

Charlotte-Mecklenburg Schools 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 county-wide 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.
5. Support legislation allowing LEAs to furlough employees due to economic hardship.

Additional Initiatives

6. Increase funding for teacher compensation.
7. 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.
8. Retain sovereign and governmental immunity.
9. If necessary, seek clarification regarding the authority of an LEA to provide an optional summer pay plan to teachers.
10. Allow local school districts the flexibility regarding 'green school' building standards.
11. Allow LEAs to include those students who obtain their high school diploma from a community college in their graduation rate calculation.
12. Support the NC School Boards Association efforts to grant taxing authority to local school districts with the agreement of the Board of Education and the County Commission.
13. Enhance Student Support Services by providing funding for more school social workers and school counselors.

1. Develop a High Priority, Statewide Crisis Plan to Increase the Graduation Rate

The number of students dropping out of high school before graduation is alarming. The graduation rate should be a wake up call for all school systems. Dropout prevention and a menu of educational interventions for students who are at risk of not graduating must become an integral part of the public school discussion. It is imperative for legislators, community leaders, school board members, school administrators, and teachers to seek solutions and develop a Crisis Plan. CMS supports the development of a legislative initiative to create effective statewide solutions that directly address the low graduation rate.

CMS is dedicating significant resources and senior level management to coordinate intervention and prevention efforts with the support and involvement of community leaders. Presently CMS collaborates with the Communities in Schools program. This is a highly effective intervention program. This program is funded in part from the North Carolina General Assembly and should be expanded.

2. Allow CMS to Reorganize its Existing Law Enforcement Agency as an Independent Agency with County-Wide Jurisdiction.

Charlotte-Mecklenburg School Law Enforcement Division (CMSLED) officers and detectives provide valuable police services to students and staff of CMS. These services are not limited to the campuses and property owned by the Charlotte-Mecklenburg Board of Education (CMBOE). They also provide services including monitoring registered sex offenders, assisting federal and state authorities with child pornography cases, patrolling bus stops, making home visits with family advocates and the Department of Social Services, as well as assisting other local law enforcement agencies with criminal investigations involving students, staff, and parents.

Currently, the CMSLED is comprised of sixteen (16) sworn officers and eight (8) support staff. Sworn officers meet all basic law enforcement training standards and receive yearly training from the Charlotte-Mecklenburg Police Department through the Reserve program.

Since 1970, members of the CMSLED derived their police authority from the Sheriff of Mecklenburg County. Effective October 2007, the Sheriff's Office no longer provides law enforcement certification for CMBOE personnel.

In December 2007, the CMBOE entered into an Interlocal Agreement (Agreement) with the City of Charlotte authorizing CMSLED officers to be Charlotte-Mecklenburg Police Reserves, thus providing the same county-wide jurisdictional powers. That agreement is in effect for a period not to exceed eighteen (18) months. At the end of that Agreement, CMSLED ceases to have law enforcement authority. Loss of that authority will have a negative impact on our ability to provide a safe and secure environment for our children, staff, and administration. It will also place additional burdens on our local law enforcement partners to provide those lost resources. To continue the current level of service provided, and to enhance future service by CMSLED, there is a need for legislation to authorize the creation of a Charlotte-Mecklenburg School Law

Enforcement Agency with county-wide jurisdiction and allow CMBOE to have its own law enforcement certification. This proposed legislation is supported by all of the Chiefs of Police of Mecklenburg County law enforcement agencies as well as the Sheriff of Mecklenburg County.

3. Flexibility and Discretion in Public School Budget Reductions.

During challenging economic times budgetary cuts become a top priority. However, education should always remain a top budgetary priority, because it serves as the foundation for the future of the state and its industries. The majority of state funds in a local school district are expended at the classroom level. If local school districts experience dramatic budget reductions, the classroom will be affected. In order to maintain existing educational efforts, and provide top quality education to students, local school districts must be funded adequately. The General Assembly should endeavor to continue the current level of state support for local school districts for classroom level activities.

4. Restore the Sales Tax Refund for Public Schools or Enact a Sales Tax Exemption.

During the 2005 legislative session, the law was changed such that local school districts were no longer eligible to receive a refund of the sales tax paid. The monies were redirected to the State Public School Fund (SPSF) for allotment through the state position, dollar and categorical allotments. Unfortunately, there was not an increase in the SPSF allotments to local school districts as a result of this redirection. Local school districts effectively lost this funding. We believe that the “intent” of the General Assembly action was to redirect the state portion (currently 4.25%) to the SPSF and to continue to allow the local school districts to be reimbursed the local portion (currently 2.75%) of the sales tax paid. During the 2006 legislative session, a modification of the law reinstated the eligibility for school districts to be reimbursed for the local portion of the sales tax paid, but not the state portion. We urge legislators to reverse this redirection of funds to the SPSF, restore the funding in the SPSF, and to grant local districts a sales tax exemption.

ALTERNATIVELY: Convert the sales tax refund to a sales tax exemption

Section 105-164.14 of the North Carolina General Statutes was amended in 1998 to make local school districts eligible to receive refunds of sales taxes paid on an annual basis. This eligibility to receive a refund should be converted to a sales tax exemption for local school districts. The current system for requesting refunds requires local school districts to capture the amount of sales tax paid on each vendor payment, remit the sales tax to the state on a monthly basis, submit a request for a refund of the sales taxes paid on an annual basis, and maintain accounting records for each of these transactions. If local school districts were granted a sales tax exemption, valuable staff time and resources would be saved and could be redirected to much more beneficial activities. While there would be a one-time impact on the cash flow for the State, for the reasons stated above, this one-time impact should not prevent the General Assembly from granting local school districts a sales tax exemption. Indeed, there is precedent for allowing such an exemption for governmental agencies. The North Carolina Department of Transportation currently enjoys this exemption. More recently, in its 2003 legislative session, the General

Assembly provided other state agencies with the opportunity to become exempt from sales tax beginning July 1, 2004, in accordance with Section 105-164.29A of the North Carolina General Statutes, despite being faced with a similar one-time impact on the State's cash flow.

5. Support Legislation Allowing LEAs to Furlough Employees Due to Economic Hardship.

Charlotte-Mecklenburg Schools is facing potentially severe budget cuts for the 2009-2010 school year due to reductions in funding. Nearly 85% of our operating budget is in people (salaries and benefits) and 92% of expenditures can be attributed to schools. The Board is concerned that in order to make our budget, we may be forced to make cuts to those positions, in addition to a number of cuts that we have already identified in central office and other support positions.

In order to preserve as many school level positions as possible, the Board has investigated compensation cuts as a part of the overall budget reduction. As we understand it, there are existing provisions that allow LEAs to reduce base salaries, but those provisions technically demote the employee and have long term implications that affect retirement benefits. Instead, if economic conditions persist as we believe they will, we would like to have the option to furlough employees. The benefits of allowing furlough as a last-resort option include:

- Preserving jobs, especially among those who work directly with students.
- Helping to maintain adequate staffing levels to teach our students.
- Sharing pain proportionately.
- Maintaining years of service and base salary levels, thereby minimizing long-term impact on retirement benefits.

Every available tool is needed to help manage difficult personnel and operational decisions. There are several bills being discussed and drafted that would allow for furlough of employees. We strongly encourage our legislators to support this key initiative.

6. Increase Funding for Teacher Compensation.

Teacher compensation is of critical importance, especially in the current environment where our North Carolina teacher education programs produce only 3,300 of the 10,000 teachers needed annually. New teachers earn less than their peers in other professions requiring comparable education and responsibilities. Wages start low and the gap keeps widening, causing many good teachers to leave the profession for more lucrative professions. The State Board of Education Teacher Retention Task Force recommended a plan in February 2005 to increase beginning teacher salary to a minimum of \$36,000 within a four-year time period, which spans 2005-2009. Governor Easley furthered this commitment with a pledge to pursue 5% annual salary increases for a series of four years. Currently, the starting salary for a teacher within Charlotte-Mecklenburg Schools is approximately \$34,385. Continued progress toward these recommendations, supported through formal adoption of a long-term plan for enhancement of teacher salary schedules, would greatly enhance the attractiveness of teaching and administrative positions within North Carolina, and make North Carolina competitive with more states.

7. 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.

The current State law governing school calendars has resulted in not only the loss of days available for professional development, but also in arbitrary beginning and ending dates for students. The loss of five (5) workdays and restrictions on usage of five of the remaining workdays in the calendar results in only one (1) day available for a CMS central office professional development day. That works against initiatives such as periodic vertical teaming or articulation sessions. It reduces the variety of such meetings, as teachers may want and need to attend more than one meeting.

The constraints of the new law in conjunction with other holiday regulations results in school systems having to design difficult schedules. In the 2006-2007 school year, the first day for students was Friday, August 25th. Many families chose not to interrupt their summer vacation to return for one day of school on a Friday.

Both families and employees faced greatly shortened winter breaks in 2006 and 2007. In the past, schools were typically closed for two (2) weeks. For the past several years, schools were only closed for one (1) full week. With all of North Carolina needing to supplement their teacher corps with young, out of state teachers, these new teachers will find they can no longer expect to have two (2) weeks to spend “back home” with family.

The loss of five (5) workdays, the constraints imposed with requirements on first and last day for students, and the designation of five (5) days as “protected” greatly restricts the ability of local school districts to design a calendar that best fits the needs of the students, families and employees. In order to enhance teacher performance and student achievement, the state is encouraged to review the current calendar requirements with an eye towards providing time for professional development within the school year.

8. Retain Governmental Immunity for School Boards.

The Charlotte-Mecklenburg Board of Education recognizes that the complexity and diversity of its operations and services required to meet the educational needs of its students may expose the Board of Education, its officers and employees to potential liability for damage and injury. The Board of Education further recognizes that its officers and employees must be confident that they will always have the support of the Board of Education in the lawful and proper performance of their assigned duties and responsibilities. The Board of Education understands that excessive claims against the Board of Education could impair the Board’s ability to fiscally deliver essential educational services.

CMS supports efforts that protect the interests of its officers and employees in the lawful and proper performance of their duties and responsibilities. The Board of Education opposes legislation that expands or increases its liability, or conversely further limits its immunity, whether sovereign or governmental.

9. If Necessary, Seek Clarification Regarding the Authority of an LEA to Provide an Optional Summer Pay Plan to Teachers.

Currently, Charlotte-Mecklenburg pays its teachers, who are employed on a 10-month basis, on a 10-month salary payment plan, and offers an optional summer pay plan administered by an approved third party. There is a recent Attorney General's advisory opinion that states that local boards of education have an affirmative duty to honor a ten-month teacher's request to be paid over twelve months and that providing teachers with the option to participate in a payroll deduction plan does not satisfy that obligation. Requiring an LEA to allow teachers the option of being paid over 12 months will increase the administrative costs for the LEA. In addition, this change will require significant payroll system programming customizations which will be very costly in time and resources.

The Charlotte-Mecklenburg Board of Education supports our continued ability to provide an optional summer pay plan, administered by an approved third party, which would allow the LEA to pay teachers their salary over a 10-month period, while allowing the teachers to "set aside" a portion of their salary through the third party to be received during the summer months. We believe this is in the best interests of the district and the employee.

10. Allow Local School Districts Flexibility for 'Green School' and Local Building Standards.

The Charlotte-Mecklenburg Board of Education recognizes the importance of building and maintaining green schools, however the costs of the new building standards are extensive. CMS has taken steps to ensure that environmentally friendly measures are currently being undertaken by its facilities and maintenance departments. However, legislative mandates to construct green schools could prove to be cost-prohibitive, especially as the economic market becomes unstable and construction costs rise. Thus, the Charlotte-Mecklenburg Board of Education would only support legislation that allows local school districts the unilateral flexibility in determining the appropriate green measures to implement at the school building level, while being mindful of eco-friendly practices and measures.

Similarly, a school district that spans multiple planning jurisdictions must comply with numerous and differing building requirements. These different requirements add costs to the construction of new schools. CMS would welcome a discussion of how to standardize building requirements for schools such that the school system could realize efficiencies in building design and construction.

11. Allow LEAs to Include Those Students Who Obtain their High School Diploma from a Community College in their Graduation Rate Statistics.

The Charlotte-Mecklenburg Board of Education recognizes that annually, there are a number of students who do not complete their educational courses of study within a Charlotte-Mecklenburg Schools. Many of these students seek alternative means for a high school diploma or equivalent. Over the years, the majority of students who need only one or two credits, typically enroll in a community college and complete their high school course of study. When they choose this

option, they are permitted to graduate with a high school diploma from the LEA that they attended prior to enrolling in the community college. Thus, while the student receives the benefit of the high school diploma from the LEA, the LEA must exclude that particular student from its graduation rate. Graduation rates are used by the state and federal government to determine whether the LEA is meeting its annual yearly progress.

The process of awarding a student an LEA diploma, while penalizing the LEA, by forcing it to exclude the student from its graduation rate appears to be punitive in nature; especially in light of the fact that the LEA provided the student with his or her foundation for graduating high school and gives the student a high school diploma with its name.

Legislation is needed that will allow the LEA to include in its graduation rate those students who complete their high school course of study at a community college and are awarded a diploma by the LEA.

12. Support the NC School Boards Association Effort to Grant Taxing Authority to Local School Districts with the Agreement of the Board of Education and the County Commission.

CMS supports the North Carolina School Boards Association position of granting taxing authority to local school districts, which includes the agreement of both the local school board and the County Commission. The Schools Boards Association published a document that sets out facts and reasons why local school boards should be granted taxing authority. Some of the key points include:

- Over 80% of the school boards in the United States have tax levying authority.
- School boards are the only elected governing bodies in North Carolina that do not have the ability to raise some or all of their funds.
- It would require legislative action, but not a constitutional amendment, to grant school boards taxing authority.
- The General Assembly and the State Board of Education have made school board members, school administrators, teachers and students accountable for the educational progress of all school aged children in North Carolina.
- Decisions concerning the local needs of an individual school system should be made by local school board members. School boards are elected to be the educational leaders and decision-makers in their communities. School Board members have a wealth of expertise in educational matters.
- The North Carolina Supreme Court has held that students in North Carolina have a state constitutional right to a sound basic education. School boards need the ability to raise funds necessary to provide these educational services.
- The authority would be granted after the approval of both the local school board and the County Commission.

13. Enhance Student Support Services by Providing Funding for More School Social Workers and School Counselors.

It is critical that we advocate for additional social workers and counselors as the human and social service needs of our students and families increase. These services provide guidance and support that enhance academic outcomes for all students, especially those that face poverty, homelessness and language barriers.

Social work and counseling are specialized areas of practice within broad fields of support services. Social workers and counselors each have the unique knowledge and skills to eliminate the barriers that many students face in order to achieve academically. The provision of direct services from these support staffs to our students and families eliminate the harmful effects of physical/medical, social, mental, financial, and environmental conditions that hinder the capacity of students to function and achieve success in school. CMS currently has about 80 social workers to serve the total population of CMS students. There are currently about 210 counselors to serve this same population at a ratio of 1:464 students at the middle school level and 1:425 at the high school level. The recommended level of service from the American School Counseling Association is 1:250. Additional support staff would enhance the ability of students to be successful in school.

For 2008-09, CMS has an enrollment of over 135,000 Pre-K – 12 students. Growth projections add additional students each year. Approximately 77% of the increase in student population since the 2000-01 school year has been an increase in students eligible for free and reduced price lunch (+22,000), and in 2008-09 the percentage of free and reduced lunch eligible students stands at 50.6%, representing 68,855 students. The number of non-English speaking families and students is growing. In 2007-08, an estimated 7,445 CMS students spoke a first language other than English and approximately 117 languages were represented in our schools. The Youth Risk Behavior Survey (YRBS) data for CMS reported that 53% of middle school and 40% of high school students reported bullying/harassment as a problem in their schools. Reports of fighting in school were three times higher for Latino 20% than white students and almost twice that of African-American students 12%. Fifty-one percent of middle school and 46% of high school students reported that they did not feel valued by people in their community. The CMS dropout rate reached a six-year high 2007, accounting for more than half the increase in North Carolina. For the 2007-09 school year, according to the Charlotte-Mecklenburg Police Department Gang Intelligence Unit, approximately 150 gangs and nearly 2,000 gang members were in Mecklenburg County. The YRBS 2007 data indicates that 9.5% of high school students report being a gang member in the past 12 months. The largest percent of reported gang involvement is at grades 7 (8.4%), 8 (8.8%), and 9 (12.6%).

The reality of the aforementioned information speaks to the critical need for increased support staff, such as social services and counselors to meet the academic, as well as the health and human services needs of students and families CMS serves.

