement is almost completely located within a water quality buffer overlap area next to the creek and is not really usable for anything due to its location within the street buffer area. Fiscal Implications: None.*

3. Recommend approval of permanent shelter easement to City of Charlotte on Charlotte-Mecklenburg Board of Education property located at 538 Bradford, Charlotte, North Carolina (Thomasboro Elementary School).

*City of Charlotte wants to improve existing CATS bus stop located at Thomasboro Elementary School (Parcel ID Number 06305351) and is requesting permanent shelter easement for the purpose of constructing and maintaining a bus shelter at stop. Work involves pouring a concrete pad and installing a shelter. This work will not interfere with school activities. Fiscal Implications: None.*

E. Construction Items:

1. Recommend approval of Alexander Graham Middle School construction contract.

*Alexander Graham Middle School Gymnasium Renovation project was publicly bid on October 25, 2011. Staff recommends the approval of the contract to the lowest responsive bidder, Edison- Foard, Inc., in the amount of \$1,592,000. The contract will renovate and expand the existing gymnasium facility. Scope of work includes demolition, general construction, structural steel, masonry, roofing, gymnasium wood flooring, plumbing, mechanical and electrical, and telecommunications improvements. The project is scheduled for completion Fall 2012. Fiscal Implications: 2007 Bonds in the amount of \$1,592,000.*

2. Recommend approval of Design Awards for administrative projects at Spaugh, Smith, Oakhurst, and Phillip O. Berry Academy of Technology.

*The Board of Education has retained Shook Kelly, Inc. and ALR Architecture to provide design consultant services in the past and has been satisfied with the design consultant services they have provided. G.S. 143-64.32 allows the Board of Education to exempt itself from the notice and selection criteria outlined in G.S. 143-64.31 for the award of contracts to design consultants. Staff recommends approval of designer awards for the administrative projects at Spaugh, Smith, Oakhurst and Phillip O. Berry Academy of Technology including the associated exemption from the notice and selection criteria. Fiscal Implications: Local Funds in the amount of \$170,250.*

<u>School</u>	<u>Designer</u>	<u>Recommended Award</u>
Spaugh	Shook Kelly, Inc.	\$51,000
Smith	Shook Kelly, Inc.	\$47,250
Oakhurst	ALR Architecture	\$ 40,500
Phillip O. Berry	ALR Architecture	\$ 31,500

- F. Recommend approval of resolution to lease certain properties owned by Charlotte-Mecklenburg Board of Education (CMBE) and in accordance with specific terms set forth in Lease Agreements to be approved by the Superintendent (collectively the "Lease Agreement").

*Under North Carolina General Statutes 115C-518 and 160A-272 in order for The Charlotte*

*Mecklenburg Board of Education to lease specific properties to be approved by the Superintendent, the Board must first adopt this Resolution. The Properties are facilities formerly known as: Amay James Pre-K, Davidson IB, Tryon Hills Pre-K, Wilson Middle, and Starmount (6-classroom Building).*

**RESOLUTION**

**WHEREAS**, in accordance with North Carolina General Statutes 115C-518 and 160A-272, The Charlotte Mecklenburg Board of Education (“Board of Education”) proposes to lease the following properties in accordance with the general terms outlined herein and in accordance with the specific terms set forth in lease agreements to be approved by the Superintendent (collectively the “Lease Agreements”):

Property	Tax Parcel No(s).	Proposed Tenant	Annual Rental Payments	Term (including options to renew). Note all leases are subject to termination rights as provided in lease agreement.
Amay James	145-224-01, 145-224-02 145-24-11	Brookstone Schools of Mecklenburg County	\$24,000.00	10 years
Davidson IB	007-13-19	Lake Norman Christian School	\$39,999.96.	10 years
Starmount	173-132-45	Bethlehem Center	\$1.00	10 years
Tryon Hills	079-076-18	Bethlehem Center	\$1.00	10 years
Wilson	055-332-02 055-331-19	StudentFirst Academy	\$600.00	10 years

G. Recommend approval of administrative personnel appointments.

*Appointments:*

- *Paula Rao named principal at Greenway Park Elementary School. Ms. Rao previously served as assistant principal at Shamrock Gardens Elementary School.*
- *Charles Fortuna named principal at Elon Park Elementary School. Mr. Fortuna previously served as assistant principal at Thomasboro Elementary School.*

Chairperson Davis called for a motion to approve the Consent Agenda as written.

Ms. McGarry pulled C., E., and F.

Dr. Waddell pulled F.

Chairperson Davis called for a motion to approve Consent Items A., B., D., and G.

**Mr. Merchant moved, seconded by Mr. Morgan, that the Board approve Consent Items A., B., D., and G., and the motion passed upon unanimous voice vote of the Board, and a Board discussion followed.**

Ms. McGarry said Consent Item C. includes hiring hundreds of teachers in October and she asked how does that impact the teacher vacancies within our schools? Mr. Hattabaugh said this report is a continuous process each month. Many school districts begin with a full docket of employees but as the year progresses employees separate for numerous reasons



(retirement, relocations, etc.) and those positions are filled. Chairperson Davis said this is a report that the Board receives on a monthly basis and it follows a similar trend of most years. Ms. McGarry asked what is the status of the schools without a permanent teacher in the classroom? Mr. Hattabaugh said he would provide the Board an updated Human Resources report at later time.

Ms. McGarry asked for clarification regarding Consent Item E.2. Mr. Hattabaugh said this is related to some of the schools that were closed and the Education Center. CMS had to close the Education Center sooner than expected because of asbestos issues and the employees that were scheduled to transition to that facility are being shifted to other ancillary buildings. CMS is striving to discontinue leased facilities and therefore Spaugh, Smith, Oakhurst, and Philip O. Berry Academy of Technology the Freedom Library are being up-fitted to house CMS employees. This project includes the design for workstations, power drops, and Information Technology drops.

Ms. McGarry asked is the principal at Independence High School included in the Consent Agenda? Chairperson Davis said that item is not on this agenda. Mr. Hattabaugh reported that was a principal transfer and based upon Board policy the Superintendent has the authority to make those types of transfers without Board approval.

Ms. McGarry said Consent Item F. includes five leases for the vacant schools and she asked what is the status of the other closed schools? Mr. Hattabaugh said there are four schools remaining. The leases have been an arduous process because the contracts are detailed and in some cases the non-profit agencies use pro bono legal counsel and that requires additional time and follow up on the behalf of CMS to ensure the contracts are accurate. Of the four remaining locations, the Professional Development Center will be delayed because the employees housed at that facility must be relocated first. The three other locations should be coming forward for Board action in December.

Dr. Waddell expressed concern regarding the number of mobiles at some schools and she believes Amay James should be used to alleviate the overcrowding at the adjacent school. She hopes in the future, these facilities can be used to alleviate overcrowding at CMS schools. Mr. Hattabaugh said each of these facilities will be reviewed in the future and capacity studies and enrollment projections will be taken into consideration. Dr. Waddell said the annual fee to lease the facilities varies, CMS does not realize a profit, and the overall costs contribute very little to the budget shortfall. Dr. Waddell would like a report to see if leasing the facilities was worth the effort. Mr. Hattabaugh said 85% of the CMS budget is related to personnel costs and the majority of the savings for closing the facilities was related to personnel reductions. The consolidation of the schools eliminated the associated costs for principals, assistant principals, secretaries, custodial staff, and other support staff. Chairperson Davis said this item is not the use of the facility as the Board made that decision a year ago tonight. This item is the approval of the leases for these facilities.

Chairperson Davis called for a motion to adopt Consent Items C., E., and F.

**Mr. Merchant moved that the Board adopt Consent Items C., E., and F., seconded by Mr. Tate, and the motion passed upon unanimous voice vote of the Board.**

Mr. Hattabaugh reviewed the personnel appointments as noted above noting that both of the

individuals were a member of Leaders for Tomorrow Cohort I. The program for building the CMS pipeline or bench is working and he commended Ann Clark, Chief Academic Officer, Rashidah Morgan, Director Leadership Strategy, for their efforts in developing the principal pool process. Both individuals, as well as other candidates that came forward for the position, went through a stringent interview process with interview teams of teachers, parents, and community members. Mr. Hattabaugh said CMS is seeing the benefits of the process and pipeline of candidates.

Ms. McGarry asked for a *Point of Information*. Ms. McGarry asked a question regarding principal transfers. Chairperson Davis said this topic is not on the adopted agenda. Ms. McGarry said this is related to personnel and she asked General Counsel if it was appropriate for her to ask a general question related to personnel at this time? George Battle, General Counsel, said this would be at the discretion of the Chair and she would be entitled to challenge the *Ruling of the Chair* as a matter of parliamentary procedure. Ms. McGarry asked if she could ask a question on the process. Chairperson Davis said this is not germane to the agenda and declined Ms. McGarry's request.

#### IV. ACTION ITEMS

##### A. Recommend approval of proposed new Board Policy IMG, *Service Animals*

*Correlation to Board of Education Vision, Mission & Core Beliefs: Providing all students with the opportunity to perform to their fullest potential.*

Chairperson Davis called upon Tom Tate, Chairperson of the Policy Committee, to present the recommendation. Mr. Tate said before the Board for adoption is proposed new Board Policy IMG, *Service Animals* and the Board has been given a Substitute Version for consideration. Mr. Tate called upon Sarah Crowder, Associate General Counsel and Policy Administrator, to review the Substitute Version. Mr. Tate said new Policy IMG regards Service Animals in schools. The original version was unanimously approved by the Policy Committee on September 27, 2011, it was presented to the Board for First Reading on October 11, 2011, and the Board held a public hearing on October 25, 2011 and tonight. The policy is required by the federal regulations for the Americans with Disability Act (ADA), which became effective March 15, 2011. The policy will allow individuals with a disability to use Service Animals on CMS property if the policy requirements are met and the specific criteria are detailed in the policy.

Mr. Tate said the Substitute Version is being recommended because yesterday Sarah Crowder and Elizabeth Baker, legal intern with CMS, participated in a Webinar in which they discovered some areas in the proposed new policy as written need to be changed. Ms. Crowder provided clarification regarding the recommended changes in the Substitute Version.

- The Americans with Disability Act (ADA) has a number of regulations and last September regulations regarding Service Animals were put into place after about six years of writing. Public schools districts are required to have policy for allowing people with disabilities to be able to bring Service Animals into schools. CMS is required to have a policy by federal law and regulation.
- Page 2, III.A.1., strike the reference to 'other accommodations.'
- Page 2, Remove II.D., the definition of handler (person using the animal's services). If there is a child that is too young to manage the Service Animal then the parent of

the child could provide an adult handler for the Service Animal.

- Page 2, III.D., add 'adult visitor' to make this section consistent with the idea that the handler could be other than the student who is being assisted.
- Page 4, IV.E.1., notes the Service Animal would be able to accompany the ~~owner~~ person with a disability at all times and ~~everywhere~~ places on CMS Property, ~~except at specifically prohibited locations where such persons would ordinarily be permitted to go.~~ This is ADA law.
- Page 4, IV.D., regarding Damages, the language has been changed to make it clear that if there are damages those would be the liability of the parent of the student who is being assisted by the Service Animal or the adult staff member or visitor using the Service Animal.

Ms. Crowder said most people think Service Animals applies to just dogs but the federal regulation is written to include a miniature horse would qualify as a Service Animal.

Mr. Tate said the Policy Committee does not normally present policies to the Board that all Policy Committee members have not seen but because the Substitute Version was just finalized this afternoon, he is presenting the Substitute Version recommendation on his own.

**Mr. Tate moved that the Board adopt proposed new Board Policy IMG, *Service Animals, Substitute Version*, seconded by Mr. Merchant, and a discussion followed.**

Chairperson Davis asked the Policy Committee members if they supported the Substitute Version and Board members Merchant, Lennon, and McElrath accepted the Substitute Version to Policy IMG. Chairperson Davis called for the Board vote to adopt Policy IMG.

**The motion to adopt new Policy IMG, *Service Animals, Substitute Version*, passed upon unanimous voice vote of the Board.**

B. Recommend approval of change on 2012-2013 First Ward Creative Arts Academy Year-Round School

*Correlation to Board of Education Vision, Mission & Core Beliefs: Our principals and teachers make the critical difference in student achievement.*

Chairperson Davis called upon Mr. Hattabaugh to present the recommendation regarding approval of change on 2012-2013 First Ward Creative Arts Academy Year-Round School. The Board of Education approved as part of the Continuous Improvement process on November 9, 2010 closure of University Park Creative Arts and consolidation with First Wards Arts effective for the 2012-2013 school year. A Year-Round calendar was approved to provide capacity to guarantee assignment for all students currently placed at both schools for 2012-2013.

Mr. Hattabaugh reported he is recommending to the Board that CMS defer beginning the new Year-Round School Program at First Ward Creative Arts Academy until 2013. Staff believes it would be advantageous to have another year in order to prepare. The Multi-Track Program at First Ward will be unique in CMS and the only county-wide elementary Arts Magnet and the only Year-Round Program. As such, it will require significant adjustments by students, parents, and staff. The recommendation is based upon three key points. First, students and parents need time to process information about the new schedule and devise

ways to adjust to the schedule. It will require a balancing act by some families whose carpool, bus, and work schedules are already complex. CMS is nearly halfway through the year which will give our students and parents less than eight months to prepare for the change. This may not be enough time because the CMS Lottery begins in January and the Multi-Track could start as early as July. Second, we need a strong principal in place when this ambitious Magnet School opens. The leadership of the program will require the ability to guide and support parents, students, and staff as they make a significant adjustment and making that adjustment seamless and smooth will be critical for the school's success. CMS needs more than a half year to find the right candidate and give that person time to lay the groundwork for success. A part of that groundwork, the third point, is educating and training the staff in the new schedule. This involves how to pace instruction, how to revise schedules for maximum benefit to student learning, and these steps must be completed deliberately and not hastily. Mr. Hattabaugh said for these reasons he is recommending CMS delay opening First Ward Creative Arts Academy for one year. We are committed to this program and we want it to succeed but we believe opening too quickly could jeopardize its chances for success.

Mr. Hattabaugh called upon Scott McCully, Executive Director of Student Planning and Placement, to provide an update on the Year-Round School Program. Mr. McCully said a delay would be beneficial to parents and staff and enhance the program. Mr. McCully commended staff (Tyler Ream, Central Elementary Zone Superintendent; Dr. Nicole Priestly, Executive Director Central Elementary Zone; Dr. Jeff Linker, Director of Magnet Schools) and the Steering Committee for their research and development of the Year-Round School model. This effort also included staff from Transportation, Student Placement, Magnet Office, and Human Resources as well as teachers and principals. Mr. McCully highlighted the Year-Round Program and the process for parents and students. This will be the first of many reports in an effort to ensure communication and transparency.

- Reasons for proposed delay:
  - Better inform families in order for them to make informed decisions regarding their child's assignment.
  - Ensure school leadership is in place.
  - Establish culture and best practices with new staff to ensure a world-class program.
- What is a Multi-Track school?
  - Follows a balanced year-round calendar where students are assigned to one of several 'tracks.' CMS will use a four track model to optimize the capacity at the school and best utilize space.
  - Students attend school throughout the year with intermittent breaks.
  - Each track is in school for a specified period of time and then 'tracks out' for a short break called intersession (e.g., forty-five days in attendance, fifteen days intersession). Planning is in place to continue the education that students have had during the intersession days.
  - Since students are attending year-round, their breaks take the place of the summer vacation that students have on the traditional calendar.
- How does a Multi-Track, Year-Round School operate?
  - Starts in July and goes through June.
  - Four proposed tracks.
  - Three tracks are active while one track is on break.

- Designed to accommodate every child from University Park Creative Arts (UPCA) and First Ward Creative Arts (FWCA). Staff believes this is the best way to guarantee and accommodate students in both schools.
- Calendar will be based upon a 185 day calendar and CMS will pursue a waiver for 180 days. Staff is developing a calendar for the 2013-2014 school year and it will be presented at a later time.
- How will Year-Round work on one campus?
  - All current elementary Visual and Performing Arts Magnet students will have a guaranteed placement at First Ward Creative Arts Academy, with county-wide transportation provided by CMS.
  - First Ward Creative Arts Academy will continue to offer an arts integration curriculum based upon the Common Core and Essential Standards (formerly North Carolina Standard Course of Study).
  - Community partnerships with the uptown arts community will continue to support student learning; many locations within walking distance of FWCA.
  - The students' day-to-day school schedule will be very similar to their current schedule.
  - Once placed on a track, the students and their teacher will follow the same 'track-in' and 'track-out' sessions.
  - Because multiple tracks are in session at any given time, assigned classroom space will be flexible and may change from one session to the next.
  - When students 'track out,' options will be available for the intersession period which includes enrichment and remediation opportunities.
- Year-Round Application Information for all current UPCA and FWCA students:
  - Families must select track options and submit personalized online Magnet application for child by first Lottery application deadline. Year-Round track selection will not be an option in second Lottery.
  - Families may make up to three selections for track preference.
  - A student's placement in a specific track is not guaranteed.
  - Sibling guarantee will apply only if the identical track selections are made for the older sibling.
  - Important: Siblings entering Kindergarten must be enrolled as future student to be eligible for participation in first Lottery.
  - Application Process:
    - ✓ Current UPCA and FWCA students will have a default assignment to First Ward Creative Arts Year-Round School.
    - ✓ Parents may select specific tracks through the first Lottery.
    - ✓ If no track is requested, one will be selected for the student.
    - ✓ All other students will have the opportunity to select First Ward Creative Arts Year-Round School in the first Lottery.
  - Lottery Application:
    - ✓ The Lottery application will list all four tracks identified by color.
    - ✓ There will be a sibling guarantee to the same track.
    - ✓ Families must select the same track for all siblings in order for the sibling guarantee to operate.
- Next Steps:
  - Provide quarterly updates to the Board in February and April 2012. Additional

updates may become available after that point. This will keep the Board and public informed.

- Recruit nationally a principal for First Ward Creative Arts Academy.
- Hold a series of parent meetings describing timeline and impact on families.
- Prepare recommendation for Year-Round Calendar for Board adoption.
- Build excitement with staff to create a world-class program.

Mr. McCully said staff is excited about the opportunity that Year-Round School can create for our students and families.

Chairperson Davis said the Board also shares the excitement about the Year-Round School. Chairperson Davis reported should the Board adopt the superintendent's recommendation the Year-Round school will not apply for the 2012-2013 school year. It will become effective for the 2013-2014 school year. Chairperson Davis called for a motion to approve the recommendation.

**Dr. Waddell moved that the Board approve the Superintendent's recommendation to defer beginning the new Year-Round School Program at First Ward Creative Arts Academy and to implement the First Ward Creative Arts Academy Year-Round School in the 2013-2014 school year, seconded by Mr. Morgan,** and a discussion followed.

- Ms. McGarry asked will enrichment and remediation take place at the school? Mr. McCully said we anticipate the school will be fully utilized and space could be an issue and remediation may take place offsite but staff is working through those details. Ms. McGarry asked what is the feedback you are getting from parents regarding Year-Round School? Mr. McCully said staff has conducted a series of community meetings and parents have a desire to have an extension of time in order to become more informed about the Year-Round model and other options. Mr. Ream said parents are interested and intrigued by the model, some families are concerned about the impact on their family structure and childcare, and some have asked for more time to make important decisions for their families. Ms. McGarry asked what is the estimated cost for transportation and does it include transportation for remediation at another location? Mr. Ream staff is working with partners in the community to determine the components of intersession for students. Mr. Ream said He started as a teacher in a Multi-Track Year-Round School and he met with students at a recreation center but those discussions are still being explored. Mr. Hattabaugh said the Multi-Track model adds sixty days of transportation for those tracks and we have estimated about \$400,000 to run the program year-round.
- Mr. Tate thanked staff for the report. He believes it is important to delay the program until the 2013-2014 school year to ensure everyone understands the model. Mr. Tate said this is a prudent decision and he commended staff for working with the families to help them make the best decision possible.
- Mr. Merchant asked after talking with the families do you have a better sense of how many would support this program? Mr. Ream said, no, we are striving to help the families understand the model, work through the challenges, and at this point, most families have not made this hard decision. Mr. Merchant supports delaying the program to garner more parental support and he believes the process should include an aggressive marketing effort. Mr. Merchant asked what is the projected enrollment to make this program work financially and operationally? Mr. McCully said if all the students in the

current programs participated (with a moderate Kindergarten class of under 100 students) we have just over 900 students. That would be a healthy number of students and a number to target to have the school fully subscribed. We have heard from a number of families who are interested in a Year-Round Program. Mr. Merchant believes it would be advantageous to not fully subscribe the school and strive to have a wait list to populate the school. Mr. Merchant asked what are we doing to support University Park for the next year? Mr. Ream said staff has had several meetings with University Park to help them have a better understanding of the model. We must also support the staff and we are taking steps to support the teachers to help they have an interest in being at University Park next year. Mr. Merchant commended staff for helping staff at the schools work through the changes.

- Mr. Morgan asked will the families or CMS fund the remediation during the intersessions? Mr. Ream said at this point we are anticipating both and there would be some options in which parents would have to pay. CMS is seeking partnerships with some organizations that would be providing the services potentially for free. Mr. Morgan said he is excited about this opportunity and he encouraged staff to be open with the Board and public going forward about any additional expenses above and beyond the costs at a regular school.
- Dr. Waddell commended staff for meeting with parents to keep them informed and she asked staff to let Board member know when those meetings are scheduled so they can also attend. Dr. Waddell said University Park was a school slated to be closed and any changes can cause some suspicion and curiosity. Dr. Waddell said this could be a project that is abandoned totally because it is different and an unknown model.
- Mr. McElrath said he had received calls from parents and he thanked Mr. Ream for assisting those parents and scheduling the meetings to help parents better understand. Mr. McElrath said this process is moving in the right direction.

Chairperson Davis called for the Board vote on the Superintendent's recommendation to implement the First Ward Creative Arts Academy Year-Round School in the 2013-2014 school year. **The motion passed upon an 8-0 voice vote. Tim Morgan was out of the room at the time of the vote.**

## V. REPORT/INFORMATION ITEMS

### A. Report on Budget Amendments for September 2011

*Correlation to Board of Education Vision, Mission & Core Beliefs: Operating effectively and efficiently with fiscal accountability*

Chairperson Davis called upon Mr. Hattabaugh to present the report. Mr. Hattabaugh reported agenda items A. and B. are the monthly reports and as presented.

### B. Report on Financial Statements for September 30, 2011

*Correlation to Board of Education Vision, Mission & Core Beliefs: Operating effectively and efficiently with fiscal accountability.*

Agenda item V.B. presented with V. A.

### C. Report/Review on Charlotte-Mecklenburg Planning Department's Draft Midtown Morehead Cherry Area Plan

*Correlation to Board of Education Vision, Mission & Core Beliefs: Embracing our community's diversity and using it to enhance the educational environment.*

Chairperson Davis called upon Mr. Hattabaugh to introduce the report on Charlotte-Mecklenburg Planning Department's draft Midtown, Morehead, and Cherry Area Plan. Mr. Hattabaugh called upon Kent Main, planner with the Charlotte-Mecklenburg Planning Department and Project Manager, and Mike Raible, Executive Director Planning and Project Management, to present the report.

Mr. Main reported the Charlotte-Mecklenburg Planning Department has submitted the draft Midtown Morehead Cherry Area Plan for review and comment. The plan covers properties clustered along Kings Drive and East Morehead Street and abuts the Dilworth neighborhood (South End). The Little Sugar Creek Greenway runs through the center of the plan area. By inter-local agreement CMS is permitted to comment. Those comments will be provided to Charlotte City Council when they publicly review the plan for consideration and adoption. CMS students from this area attend Dilworth Elementary School, Alexander Graham Middle School, and Myers Park High School. The report reviewed land use, transportation and streetscape matters, infrastructure and public facilities, environment, and next steps.

- Area Plan Document: The document establishes a vision for the plan area and provides policy direction to guide future growth and development consistent with the Centers, Corridors and Wedges Growth Framework.
- Opportunities: Proximity to Center City; Interstate highway access; Transit access opportunities; Existing office and retail uses; Established single family; Diverse existing multi-family opportunities; Good street grid system; Greenway and other park facilities; Churches, school, and institutional facilities; Farmers Market; and Tree Canopy
- Constraints: Traffic congestion and turn restrictions; Blank walls and lack of storefronts on key streets; Difficult pedestrian crossings; Street network discontinuity in key locations; and Encroachment of large uses on neighborhoods.
- Plan Development Process: Kickoff Meeting was held in November 2010 followed by a series of Citizen Advisory meetings. The draft plan was unveiled in September 2010 and the plan is being vetted through City Counsel, CMS, and other entities. The Citizen Advisory group met nine times in the past seven months to deal with specifics regarding neighbors, property owners, merchants in the area, City and County departments, and surrounding agencies.
- Vision: The Midtown Morehead Cherry Area is a diverse community of residents, businesses, and institutions located just south of Uptown Charlotte. The Little Sugar Creek Greenway provides a common amenity and focal point for continued evolution as sustainable, pedestrian-friendly mixed use neighborhoods surrounding and interacting with Uptown. The area is composed of three neighborhoods (Midtown, Morehead, and Cherry) each with distinct character and aspirations.
- Land Use: Mixed use (single family, retail, office, and multi-family developments).
- Transportation and Street: Measures are being taken to ensure safety at intersections and ease of crossing major roads. Other items include bicycle lanes and traffic circles.
- Infrastructure, Public Facilities, and Environment: Seeking neighborhood connections to parks in order to serve all communities.
- Tree Canopy Preservation: This is important for good environmental stewardship.
- Historic Resources: Morgan School and Cherry Historic District.
- Next Steps:
  - Continued dialogue with the Cherry Neighborhood Board.



- Public Comment November 15, 2011.
- Draft document continues to be revised based upon input and final version will be carried forward to the Planning Committee.
- Presented to City Counsel late November or December for comment.

Mr. Raible said staff has recognized that CMS interacts with area plans on a regular basis with Charlotte-Mecklenburg Planning Department but we have never done this as a public comment piece with the Board. This would be an opportunity for the Board to comment publicly about the area plans. The Board has been asked to comment on the information prior to December 1<sup>st</sup> and staff will relay that information. Board members were invited to ask questions and make comments.

- Mr. McElrath asked what is the per capita income of Cherry prior to the start of the projects and now? Mr. Main said he does not have that information but the per capita income for Cherry is lower than the City at-large. Mr. McElrath asked did you need to destroy single family houses? Mr. Main said there were some vacant lots that are owned by the Cherry Neighborhood Development. Houses were not torn down for the immediate project but they have been torn down in the past. That was a project by a private entity and they bought the land from the Cherry Neighborhood Development. Mr. McElrath asked what is the number of bedrooms in the elderly apartments? Mr. Main said those are intended for individual persons and not family units. Mr. McElrath discussed concerns regarding the intrusions in the area that impacted African-American children.
- Mr. Merchant said this includes approximately eighty acres that can be developed for residential use and it is mostly populated by people between the ages of 18 and 30 in small households. Mr. Merchant asked as the current population transitions out and the area is built out will CMS be in the loop in order to understand how it will impact the CMS long range planning needs? Mr. Raible said yes, we have a close working relationship with Charlotte-Mecklenburg Planning Department, we use the same projection numbers, and CMS staff is in the loop of knowing what is occurring in that area. The hard part about planning is we have never faced this type of economic downturn and it will be a slow, arduous recovery. Once it does recover, the areas closer to the City, like Cherry, will be under more pressure to develop than other areas. Mr. Merchant said this working relationship will be important for future discussions to ensure CMS is prepared.
- Mr. White provided clarification regarding the history of this initiative. He said this is a process and it will take time.
- Dr. Waddell said this neighborhood is dear to her and Morgan School began as a preschool devoted to the Head Start Program. Dr. Waddell said it is important that a school remain in this neighborhood for the purpose of educating the students of the neighborhood. Dr. Waddell said the Cherry neighborhood was fragile at one time and she asked is it still fragile? Mr. Main said it is better and much safer than it was ten to twenty years ago, there have been a lot of improvements, and the area includes some vacant lots so there is room for construction. Dr. Waddell asked what is the status of Cherry being designated as a Historic District? Mr. Main said there has been some preliminary research and it is continuing to be reviewed. There are some restrictions but there may be a group of houses that qualify as a Historic District if that is the direction

the neighborhood chooses to pursue. Dr. Waddell likes the comments to protect this area and she hopes there will be a school in that area one day.

- Mr. Tate thanked Mr. Main for the report. Mr. Tate asked what is the normal process for staff in handling these types of matters? Mr. Raible provided clarification noting that CMS staff is usually more involved with the area plans that include CMS schools or proposed CMS schools because we are dealing with our neighbors. This area involves a small area with a school building that has been leased to Community Charter. Mr. Tate asked questions regarding the impact of the project on schools, housing patterns, and ensuring the integrity of the existing neighborhoods. Mr. Raible and Mr. Main provided clarification. Mr. Tate asked how can the Board provide comments? Mr. Raible said Board members may submit comments to him before December 1<sup>st</sup>.
- Chairperson Davis said given that the City can rezone and a developer can build houses faster than CMS can get a Bond passed, it is important that CMS staff be informed. In addition, it is important that the City be mindful of the impact of zoning decisions on our students' education because CMS cannot react that fast to rezoning. Chairperson Davis said housing patterns do impact education and it is important that CMS and the City have a good working relationship that promotes housing policy that positively affects our students' education.

#### D. Report/Update on 2012-2013 Student Assignment

*Correlation to Board of Education Vision, Mission & Core Beliefs: Provide sufficient capacity in facilities, systems and resources.*

Chairperson Davis called upon Mr. Hattabaugh to introduce the report on 2012-2012 Student Assignment. Mr. Hattabaugh called upon Scott McCully, Executive Director of Planning and Student Placement, to present the report. Mr. Hattabaugh said this has been a unique year with few construction projects. Normally, staff would be presenting boundary changes that have been impacted with new schools but with the Bond issuance being stopped there has been limited impact on school assignment. CMS looks forward to getting back on track to be able to deal with overcrowded schools and renovating schools. CMS does have a commitment from the Board of County Commissioners and County Manager that funding will proceed for the Torrence Creek Elementary relief school scheduled to open August 2013.

Mr. McCully provided a review of student assignment boundaries previously approved by the Board for which school building construction has been delayed due to capital funding, Lottery, and other key student assignment processes/dates for the 2012-2013 school year. The report also included updates for the First Ward Arts Year-Round calendar and schedule for future updates.

- No boundary recommendations for 2012-2013.
- Review of Board Approved Boundaries:
  - Winget Park Elementary School Relief:
    - Location: York Road/Red Fez Club Road.
    - CMS Board adopted November 12, 2008.
    - River Gate Elementary School opened in August 2009 and helped provide overcrowding relief at Lake Wylie Elementary and Winget Park.
    - 2011-2012 Winget Park 20<sup>th</sup> Day Enrollment with ten mobiles: 965.

- ✓ Projected new relief school enrollment (2011-2012 data): 491.
- ✓ Projected Winget Park enrollment (2011-2012 data): 474.
- Torrence Creek Elementary School Relief: Anticipated opening August 2013.
  - Location: Stumptown Road north of Rama Road.
  - CMS Board adopted June 9, 2009.
  - 2011-2012 Torrence Creek 20<sup>th</sup> Day Enrollment with twenty-five mobiles: 1,234.
    - ✓ Projected new school enrollment (2011-2012 data): 575.
    - ✓ Projected Torrence Creek enrollment (2011-2012 data): 659.
- Hickory Grove Elementary School and Windsor Park Elementary School Relief:
  - Location: Sharon Amity and Shamrock Road.
  - CMS Board adopted June 9, 2009.
  - 2011-2012 Hickory Grove 20<sup>th</sup> Day Enrollment with thirty-seven mobiles: 1,216 (258 PreK).
  - 2011-2012 Windsor Park 20<sup>th</sup> Day Enrollment with ten mobiles: 880 (50 PreK).
    - ✓ Projected new school enrollment (2011-2012 data): 598.
    - ✓ Projected Hickory Grove enrollment (2011-2012 data): 701 (including 250 PreK students).
    - ✓ Projected Windsor Park enrollment (2011-2012 data): 797 (including PreK).
- 2012-2013 Student Assignment Calendar: Over the years the process has been streamlined. CMS staff is seeking ways to eliminate paper and striving to notify families one time to avoid confusion. Feedback from parents is used to make improvements to the process.

<b>Action</b>	<b>Date</b>
New student enrollment for first Lottery.	October 6 - December 2, 2011
Assignment notification with lottery instructions sent to families via school; Title I Choice mailed; new students mailed.	Week of January 2, 2012
Reassignment/Transfers begin.	January 6, 2012
First Lottery period.	January 6 - February 13, 2012
Magnet Fair at Phillip O. Berry Academy of Technology.	January 7, 2012
Notifications for first Lottery participants sent.	By end of February 2012
New student enrollment for second Lottery.	December 4, 2011 - May 4, 2012
Second Lottery (Online applications).	March 14, 2012 - June 4, 2012
Notifications sent to second Lottery participants.	By June 20, 2012
Notification letters for Magnet entrance and continuation requirements arrive at homes.	Late June 2012

- Next Steps for Year-Round School: Anticipated implementation 2013-2014.
  - Provide quarterly updates to the Board in February and April 2012.
  - Recruit nationally a principal for First Ward Creative Arts Academy.
  - Hold a series of parent meetings describing timeline and impact on families.
  - Prepare recommendation for Year-Round calendar for Board adoption.
  - Build excitement with staff to create a world-class program.

Board members were invited to ask questions and make comments.

- Ms. Lennon asked regarding Stumptown/Torrence Creek relief have there been any

changes to the adopted boundaries and feeder patterns? Mr. McCully said in May 2010, there was a boundary change to move some students from Torrence Creek Elementary to Barnette Elementary to address overcrowding issues. It was a part of the plan but that was done on an emergency basis. Ms. Lennon said many of the schools in Huntersville are overcrowded and she urged the Board to ensure the Board of County Commissioners honor their pledge to fund that school in order to have it open in August 2013.

- Mr. Morgan asked should new families joining CMS participate in the first Lottery or second Lottery? Mr. McCully said they should participate in the first Lottery because it will provide them the greatest opportunity to get a Magnet School seat. Mr. McCully said the forms and a packet of information is available Online and those forms can be returned to their nearest school or the Family Application Center on Marsh Road.

Rhonda Lennon left the Regular Board meeting at 8:40 p.m.

- Dr. Waddell said this information references choice for Title I schools and she asked does CMS have any Title I schools. Mr. McCully said currently CMS has ten schools for the 2011-2012 school year for which we must provide choice and he explained the application process for Non-Magnet and Magnet schools for Title I choice.
- Mr. McElrath asked do students who choice out of Title I schools get a priority? Mr. McCully said, yes, as a part of Board Policy JCA, *Student Assignment*, students have a priority as it relates to the Magnet Lottery and students coming from a Title I choice but there is a twenty percent cap on the available seats for Title I choice.

E. Report on transition at all schools affected by the school closings which created a major shift in student population, as requested by Kaye McGarry At-Large Board Member

*Correlation to Board of Education Vision, Mission & Core Beliefs: Providing all students with the opportunity to perform to their fullest potential and ensuring that there is no discernable difference between the achievement levels of students by race, gender or economic level and the Guiding Principles.*

This item was deleted with the adoption of the agenda with a request from the Board that a more in depth report be presented at the December 13, 2011 Regular Board meeting.

F First Reading on Board Policies

Chairperson Davis called upon Tom Tate, Chairperson of the Policy Committee to review a series of First Readings on proposed amendments to Board policies and a new policy. Mr. Tate reported the proposed policies will be posted on the CMS Website, the Board will hold a Public Hearing on the proposed policies at the December 13, 2011 and January 10, 2012 Regular Board meetings, and a Board vote at the January 10, 2012 Regular Board meeting. Mr. Tate provided an overview of the proposed policies.

1. First Reading on Proposed Amendments to Policy JFAC, *Reassignments and Transfers*.

The proposed amendments clarify that students may not be represented by legal counsel at Board of Education reassignment and transfer appeal hearings. The amendments were approved by the Policy Committee on September 27, 2011.

2. First Reading on proposed amendments to Policy GCKA, *Instructional Staff Assignments and Transfers*.

Amendments to Policy GCKA are proposed in order to align the policy with the 2010

amendments to Policy ADA, *Equitable Distribution of Resources*. The proposed amendments have been approved by the Policy Committee.

3. First Reading on proposed amendments to Policy GCQA, *Reduction in Force for Career Employees*.

The proposed amendments bring the policy into compliance with changes enacted in North Carolina law in July 2011. Proposed for elimination is the provision in Section 5 that gives career employees dismissed because of a Reduction in Force (RIF) after July 1, 2011, and thereby placed on a list of available employees, priority in hiring for three consecutive years. The proposed amendments have been approved by the Policy Committee.

4. First Reading on New Policy BDDA, *Superintendent Evaluation*.

Proposed new Policy BDDA is before the Board for First Reading. At the request of the Board, the Policy Committee wrote a policy establishing the objectives and governing the process by which the Board will evaluate the Superintendent. The Policy Committee has approved the draft policy and recommends its approval by the Board

Mr. Merchant said regarding the policy for the Superintendent Evaluation, the Chief Human Resources Officer has reminded the Board that we are in a selling mode during the Superintendent Search. He encouraged the Board to use this as a selling tool and to delay this item until the new Superintendent comes onboard. In addition, the leadership role of the Board of Education Vice Chairperson is codified in the Board policy establishing it as a more important role. Mr. Merchant commended Eric Davis and Tom Tate for their ability to work well together and for taking their leadership roles to a new level. This revised policy is a credit to Mr. Davis and Mr. Tate.

## **VI. REPORT FROM SUPERINTENDENT**

Mr. Hattabaugh thanked outgoing At-Large Board members, Joe White and Kaye McGarry for their service over the years. On behalf of the Charlotte-Mecklenburg Schools' staff, students, and parents your services to CMS and this community are truly appreciated.

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

Kaye McGarry thanked CMS for the wonderful reception held earlier this evening to honor the outgoing At-Large Board members for their service to CMS. Ms. McGarry invited everyone to join her for "Kaye about Town" on November 15<sup>th</sup> at Starbucks Coffee on the corner of Carmel Road and Quail Hollow from 7:30 a.m. to 9:00 a.m. to discuss school related issues. She congratulated Ericka Ellis-Stewart and Mary McCray as being the top vote getters in the Board member At-Large election and she encouraged them to use their leadership skills to lead the true reform for CMS. She wished all a blessed Thanksgiving and she thanked everyone for allowing her to serve.

Trent Merchant thanked the Board members. Over the years, he has served with fifteen different Board members and some have served longer than others. His service has been frustrating at times but mostly an absolute joy. Mr. Merchant thanked the CMS staff for helping him over the years to gain CMS knowledge and to mature in this role. He enjoyed serving on the Policy Committee and doing the important work behind the scenes. He thanked his fellow Board members noting that he has great faith in their ability to lead CMS.

He will miss being a Board member and he invited Board members to use him as a resource or ignore him as a 'pain in the ass.'

"Coach" Joe White thanked CMS for the reception and Chairperson Davis for his kind remarks. Mr. White said it has been a real pleasure and it does not get better than spending a life time doing what you enjoy doing: Working with and for the young people of the community. Mr. White thanked those for running for public office and their willingness to serve the community and he congratulated those who won. He reported his service is not quite over. Next week, he will end his service as President of the North Carolina School Boards Association (NCSBA) by presiding over the NCSBA's Annual Conference in Greensboro, North Carolina representing CMS and the State. The following week, he will attend his last meeting of the North Carolina High School Athletic Association representing CMS and the young people of the State. Mr. White said he stills has two grandchildren in the school system and please ensure you take good care of them. Mr. White said he will miss being a Board member and he thanked the community for allowing him to serve on the Board for the past eight years.

Joyce Waddell enjoyed visiting several schools. Garinger High School is working well, the children at Bruns Academy love the new Science Labs, and Irwin Academic Center is using every available space. She attended the Communities in School (CIS) graduation reception and she commended CIS for doing a great job in the various schools and helping more students to stay in school and be successful. She also visited Reid Park Academy and Harding University High School. Dr. Waddell attended the unveiling of Project L.I.F.T. at Thomasboro Academy and she believes that initiative will be a model the whole country will want to embrace. Dr. Waddell commended the outgoing Board members for their service to CMS and the community and she welcomed the new Board members to the Board. This Board has worked together as a great team and the new Board will work well together. Dr. Waddell wished everyone a safe and happy Thanksgiving.

Tom Tate thanked the outgoing Board members for their service to CMS noting that they had accumulated 21½ years on the Board. Mr. Tate commended each Board member for representing the community and he wished them the best in their future endeavors. Mr. Tate welcomed the new At-Large Board members and he thanked all the people who ran in the November election for caring about the community. Mr. Tate looks forward to continuing to move CMS forward in the new year for our schools, teachers, and students.

Richard McElrath said as the three outgoing At-Large Board members leave, we will realize that each one brought a unique, valuable contribution to the Board and they will be missed. Mr. McElrath thanked Joe White, Trent Merchant, and Kaye McGarry for their capable service to CMS.

Tom Morgan reminded everyone that fall sports playoffs and band competitions are wrapping up and he congratulated the teams for their successful season. Mr. Morgan said what he has learned from the three outgoing Board members is what it means to be an effective Board member. He has watched each of them operate, he appreciates the insight he has learned, and he will strive to emulate the areas that he admires. He especially thanked "Coach" White for his mentoring, collaboration on issues, adding humor to the situation, and getting him involved in the North Carolina High School Athletic Association (NCHSAA). Mr. Morgan commended Mr. White for his service to the NCHSAA and his support of the

children and he looks forward to continuing that role as a Board member.

Chairperson Davis reported this concludes the items on the agenda for the Regular Board meeting and the Board must now move into Closed Session. Normally, the Board holds Closed Session prior to the Regular Board meeting but this evening we devoted that time to hold a reception to honor outgoing Board members White, Merchant, and McGarry. Chairperson Davis called for a motion to go into Closed Session.

**Upon motion by Mr. Morgan, seconded by Mr. Merchant, the Board voted unanimously for approval to go into Closed Session for the following purposes:**

- **To consult with the Board's attorneys on matters covered by the attorney-client privilege concerning pending workers' compensation claims by Coffey and Shaw,**
- **To consult with our attorney on other matters covered by the attorney-client privilege, and**
- **To discuss certain personnel matters.**

**The motion was made pursuant to Section 143-318.11(a)(3) and (6) of the North Carolina General Statutes.**

Chairperson Davis thanked everyone for joining the Board for the Regular Board meeting and he reported the Board would not have any items to report following the close of Closed Session. The Board recessed the Regular Board meeting at 9:12 p.m. and convened in Closed Session in Room CH-14 of the Government Center.

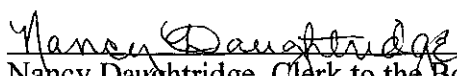
The Board reconvened the Regular Board meeting at 10:00 p.m. in CH-14 and all Board members excluding Rhonda Lennon were present. Also in attendance at the request of the Board was George Battle, General Counsel. Tom Tate served as Clerk to the Board.

## **ADJOURNMENT**

**Chairperson Davis called the Regular Board meeting adjourned, and by consensus, the Board agreed to adjourn the meeting.**

The Regular School Board Meeting adjourned at 10:00 p.m.

  
Eric C. Davis, Chairperson

  
Nancy Daughtride, Clerk to the Board