

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

10-CV-  
MAY - 6 PM 12: 35

WAKE COUNTY, C.S.C.

BARBARA GARLOCK, )  
ANDREW SNEE, by and through )  
JULIE SNEE, his Parent and Guardian, )  
DAVID EISENSTADT, by and )  
through ALISON EISENSTADT, his )  
Parent and Guardian, )  
WOODROW BARLOW, by and )  
through AVA BARLOW, his Parent )  
and Guardian, )  
JUDY PIDCOCK, )  
ERIN BYRD, )  
GERALD WRIGHT, and )  
COLETHIA EVANS, )  
Citizens and Residents of Wake )  
County, North Carolina, )  
Plaintiffs, )  
v. )  
WAKE COUNTY BOARD OF )  
EDUCATION, a Public Body, and its )  
Members, in Their Official Capacities, )  
Defendants. )

BY \_\_\_\_\_

**COMPLAINT FOR RELIEF UNDER OPEN MEETINGS LAW**

Plaintiffs, through the undersigned counsel, respectfully state the following for their Complaint against Defendants:

**NATURE OF THIS ACTION**

1. This action seeks injunctive relief and other remedies under North Carolina's Open Meetings Law, N.C. Gen. Stat. § 143.318.16 *et seq.* ("the Open

Meetings Law”). In plain violation of the Open Meetings Law, members of the Wake County Board of Education (“WCBOE”) have repeatedly impaired free public access to WCBOE meetings, including but not limited to the Committee of the Whole meeting and full Board meeting on March 23, 2010. This action is brought to remedy Defendants’ past and continuing violations of the Open Meetings Law, and the essential principles of liberty and free government that are enshrined in that Law.

2. Plaintiffs are a diverse group of Wake County citizens who, in violation of their rights under the North Carolina Open Meetings Law, were excluded from attending, effectively observing, or participating in meetings of the Wake County Board of Education (“WCBOE”), specifically including the meetings held on March 23, 2010 of WCBOE as a Committee of the Whole and as a full school board.

3. Plaintiffs and other members of the public who tried to attend the meetings wanted to see and hear for themselves the actions and statements of their elected public servants. In doing so, these members of the public sought to exercise their fundamental rights as citizens to discuss and debate issues of critical concern to themselves and the public generally and to participate in informing the views of the public and elected officials on those issues.

4. Each of the plaintiffs desired to attend the meeting out of a firm conviction that their personal attendance was necessary for effective public debate and oversight of the WCBOE on issues of critical concern to themselves, their families, and their community.

5. In direct violation of the Open Meetings Law, Defendant WCBOE and its Chairman, Ron Margiotta, imposed unprecedented new policies that had both the intention and the effect of barring large numbers of citizens from attending the meetings and otherwise thwarting and impairing free public access to the meetings.

6. Upon information and belief, those policies were intended to limit public attendance at the March 23 meetings, and thereby to limit public oversight of the Board. Upon information and belief, certain members of the WCBOE believed that free public access to the meetings might make it more difficult to enact certain highly controversial items on their agenda.

7. By impairing public access to the March 23 WCBOE meetings, Defendants turned meetings that were required by law to be open into illegal, closed meetings. Defendants then proceeded to enact, by a narrow, one-vote margin, highly controversial changes to certain WCBOE policies that many members of the public believe will have far-reaching and long-lasting impact.

8. As a direct result of the policies and practices described below, many hearings, deliberations, and actions of the WCBOE, including the meetings

of March 23 (and, most recently, the meetings of May 4, 2010), have not been conducted openly.

9. Many members of the public who wished to attend have been excluded from WCBOE meetings, including the WCBOE meetings of March 23 and May 4.

10. This action is brought to challenge Defendants' unlawful policies and practices that have restricted public access, to invalidate the extralegal actions taken by WCBOE at meetings held in violation of the Open Meetings Law, to ensure that all persons who wish to attend WCBOE meetings from now on are permitted to do so, and otherwise to ensure that the hearings, deliberations, and actions of the WCBOE are conducted openly and in full view of the public, as required by the Open Meetings Law, rather than behind closed doors, barricades, and armed guards.

#### **PARTIES AND JURISDICTION**

11. Plaintiff Barbara Garlock is a citizen and resident of Wake County, North Carolina.

12. Plaintiff Woodrow Barlow is a citizen and resident of Wake County, North Carolina. This action is brought on his behalf by and through Ava Barlow, his parent and guardian.

13. Plaintiff Andrew Snee is a citizen and resident of Wake County, North Carolina. This action is brought on his behalf by and through Julie Snee, his parent and guardian .

14. Plaintiff David Eisenstadt is a citizen and resident of Wake County, North Carolina. This action is brought on his behalf by and through Alison Eisenstadt, his parent and guardian.

15. Plaintiff Erin Byrd is a citizen and resident of Wake County, North Carolina.

16. Plaintiff Judy Pidcock is a citizen and resident of Wake County, North Carolina.

17. Plaintiff Gerald Wright is a citizen and resident of Wake County, North Carolina.

18. Plaintiff Colethia Evans is a citizen and resident of Wake County, North Carolina.

19. Defendant Wake County Board of Education (“WCBOE”) is a “public body” as defined in N.C. Gen. Stat. § 143-318.10(b), both when its members meet as a full board and when they meet as a Committee of the Whole or in other committees.

20. Defendant WCBOE exists solely to conduct the people’s business. Specifically, Defendant WCBOE is responsible for establishing policy for the Wake County Public School System (“WCPSS”), which is then carried out by the Superintendent and the school system staff. Defendant WCBOE is subject to the jurisdiction of this Court.

## **FACTUAL BACKGROUND TO PLAINTIFFS’ CLAIMS**

### **December 1, 2009 WCBOE Meeting**

21. Public interest and attendance at the meetings of the WCBOE has increased dramatically since the election of four new board members in the fall of 2009. Many actions that have been proposed and taken by Defendants since that time have heightened public concern still further and have led to a strong demand by many members of the public to attend public meetings of the WCBOE and its committees.

22. At the WCBOE's December 1, 2009, at which four new board members were sworn into office, the Board proceeded to debate and vote on a series of measures that had not been on the published agenda for the meeting, but were added to the agenda after the meeting had already commenced.

23. The official minutes of the December 1, 2009 WCBOE meeting are attached hereto as Exhibit A and incorporated herein by reference.

24. Among the items added to the agenda after the meeting commenced were several measures that were widely known to be matters of great public concern. One such item was a significant revision to the Student Assignment Policy. There is a great intensity and wide diversity of views among members of the public about that Policy, as well as about other items that were added to the agenda at the December 1 meeting.

25. Upon information and belief, a majority of board members had discussed those measures privately among themselves prior to the public meeting on December 1, but had neither discussed the measures with other board members

nor advised them or members of the public that they intended to add those measures to the agenda at the meeting.

26. Upon information and belief, the intention to take up those measures was kept from the public in order to circumvent the spirit and purpose of the Open Meetings Law.

27. Upon information and belief, board members knew or believed that publicizing their intention to take up highly controversial items would greatly increase the demand for public attendance at the meeting.

28. Upon information and belief, board members knew or believed that unrestricted public attendance could impact the outcome of Board's votes on certain measures. Board members knew or believed that many of the measures that were added to the agenda could likely only be passed, if at all, by a narrow, one-vote margin. Board members further knew or believed that strong manifestations of public sentiment, including through public attendance at the December 1 WCBOE meeting, might complicate passage of the controversial measures that were being taken up.

29. Many members of the public would have attempted to attend the meeting if they had been given notice—as required by WCPSS policies—that those issues were going to be taken up.

30. Some of the newly added agenda items were approved at the December 1, 2009, meeting, while others were deferred after vigorous discussion and comment by the public and other members of the Board.

### Public Demand to Attend WCBOE Meetings Increases

31. After the December 1, 2009 meeting, many members of the public became even more intensely engaged in the WCBOE's actions and felt a strong need to increase their level of oversight of the Board.

32. The intensity of public interest and public demand to attend WCBOE meetings built over the months following the December 1, 2009 meeting.

33. Many members of the public, having heard about the actions of Defendants at the December 1, 2009 meeting, became concerned that Defendants might again attempt to add highly controversial items to the agenda and then pass them without an adequate opportunity for public oversight.

34. Since December 1, 2009, WCBOE meetings have been heavily attended by the public.

35. Meeting rooms used for WCBOE meetings since December 1, 2009 have often been filled to capacity, with individuals spilling into the halls.

36. The WCBOE meetings held on March 2, 2010, were particularly heavily attended, with overflow crowds standing along the walls of the boardroom and large numbers of people standing in the hallway, unable to gain entrance to the boardroom.

37. It was widely anticipated and known by Defendants in advance of the March 2, 2010 meetings that the usual facilities would be inadequate to accommodate all those who wished to attend.



38. The March 2, 2010 meeting of the WCBOE's Committee of the Whole was also very heavily attended. Due to the heavy attendance, the board decided to change locations and hold the March 2, 2010 Committee of the Whole meeting in the room normally used for full board meetings.

39. The Board did not change the location of the full Board meeting. As a result, many members of the public were left standing in the hallway, unable to hear or see the meeting.

40. For example, among those members of the public was Plaintiff Barbara Garlock. Due to a serious medical condition – Stage 4 breast cancer that has spread to her bones – Ms. Garlock cannot stand for long periods of time. At the March 2 WCBOE meeting, Ms. Garlock requested a seat from a WCPSS staff member, but that request was refused despite the fact that Ms. Garlock explained her disability. Eventually, Ms. Garlock was able to obtain a seat when another member of the public left the meeting. Ms. Garlock wished to attend subsequent meetings of the WCBOE, but because of her experience at the March 2 meeting, determined that she could not safely do so because of the lack of adequate accommodation for her disability.

#### **The March 23, 2010 WCBOE Meetings**

41. On or about Friday, March 19, 2010, Defendants gave public notice of the agenda for the meeting to be held on March 23, 2010. Among the agenda items was a vote on certain proposed changes to the Student Assignment Policy, including the student assignment directive.

42. Based on the extraordinarily high level of public interest in that issue as well as others that were to be discussed and acted upon at the March 23 meeting, it was widely anticipated in advance by members of the public, local news organizations, Defendants, WCPSS staff, and other knowledgeable parties, that large numbers of citizens would want to attend the March 23 meeting.

43. Defendants knew or believed prior to March 23, 2010 that the number of individuals expected to attend the March 23 meetings, including both the Committee of the Whole meeting and the full WCBOE meeting, could not safely or adequately be accommodated in the meeting rooms that are typically used.

44. Defendants also knew prior to March 23 that members of the Board, WCPSS staff, and members of the media would occupy virtually all of the available seating for the March 23 Committee of the Whole meeting if that meeting were held in the usual meeting room.

45. Late in the day on March 22, 2010, Defendants caused to be posted to the WCPSS website a notice stating that attendance at the March 23 meetings would be restricted.

46. The notice stated, in part, that tickets would be issued and would be required for attendance at the WCBOE meeting in the boardroom and that attendance at the Committee of the Whole meeting would be limited to Board members, WCPSS staff, and members of the news media. However, the notice

did not provide important details, including when or how tickets would be distributed.

47. Many members of the public immediately expressed concern about these restrictions to the Defendants.

48. A group of attorneys and concerned citizens, including many of the undersigned, delivered a letter to Defendants on the morning of March 23, advising them that the announced restrictions on public attendance violated the Open Meetings Law, in part because those restrictions would prevent many members of the public from exercising their right to attend meetings of a public body.

49. Defendants received that letter but, upon information and belief, took no action prior to the meeting of the Committee of the Whole to address any of the stated concerns or modify their decisions regarding attendance at that meeting or the full board meeting.

50. Also in response to the announced restrictions and the anticipation of a large number of public attendees, local news organizations, including *The Raleigh News & Observer* and Capital Broadcasting/WRAL, requested that Defendants move the meetings be moved to the Progress Energy Center for the Performing Arts in order to accommodate the expected turnout, and offered to pay for any added costs of holding the meeting in that larger venue.

51. In addition to the Progress Energy Center, there were and are numerous other available meeting sites, including centrally located school

auditoriums, gymnasiums, and other civic gathering sites, that are much larger than the usual WCBOE Board meeting room.

52. Many of these other available meeting sites could have been used for the March 23 meeting had Defendants chosen to do so.

53. Defendants chose not to move to a larger meeting site despite the existence of other practical and available locations.

54. Defendants rejected the news organizations' offer to facilitate and to pay for moving the meeting to a larger venue, and upon information and belief, did not seriously investigate any other alternative venues.

55. Upon information and belief, Defendants made that decision in part because they wanted to limit the number of members of the public who could attend and witness the meeting.

56. Upon information and belief, Defendants knew or believed that unrestricted public attendance at the March 23 meetings might impede or delay the board's approval of certain controversial items on the agenda, including the proposed changes to the Student Assignment Policy.

57. Despite knowing that many more people wanted to attend the meetings than could be accommodated in the usual meeting rooms, Defendants did nothing in advance of the March 23 meetings to ensure that all members of the public who wished to attend the meetings would be allowed to do so.

58. Instead, Defendants took several actions, as described herein, to thwart or impair access by members of the public to those meetings.

**Exclusion of Members of the Public From March 23, 2010**  
**Meeting of the Committee of the Whole**

59. On March 23, 2010, at approximately 12:00 p.m., the WCBOE met as a Committee of the Whole. Because of the large number of members of the public who wished to attend the meeting, one WCBOE Board member requested that the Committee meeting be relocated to the nearby larger boardroom so there would be more space to accommodate members of the public.

60. It would have posed minimal, if any, inconvenience to move that meeting to the boardroom. If the meeting had been moved to the boardroom, many more members of the public would have been able to attend.

61. Defendants rejected the request to move the meeting.

62. Upon information and belief, Defendants did so because they wanted to tightly restrict public attendance at the meeting.

63. The Committee of the Whole proceeded to meet behind closed doors in a small conference room. Consistent with the previously announced policy of excluding from the meeting members of the public who were not Board members, WCPSS staff, or members of the news media, many members of the public were barred from attending the meeting.

64. At one point after the meeting had already begun, two members of the public were selected for admission into the room, apparently randomly. All others who were there and wished to attend were barred.

65. An armed security guard blocked entry into the room where the Committee of the Whole was meeting.

66. A large number of persons, including Plaintiff Evans and others, were excluded from the Committee of the Whole meeting despite wishing to attend.

67. The March 23, 2010 Committee of the Whole meeting was not open to the public.

68. An audiovisual feed that was put in place and transmitted over the internet was extremely limited in what it depicted and allowed to be heard, was of poor quality, and was periodically interrupted.

69. With few, if any, members of the general public in attendance, and with closed doors and armed guards barring citizens who lined the halls from attending or observing the meeting, WCBOE's Committee of the Whole proceeded to take up and act upon a host of issues, including controversial matters of great public concern.

**Exclusion of Members of the Public From the March 23, 2010  
WCBOE Board Meeting**

70. The announcement posted on the school system's website late in the day on March 22<sup>nd</sup>, which stated that tickets would be required for admission, did not include critical information about the ticket policy, including when or how tickets would be issued.

71. Beginning at approximately 10:30 a.m. that morning, WCPSS had begun distributing tickets to members of the public who wished to attend the full board meeting that was scheduled to begin at or around 3:00 p.m.

72. WCPSS staff members, under direction from the Board, told members of the public, including several of Plaintiffs, that they would be required to forfeit their tickets if they were to leave the premises of the WCPSS administrative offices prior to the meeting. Upon information and belief, WCPSS staff acted in this regard under direction from Defendants.

73. This unreasonable limitation, which had not been announced publicly until that morning, prevented or impaired many individuals' attendance at the meetings.

74. Many members of the public, including Plaintiffs Garlock, Pidcock, and Barlow, who had come to the WCPSS offices to obtain a ticket, had planned to leave and return later in the day. Many of these individuals had health conditions, employment obligations, school attendance requirements, childcare obligations, or other factors that made it impossible for them to remain at the WCPSS offices throughout the day until the commencement of the WCBOE meeting that afternoon.

75. Plaintiff Erin Byrd planned to attend the March 23 meeting because of her concern about certain highly controversial measures that Defendants were considering. She learned about the ticketing requirement on the morning of March 23. Because of work requirements, she was unable to go to WCPSS offices until

approximately 11:50 a.m. She obtained a ticket at approximately 12:30 p.m. She was approached by several other members of the public during the day who were impeded from attending by the ticket policy, including one who had been forced to surrender her ticket because she had to go back to work before the meeting and could not stay on-site for several hours before the meeting.

76. Plaintiff Andrew Snee wished to attend the March 23 meeting but was unable to do so because of the ticketing requirement. As a high-school student, he was unable to leave school to obtain a ticket when they were distributed beginning at 10:00 a.m., and could not remain at the WCPSS offices throughout the day until the meeting at 3:00 p.m. Nevertheless, he went to the WCPSS offices after school but was not permitted into the meeting.

77. Plaintiff David Eisenstadt wished to attend the March 23 meeting but was unable to do so because of the ticketing requirement. As a high-school student, he was unable to leave school to obtain a ticket when they were distributed beginning at 10:00 a.m., and could not remain at the WCPSS offices throughout the day until the meeting at 3:00 p.m. Nevertheless, he went to the WCPSS offices after school but was not permitted into the meeting. Plaintiff Eisenstadt had been attending meetings since December 2009. Because of the large public attendance, he had only been allowed into the meeting room on three occasions. On the other occasions, he was forced to stay outside the meeting room in a crowded hallway filled with people, barely able to see or hear what was going on. He heard numerous people complain about the restricted access to the



meeting. He personally observed members of the public being shut out of multiple meetings, people asking board members simply to listen to them, and others, like himself, who simply wanted to be able to sit down and watch the board meeting transpire.

78. Plaintiff Woodrow Barlow wished to attend the March 23 meeting but was unable to do so because of the ticketing requirement. As a high-school student, he left during his lunch hour to go the WCPSS offices to attempt to obtain a ticket at 10:00 a.m., but he was informed by a security guard that he would have to remain at the WCPSS offices throughout the day until the meeting at 3:00 p.m. Plaintiff Barlow was unable to do that, as he was required to return to class. As a result, Plaintiff Barlow was unable to attend the meeting. Plaintiff Barlow had also attended WCBOE's meeting on December 15, 2009. At that meeting, he heard many members of the public express the fear that the board majority would attempt once again, as they had done at the December 1 meeting, to add items to the agenda at the meeting without informing the public or other board members in advance. The December 15 meeting was over-capacity for the usual boardroom, and Plaintiff Barlow and others in the hallway outside the boardroom were unable to see and hear speakers.

79. Plaintiff Judy Pidcock was forced to leave the WCPSS offices after being informed of the requirement that ticket holders remain on-site throughout the day. Although she strongly desired to attend the March 23 meeting, and went to WCPSS offices to attempt to obtain a ticket that morning, she was informed by

WCPSS staff that she would not be given a ticket unless she agreed in advance to stay on-site for approximately four hours until the meeting began. Because she could not commit to doing that, she was denied a ticket to the meeting. Plaintiff Pidcock was told by WCPSS staff that the Board of Education and security staff had made the decisions to issue tickets and require ticketholders to sit in the boardroom until the meeting began at 3:00 p.m. Plaintiff Pidcock suggested to supervisory WCPSS staff that they consider holding WCBOE meetings in a larger setting in order to accommodate the public's desire to attend. Plaintiff Pidcock had other commitments during the day, including caring for her children, and was unable to remain on-site during the hours before the meeting. The ticket policy and the requirement of remaining on-site forced her to forego obtaining a ticket and attending the meeting. Plaintiff Pidcock nevertheless returned to the meeting site shortly before the meeting began at approximately 3:00 p.m. She remained outside the board room until approximately 5:30 p.m. The hallway was filled with people who wanted to attend the meeting but were prevented from doing so. The hallway was crowded, hot, and chaotic.

80. Plaintiff Barbara Garlock did not attend the March 23 meeting, although she wished to do so, because her experience at the March 2 meeting, as described above, convinced her that health concerns and her need for adequate seating would likely not be accommodated at the meeting.

81. Plaintiff Gerald Wright is a concerned citizen who has closely followed educational issues in Wake County for many years. He has personally

observed the extremely high level of public interest in the issues being debated by the School Board. Plaintiff Wright has a strong interest in ensuring that the School Board enact and implement policies that allow for maximum citizen oversight and participation.

82. Plaintiff Colethia Evans closely follows School Board issues. She learned about the ticketing policy on the evening of March 22, and was informed that ticket distribution would begin at 10:00 a.m. the next morning. She arrived at WCPSS offices at approximately 10:30 a.m. and got in line with the hope of obtaining a ticket, leaving the premises to attend to other business, and returning for the meeting. She was told by the WCPSS security staff that once she received the ticket she would not be allowed to leave the building. She and many others who were waiting in line with her were outraged by this requirement because it reflected such a lack of concern about accommodating people's desire to attend the meeting and their realistic needs to attend to other matters during the hours before the meeting. She personally observed several mothers with young children who had to leave because they could not wait on-site for several hours. Plaintiff Evans waited for approximately two-and-a-half hours, and then arranged to have someone bring me lunch. WCPSS staff informed Plaintiff Evans and other members of the public in her presence that they would not be allowed into the meeting of the Committee of the Whole, despite the fact that they wanted to attend. Plaintiff Evans was told they could watch a video feed in the boardroom,

but there were many technology failures that frequently interrupted that transmission.

83. Having been informed by WCPSS staff that they would have to surrender their ticket if they left the premises, many members of the public who had been able to obtain tickets, including Plaintiffs Barlow and Pidcock, had no choice but to leave and forego attending the WCBOE meeting.

84. After WCPSS staff began distributing tickets and informing citizens that they would have to remain on-site for several hours in order to attend the meeting, many other members of the public heard reports from those citizens via email and telephone and decided they would not be able to attend the meeting because of that requirement, despite having planned to do so. Others did not hear of the requirement, and were surprised to learn it when they arrived at WCPSS offices.

85. Defendants and WCPSS staff gave inconsistent information to members of the public as to whether they would have to remain on-site or forfeit their tickets.

86. Plaintiffs Garlock, Barlow, Pidcock, and others were told by WCPSS staff that they would have to remain on the premises or forfeit their tickets.

87. Upon information and belief, at least one public supporter of the board majority received private assurances that he would be permitted to leave

with his ticket and return, even as other members of the public were told by WCPSS staff they would not be allowed to do so.

88. At some point later in the day, some WCPSS staff in a haphazard fashion stopped enforcing the requirement that ticketholders remain on the premises.

89. Ticketholders were required to stand in the hall for a long period of time before being allowed into the meeting room, causing special difficulties for some with physical ailments or limitations and preventing those individuals from hearing any of the meeting, as there was no live video or audio feed into the hallway.

90. In the meeting room, Defendants caused physical barriers to be erected between the public and the board members, purportedly to protect “confidential papers,” most of which, upon information and belief, qualified as public records. Defendants also caused physical barriers to be erected outside the meeting room to block members of the public from seeing and hearing what was occurring.

91. At approximately 3:15 p.m., the full WCBOE meeting was called to order in the usual boardroom. Defendants had refused to move the meeting to a larger venue that could accommodate more people despite knowing that many members of the public would be excluded from the meeting as a direct result of that refusal.

92. As the meeting was called to order, scores of citizens who wanted to attend the meeting were barred from doing so, and were forced to wait in the hallways of the WCPSS administrative offices. Many more were at home or elsewhere, having been unable to obtain tickets or unable to remain on-site between the time of obtaining a ticket and the time of a meeting.

93. Defendants made no attempt to provide adequate audio or video coverage of the meeting to members of the public forced to wait in the hallways. One WCPSS staff member, acting independently, accessed the video feed from his or her office computer and taped the computer speakers outside a small cubicle. Because of space constraints, however, this enabled only a small number of people to hear some of what was occurring in the meeting.

94. Many of the members of the public forced to wait in the hallways were unable to observe or hear the meeting underway because due to the inadequacy of the audio or video coverage of the meeting.

95. Several of the members of the public forced to wait in the hallway had signed up to address the Board during public comment. Because they were not allowed into the meeting, they were not able to direct their public comments specifically to events that occurred or statements that were made at the meeting.

96. Despite the exclusion of large numbers of citizens from their meeting, Defendants proceeded to debate and act on a wide range of issues of great public controversy and concern. Defendants knew that that many members of the public who wished to be there had been barred or impeded from attending,

and that other venues were available that could accommodate a much larger number of people.

97. Upon information and belief, Defendants knew or believed that full public access to the meeting might threaten their narrow majority and jeopardize the enactment of certain highly controversial measures. The measures considered and acted upon at the March 23 WCBOE meeting included many of extraordinary public controversy, concern, and debate. Those measures have received extensive news coverage, both locally and nationally.

98. The recently published minutes of the March 23 WCBOE meeting are attached hereto as Exhibit B and incorporated herein by reference.

99. Since the March 23 meeting, Defendants have continued to employ the ticket-issuing policy at WCBOE meetings and appear to be planning to continue it indefinitely.

100. Since the March 23 meeting, Defendants have continued knowingly to hold meetings of the WCBOE and the Committee of the Whole in locations that are not nearly large enough to accommodate the number of people who wish to attend.

101. Since the March 23 meeting, Defendants have refused on numerous occasions to relocate their meetings to larger locations that can accommodate the number of people wishing to attend.

102. On or about April 22, 2010, in response to a request from one member of the public that a recently scheduled meeting set for April 23, 2010, be

moved to a larger location, Defendants' Chairman replied in writing that "for whatever reason, if this meeting was scheduled for two weeks ahead in the RBC center [I] am sure [it] would have met with your objections."

103. On or about April 30, 2010, a group of concerned citizens and attorneys, including several of the undersigned, sent a letter to Defendants requesting that the May 4, 2010 meetings of the Committee of the Whole and the full WCBOE be moved to a larger location and that the ticketing policy be discontinued. A true and correct copy of that letter is attached hereto as Exhibit C.

104. Defendants did not reply to the April 30 letter. However, on or about 3:02 p.m. on May 3, 2010, Defendants caused to be posted on the WCPSS website a notice stating that Defendants' Chairman had "ruled out" the possibility of moving the May 4, 2010 meeting to a larger venue. Defendants stated no reason for that decision. The website statement indicated that the Chairman and WCPSS staff were reviewing the possibility of a change of venue for the May 18, 2010 meeting.

105. Since the March 23 meeting, many members of the public, including Plaintiffs Barlow, Eisenstadt, and others, have been dissuaded or impeded from attending WCBOE meetings because of the policies and actions of Defendants as set forth hereinabove.

106. Since the March 23 meeting, through the policies and practices described above, Defendants have continued knowingly to thwart or impair public



access to WCBOE meetings by members of the public who wish to attend and would attend but for Defendants' unlawful actions.

107. Defendants' policies and actions as described above have succeeded in their goal of substantially reducing attendance at WCBOE meetings, including the WCBOE's May 4, 2010 meeting, which had "a smaller crowd than usual," according to the *News & Observer*. Many members of the public, including several of Plaintiffs, have been dissuaded from attending WCBOE meetings due to having either heard about, or personally experienced, the enormous impediments to public attendance at meetings that have been put in place by Defendants. At its May 4 meeting, the board gave initial approval to a highly controversial student assignment policy by a one-vote margin. A final vote on that policy is scheduled to occur on May 18, 2010. A very large number of members of the public would like to attend that meeting, and would do so if it were held at a time and place reasonably anticipated to accommodate the expected turnout.

**CLAIM FOR RELIEF: VIOLATIONS  
OF OPEN MEETINGS LAW  
(N.C. Gen. Stat. § 143.318.16A)**

108. The preceding allegations in this Complaint are re-alleged and incorporated by reference as if fully set forth herein.

109. In the State of North Carolina, all political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

The people of North Carolina have the inherent, sole, and exclusive right of regulating their internal government in accordance with law. The people of North Carolina also have a right to assemble together to consult for their common good and to instruct their representatives.

110. It is the public policy of this State, as declared in the North Carolina Constitution, that secret and closed political meetings are dangerous to the public liberty and should not be tolerated.

111. All meetings of Defendant WCBOE's full board, Committee of the Whole, and other committees, are subject to the requirements of the Open Meetings Law, N.C. Gen. Stat. § 143.318.9 *et seq.*

112. The Wake County School Board exists solely to conduct the people's business.

113. It is the declared public policy of this State that the hearings, deliberations, and actions of all public bodies, including the Wake County Board of Education, be conducted openly. Members of the public may be excluded from WCBOE meetings only in limited and statutorily defined situations, when a closed session is required for one or more of the permitted purposes set forth in N.C. Gen. Stat. § 143-318.11(a). None of those permitted purposes applies to the exclusion of members of the public from WCBOE meetings on March 23, 2010 and afterwards, as set forth in this Complaint.

114. Other than for the permitted purposes set forth in N.C. Gen. Stat. § 143-318.11(a), no one has the legal right to exclude any member of the public

from any meeting of the WCBOE or its committees. Such meetings are required by law to be open to the public, and any person is entitled to attend them.

115. Regardless of where Defendants customarily meet, Defendants are obligated by the Open Meetings Law to take reasonable steps to ensure that all members of the public who wish to attend a meeting are entitled to do so.

116. Defendants have failed to do so, as set forth hereinabove.

117. Although WCBOE customarily meets at WCPSS offices, it is not required by law to meet in any particular place or at any particular time of day.

118. WCBOE is required by the Open Meetings Law to hold its meetings in places that are large enough to accommodate the number of members of the public reasonably expected to attend.

119. By thwarting and impairing the public's access to the March 23, 2010 meetings of the Committee of the Whole and full WCBOE, and subsequent meetings, as set forth hereinabove, Defendants violated the Open Meetings Law. Specifically, Defendants violated the Open Meetings Law by:

- a. Holding the March 23 Committee of the Whole meeting, and subsequent Committee of the Whole meetings, in a small conference room that was not large enough to accommodate those who wished to attend, despite the existence of other available venues that were much larger, knowing in advance that the effect would be to exclude many members of the public from the meeting;

- b. Restricting access to the Committee of the Whole meeting to members of WCBOE, WCPSS staff, and members of the news media;
- c. Holding the March 23 WCBOE meeting, and subsequent WCBOE meetings, in a room that was not large enough to accommodate those who wished to attend, despite the existence of other available venues that were much larger, knowing in advance that the effect would be to exclude many members of the public from the meeting;
- d. Refusing to accept the media organizations' offer to pay to relocate the WCBOE meetings to a larger venue;
- e. Refusing multiple requests from members of the public to relocate WCBOE meetings to a larger venue;
- f. Restricting access to the March 23 WCBOE meeting, and subsequent meetings, to ticketholders;
- g. Requiring ticketholders to surrender their tickets if they needed or wished to leave the WCPSS premises during the hours before the WCBOE meeting;
- h. Failing to give adequate notice of the specific requirements of the ticketing policy, repeatedly revising that policy without notice, and applying that policy inconsistently;
- i. Making no effort to enable members of the public forced to remain in the hallway to hear the speakers;

- j. Conducting the meetings at times and in a manner that make it extremely difficult for students and working parents to attend, including changing meeting times for the Committee of the Whole with inadequate notice.

120. Plaintiffs and the public are entitled to a declaration from this Court that Defendants violated the Open Meetings Law at the March 23, 2010 meetings by the foregoing acts, that the meetings held on March 23 were unlawful, and that the actions taken at the WCBOE meetings held on March 23 were done in violation of the Open Meetings Law.

121. As set forth hereinabove, Defendants' violations of the Open Meetings Law likely affected the substance of the actions taken at the March 23 meetings. Exposure of Defendants' actions and statements on March 23 to full, in-person public scrutiny from all members of the public who wished to observe them would have threatened the enactment of the measures. Certain members of the board were plainly highly sensitive to public questioning and comment, and Defendants' plans to enact certain highly controversial measures beginning at the December 1, 2009 meeting had been impeded by the public presence and vigorous expressions of public sentiment from those who were in attendance at that meeting. Having that public oversight take place in a larger setting with all interested members of the public in attendance may very well have led to a different voting outcome on actions taken by the Board.

122. As set forth hereinabove, Defendants' violations of the Open Meetings Law significantly thwarted and impaired access to meetings of the WCBOE that the public had a right to attend. Numerous members of the public were physically barred from attending the meetings because the meetings were conducted in rooms that were too small to hold everyone who wanted to attend. Numerous other members of the public were impeded from attending by the unreasonable ticketing procedures that Defendants put in place, by the fact that many members of the public believed that because of the small size of the meeting rooms, it would not be possible for them to attend even if they were to try to do so, and by virtue of their previous experience attempting to attend WCBOE meetings, particularly those of March 2 and March 23, 2010.

123. Defendants efforts to thwart and impair public access have had a substantial chilling effect on public attendance at WCBOE meetings. Although many members of the public wish to attend those meetings, they have been deterred from doing so by the lack of accommodation of the public at previous meetings.

124. As set forth hereinabove, Defendants' violations of the Open Meetings Law are part of a continuing pattern of violations of the Open Meetings Law by the WCBOE, going back at least as far as December 1, 2009. Moreover, the violations that occurred on March 23 have continued since that date. Defendants' violations of the Open Meetings Law are by no means an isolated occurrence.

125. Minimal, if any, harm would be done to third-parties from invalidating the actions taken at the March 23 WCBOE meetings. Rather, the public as a whole would benefit by invalidating those actions and requiring Defendants to reconsider them in an unrestricted forum truly open to all members of the public.

126. Upon information and belief, the violations of the Open Meetings Law set forth hereinabove were done by Defendants for the purpose of evading or subverting the public policy set forth in the Open Meetings Law, and therefore were done in bad faith.

127. Based upon the foregoing, the Court should declare null and void the WCBOE actions taken at the March 23 and May 4 meetings of the Committee of the Whole and of the full WCBOE. This action is brought less than forty-five days after the March 23 meeting.

128. Based upon the foregoing, the Court should enter a preliminary and permanent injunction sufficient to prevent further and continuing violations of the Open Meetings Law set forth above.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully pray that the Court:

1. Set this matter down for immediate hearing in accordance with N.C. Gen. Stat. § 318.16C;

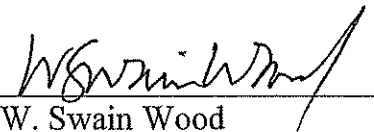
2. Enter a declaratory judgment that Defendants violated the Open Meetings Law at the March 23, 2010 meetings by the foregoing acts;
3. Enter a declaratory judgment that the WCBOE Committee of the Whole meeting and regular Board Meeting held on March 23, 2010 were unlawful closed meetings in violation of the Open Meetings Law, and that all actions taken at the those WCBOE meetings held on March 23, 2010 were taken in violation of the Open Meetings Law;
4. Declare null and void all actions taken at the WCBOE meetings held on March 23, 2010;
5. Enter an injunction requiring Defendants to:
  - a. Conduct all meetings openly, except as expressly permitted by the Open Meetings Law;
  - b. Refrain from excluding any member of the public from any meeting, except as expressly permitted by the Open Meetings Law;
  - c. Take reasonable steps to determine sufficiently in advance of public meetings whether the anticipated public attendance will exceed the available space in the regular meeting locations, so that an alternative



- venue can be arranged that is large enough to accommodate the anticipated public attendance;
- d. Conduct its meetings at times at which larger numbers of students and working parents are able to attend;
  - e. Arrange alternative venues and provide public notice of such venues sufficiently in advance so that all persons who wish to attend WCBOE meetings are reasonably able to do so;
  - f. Ensure that all WCBOE proceedings required by law to be open be broadcast through one or more media outlets generally accessible to members of the public;
  - g. Create and implement a plan that is intended to and does ensure full public access to all WCBOE meetings, including meetings where the anticipated attendance exceeds the available seating.
6. Tax all costs of this action, including Plaintiffs' reasonable attorneys' fees, against Defendants;
7. Grant such other and further relief as the Court may deem just and appropriate and consistent with the principles

contained in the Open Meetings Law and the North  
Carolina Constitution.

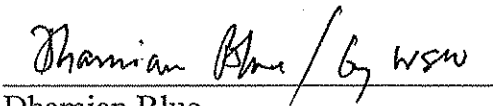
Respectfully submitted this 6<sup>th</sup> day of May, 2010.



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**WAKE COUNTY BOARD OF EDUCATION  
BOARD MEETING MINUTES- REVISED**

December 1, 2009

<u>Board Members Present</u>	<u>Staff Members Present</u>	
Kevin L. Hill, Chair	Superintendent Del Burns	Don Haydon
Horace Tart, Vice Chair	Terri Cobb	David Holdzkom
Eleanor Goettee	Danny Barnes	Ann Hooker
Patti Head	Kathy Chontos	Julye Mizelle
Anne McLaurin	Marvin Connelly	Cathy Moore
Ron Margiotta	Joe Desormeaux	David Neter
Lori Millberg	Chuck Dulaney	Andre Smith
Carolyn Morrison	Michael Evans	Mark Winters
Keith Sutton	Stephen Gainey	
	Lloyd Gardner	<b><u>Board Attorney Present</u></b>
	Donna Hargens	Ann Majestic

Chair Kevin L. Hill called the meeting to order at 3:03 p.m. Everyone recited the Pledge of Allegiance.

**Swearing-In Ceremony**

Chair Kevin L. Hill recognized the following special guests who were in attendance, The Honorable I. Beverly Lake, Jr., The Honorable Fred G. Morrison, The Honorable Joe R. John, Sr., Pastor Warren Harvey, Mayor Ronnie Williams, Mayor Keith Weatherly, Mayor Frank Eagles, State Superintendent Dr. June Atkinson, State House Representative Marilyn Avila, Chairman of the Wake GOP Mr. Claude Pope, Councilman Don Frantz, Sheriff Donnie Harrison, and Mr. Dick Ellis.

**Invocation**

The invocation was given by Pastor Warren Harvey, the Pastor of Ambassador Presbyterian Church in Apex, N.C.

**Swearing In Ceremonies**

Mr. Hill introduced the Honorable I. Beverly Lake, Jr. who performed the Swearing In Ceremony for Debra Goldman. Prior to law school, Justice Lake was a military Intelligence Staff Officer in the United States Army from 1956-1958. Justice Lake earned his law degree from the Wake Forest University School of Law in 1960 and became a partner in a privately held law firm in September of that year. Justice Lake represented Wake, Harnett, and Lee Counties in the North Carolina Senate for two terms from 1976 through 1980. In 1979, the North Carolina Center for Public Policy Research ranked him among the ten most effective members of the North Carolina Senate. Justice Lake was the Republican Party's nominee for governor in 1980 and served as the state's lead delegate to the Republican National Convention that year. Justice Lake has served as Assistant and Deputy Attorney General for the Department of Justice, as Legislative Liaison for Governor Jim Martin and as a Special

Superior Court Judge. Justice Lake was appointed by the governor to the N.C. Supreme Court in 1992, elected to a full term on the Court in 1994 and elected Chief Justice in 2000.

Participating in the ceremony of Debra Goldman was her mother, Sorra Cohn. Mrs. Goldman made the following comments following the Swearing In; *"I stand here before you so thankful to my family, for their love and support. Thankful for the people who have helped me and shared their insight with me and their stories. Thank you to the voters who chose to have me represent their views on the school board. Thank you to Justice Lake for doing me the honor of administering my Oath of Office. This is truly an honor and yet I am humbled by the awesome responsibility that now rests on my shoulders. The weight of 140,000 students, the weight of their parents, and of their families, the weight of every teacher, and every taxpayer is now resting right here. I was elected to do a job and I will go forward, steadfast on a path to achieve the best level of education possible for every child in Wake County. I will listen, I will drill down on issues, and I will make the best decisions that I possibly can. I will do all that I can to represent the views of the people that have chosen to elect me. I've worked so hard to get to this point, so that I can begin to work even harder. Thank you for entrusting me with this position, I am so proud to serve."* Mrs. Goldman shared a poem by Cleo V. Suit to end her comments.

Mr. Hill introduced the Honorable Fred G. Morrison, Jr. who performed the Swearing In Ceremony for Chris Malone and John Tedesco. Judge Morrison graduated cum laude, from Wake Forest University School of Law in 1963. Judge Morrison has served as an Administrative Law Judge in the North Carolina Office of Administrative Hearings from 1986 until the present. Among his many accomplishments, Judge Morrison has served as Legal Counsel to the Governor from 1969 until 1974. In 1973, Judge Morrison was recognized as one of "Five Outstanding Young Men of North Carolina" by the North Carolina Jaycees. Judge Morrison served as the Board Attorney for Thomasville City Board of Education from 1965 until 1969. He is a member of the North Carolina Bar Association and Past Chair of its Administrative Law Section. Judge Morrison is married to Dr. Carolyn Morrison, member of the Wake County Board of Education.

Participating in the ceremony of Chris Malone is his brother, Paul Malone. Mr. Malone made the following comments following the Swearing In; *"I want to take a moment to thank my family, all of my friends, and my supporters for coming out tonight. This race would have been a lot more difficult for me, if I did not have all of your support, so thank you very much. I also want to thank all of the volunteers, I deeply appreciate your outstanding effort; nothing would have been possible without you. There are people who are sitting here that shaped up my campaign, got it going, and made everything possible for me. For those that came out to vote for us, let me state how much I appreciate your faith. I want you to know we heard your calls for reform, you carry today, thank you. Ladies and gentlemen, this was an amazing experience which has left me humbled, but it's just the beginning. With your support I will strive to the best of my ability to see that the promises I made become reality. The next four years are going to be what they say, is interesting times. Thank you very much."*

Mr. Hill introduced the Honorable Joe R. John, Sr. who performed the Swearing In Ceremony for Deborah Prickett. Judge Joe R. John, Sr. currently serves as an Appellate Court Judge in the N.C. Court of Appeals and has served in this position since 1992. Among his many appointments and accomplishments, Judge John was appointed as a Resident Superior Court Judge to the 18<sup>th</sup> Judicial District by Governor James B. Hunt in 1984. Prior to that appointment, he was appointed as the Chief District Court Judge for the 18<sup>th</sup> Judicial District by North Carolina Supreme Court Chief Justice Joseph Branch in 1984.

Judge John was elected to a four-year term as District Court Judge in the 18<sup>th</sup> Judicial District in 1980. In addition he was appointed as a District Court Judge in the 18<sup>th</sup> Judicial District by Governor James B. Hunt to fill the unexpired term for the Honorable B. Gordon Gentry in 1980. Judge John is currently a member of the N.C. Judicial Conference. He is a member of the N.C. Bar Association, the 10<sup>th</sup> Judicial District Bar Association, the Wake County Bar Association, the 18<sup>th</sup> Judicial Bar Association, the Greensboro Bar Association, and the Association of Trial Lawyers of America.

Participating in the ceremony of Deborah Prickett is her son, Grayson Prickett. Mrs. Prickett made the following comments following the Swearing In; *"I thank my family who is here today. They have been so supportive and wonderful. My father who is here today, raised us the right way. He always made sure he voted in every election and he is quite a citizen and role model for my sister and I. I would like to thank all of the Wake Schools Community Alliance. This group of parents is from a grassroots effort in Wake County, this group helped to make so much of this possible. On top of that, this was a non-partisan race, but as you know, it became fairly political. I want to thank Claude Pope and the Republican Party for stepping up to the plate. They endorsed me and have helped so much in this campaign. They are totally for families and children in this county. I want to say a big thank you to Claude Pope. The Taxpayers Association is with us here today, we're starting out on the right foot, three people have paid for our reception; Joe Cuilla, Sarah Redpath, and Kristin Stocking. In addition, I work with somebody who is very special, Dr. June St. Clair Atkinson, the State Superintendent. Dr. Atkinson is important to this whole process because she has set the framework for all of the schools in the state of North Carolina along with our State Board of Education. Thank you very much for all that you do, I honor you very much.*

*I stood in this building as a brand new teacher, I stood in this building as a seasoned teacher, and I stood in this building as a counselor, and I have stood in this building as a parent. Now, I am standing in this building as a Board member. I just want to thank the citizens and the community of Wake County for having someone like me, who started as a teacher, to have this opportunity, to serve you and be committed to the public. Thank you."*

The Honorable Fred G. Morrison performed the Swearing In Ceremony for John Tedesco. Participating in the Ceremony of John Tedesco is Pastor Abel Grande. Mr. Tedesco made the following comments following the Swearing In; *"For those of you who know me a little bit, you know that I'm not one for the more formal remarks. In this journey of my life, I know I would not be anywhere, including where I'm standing today, was it not for the grace and mercy of my Savior, Jesus Christ and what he's done for me and my life and who He's made me and the man he's shaping me in to. With grace and mercy, I too, have thought long and hard about the weight of such a system, we have a lot of children here at stake. I understand from my own life that as a child, who experienced a lot of challenges and tragedies that education is the key to upward social mobility.*

Mr. Tedesco shared scripture from 1<sup>st</sup> Timothy, Chapter 4 to end his comments.

#### **Welcome and Introduction of New Board Members**

Mr. Hill welcomed the new Board Members to the Wake County Board of Education. Mr. Hill shared that the Board members are joining the Board that oversees the 18<sup>th</sup> largest school system in the country. Mr. Hill stated further that the new Board members were joining a school system that is held in very high esteem nationally, both for the successes and accomplishments of students and staff, as well as, the many policies and practices that have helped provide opportunities for success to all students. Mr. Hill challenged the new Board

members to help the Board of Education find ways to weave new ideas with current practices, pushing the Wake County Public School System and our students to even greater successes. Mr. Hill welcomed the new members of the Wake County Board of Education.

The Board recessed the meeting until 4:36 p.m.

#### Chair's Comments

- Mr. Hill congratulated the new Board members and welcomed them to the Wake County Public School System's Board of Education.
- Mr. Hill thanked Kramden Institute for the recent computers that were donated to students at Athens Drive High School. The Kramden Institute is a non-profit organization in Durham that is dedicated to empowering the hardworking economically disadvantaged students. Their goal is to bridge the digital divide and to advance the academic achievements of students.
- The Magnet Fair was held on Saturday, November 7, 2009. Mr. Hill thanked the Board members who attended, the principals, and staff members for their extra work in preparing for the event.
- Mr. Hill reminded Board members that they should visit the WCPSS website for the many concerts and performances occurring within the schools.
- Mr. Hill announced that the second Board of Education Meeting in December, December 15<sup>th</sup> Board Meeting would be cancelled.
- The December Spotlight on Students was cancelled today because of the many activities that occurred. Mr. Hill announced that there would be two Spotlight on Student recognitions in the month of January.

#### Superintendent's Comments

- Twelve WCPSS students performed as members of the North Carolina All-State Honors Orchestra on November 8, 2009. The event was held in the Stevens Center for the Performing Arts in Winston-Salem as part of the North Carolina Music Educators Association Conference. Dr. Burns congratulated the students.
- On November 5<sup>th</sup>, Bobby Guthrie became the first individual in the country to be identified by the National Federation of State High School Associations (NFHS) as a Level 1 Accredited Interscholastic Coach. By completing the NFHS Fundamentals of Coaching course as well as the NFHS First Aid for Coaching (or its equivalent) and additional coursework in coaching, he was the first to qualify. Dr. Burns congratulated Mr. Guthrie.
- The Wake County Public School System has recently had numerous employees receiving national recognitions and serving in prominent positions in national organizations and committees.
- On November 19<sup>th</sup> and November 20<sup>th</sup>, a 2-day Leadership Conference was held at Combs Elementary. As a part of the conference, Dr. Burns, Trish Willoughby, Dr. Sam Houston, and others discussed 21<sup>st</sup> Century Leadership Skills. The event had over 170 participants from all over the nation. The conference was co-sponsored by Stephen Covey and Lego. Mr. Covey used the opportunity to present the components of his new book, "*The Leader In Me.*" The book features much of the



work that Muriel Summers and her staff have done with leadership development at Combs.

- On November 19<sup>th</sup>, the Lightner Youth Leadership Reception/Banquet was held at the North Raleigh Hilton. Dr. Burns shared that Board members, Keith Sutton and Horace Tart were in attendance. Dr. Burns shared that the banquet was extremely well supported with over 600 people in attendance.
- Dr. Burns shared that the two vital student behaviors that are the focus in our schools are attending school and learning the standard course of study. Many of the schools are focusing on attendance in creative ways. Dr. Burns shared a program started at Zebulon Elementary by Algie Williams, a parent liaison, and Sharyn McCalla, the school's counselor; "Tardy Busters". Dr. Burns went on to share that weekly competitions between classes in each grade level have been successful in developing a sense of ownership among the staff and students.
- Dr. Burns offered congratulations to each of the new Board members on behalf of the staff of the Wake County Public School System and welcomed their service on the Wake County Board of Education.

#### **Board Member Comments**

- Dr. McLaurin welcomed the new Board members and looks forward to working together. Dr. McLaurin also reminded families that if children are sick, they need to remain at home.
- Mr. Sutton welcomed and congratulated each of the new Board members to the table and looks forward to working together.
- Dr. Morrison welcomed the new Board members and thanked them for their service.

#### **ELECTION OF VICE-CHAIR**

Mr. Hill asked for nominations for the position of Vice Chair. Chris Malone made a motion to nominate Debra Goldman as Vice Chair of the Wake County Board of Education. Kevin Hill made a motion to elect Debra Goldman Vice Chair of the Wake County Board of Education by acclamation. The motion was unanimously approved.

#### **SIGNING OF THE CODE OF ETHICS**

Each of the Board Members signed 4 copies of the Code of Ethics.

#### **APPROVAL OF THE MEETING AGENDA**

Mr. Hill requested that Consent Agenda item #9, CONTRACT WITH TE21 FOR ACADEMY OF READING LICENSES, PROFESSIONAL DEVELOPMENT AND COACHING, be moved to the Action Agenda, and that the Board Advisory Council Nominations be pulled from the Agenda and be reviewed again in January.

Mr. Margiotta requested that the Approval of Meeting Minutes be placed on the Action Agenda.

Mr. Margiotta made a motion to add the following items to the Agenda as immediate action items, to be considered immediately after adoption of the agenda in the priority listed, with public comment period to follow immediately thereafter:

- 1). Election of new Chair of the Wake County School Board,

- 2). Resolution to appoint interim special legal counsel,
- 3). Change in Student Assignment Policy,
- 4). Resolution to ensure parental choice regarding year-round schools,
- 5). Resolution to end all expenditures on the H-6 site and to seek an alternative site,
- 6). A resolution to save costs and expenses,
- 7). A resolution to end early release Wednesdays,
- 8). Scheduling of regular meeting for 12-15-09

The motion was seconded by Debra Goldman.

Chris Malone made a motion to call for an organization meeting of the Wake County Board of Education to elect a new chair. The motion was seconded by John Tedesco. The Board voted 5 to 3 with Deborah Prickett, Chris Malone, Debra Goldman, Ron Margiotta, and John Tedesco voting "yes", and Carolyn Morrison, Keith Sutton, and Anne McLaurin voting "no". The motion passed.

Mr. Sutton made a motion to rescind the vote to add the item to the Agenda, seconded by Anne McLaurin. The Board voted 3 to 5 with Keith Sutton, Carolyn Morrison, and Anne McLaurin voting "yes", and Deborah Prickett, Chris Malone, Debra Goldman, Ron Margiotta, and John Tedesco voting "no". The motion failed.

Mr. Hill turned the gavel over to Superintendent Del Burns to preside over the election of the Board Chair. Dr. Burns explained the procedure for the election of the Board Chair at the Annual Meeting.

Debra Goldman made a motion to nominate Ron Margiotta as Chair of the Wake County Board of Education, seconded by Chris Malone. John Tedesco made a motion to elect Ron Margiotta as Chair of the Wake County Board of Education by acclamation, seconded by Debra Goldman. The motion was unanimously approved.

John Tedesco made a motion to add 7 additional items to the agenda with each item being addressed and discussed individually. The motion was seconded by Debra Goldman. Mr. Tedesco read each of the 7 additional items' title. The Board voted 4 to 4 with Deborah Prickett, Chris Malone, Debra Goldman, and John Tedesco voting "yes", and Carolyn Morrison, Keith Sutton, Kevin L. Hill, and Anne McLaurin voting "no". Mr. Margiotta broke the tie by voting "yes". The motion was approved on a 5 to 4 vote.

John Tedesco made a motion to approve the Amended Agenda, seconded by Deborah Prickett. The motion was approved.

Mr. Margiotta requested a break at 5:18 p.m. to prepare for Public Comment

The Board returned to Open Session at 5:34 p.m.

## **PUBLIC COMMENT – 5:30 P.M.**

*Citizens who signed up to address the board during public comment will be called on in priority order first for items on the agenda and then for items not on the agenda. Each individual speaker will be allowed three minutes for remarks. Issues or concerns involving personnel matters are not appropriate for this public comment setting. After 30 minutes of public comment, any speakers remaining will be recognized at the end of the agenda for their comments.*

- **Jennifer Lanane (Welcome)** – Ms. Lanane welcomed the new Board members on behalf of the Wake NCAE members. Ms. Lanane requested that the Board help the NCAE Members trust them.
- **Rhonda Curtright (Citizen)** – Welcomed the Board members and respectfully requested that they make changes which benefit Wake County as a whole and to support decisions based on the realization that every change made has a direct consequence on another.
- **Diana Bader (Citizen)** – Ms. Bader shared that each member of the Board of Education is an integral part of the school system. Ms. Bader requested that each Board member do what is right and ethical for each student in the Wake County Public School System.
- **Sun Hazel (Citizen)** – Ms. Hazel requested that the Board look to see that the system is not broken and to not rush to make so many changes.
- **Charlotte Turpin (Citizen)** – Ms. Turpin congratulated the new Board members. Ms. Turpin asked that the Board members do what is right for every child in Wake County schools.
- **Jocelyn Wilson (Student)** – Ms. Wilson spoke regarding the magnet program and diversity at her school. Ms. Wilson shared the experiences she has had with students from all diversity levels and requested that the Board not dismantle the diversity at their school.
- **Zora Felton (Teacher)** – Ms. Felton shared her support of the PLT's with Board members and the positive change she has seen with a county embracing the PLT's. Ms. Felton requested that the Board give PLT's and early release Wednesdays a chance to be successful.
- **Yvonne Anderson (Teacher)** – Ms. Anderson addressed the Board in support of PLT's and early release Wednesdays. Ms. Anderson shared that when teachers collaborate, student achievement rises. Requested that the Board look for the benefits that all students receive when all teachers have time to plan and collaborate.
- **LaShon Ormond (Citizen)** – Ms. Ormond shared that she hoped that her goals and the Board's goals would be similar, to educate 140,000 students. Strongly urged the new Board members to consider the tasks before them. Ms. Ormond requested that the Board members speak for the students and parents that can not speak for themselves and to do what is right in the eyes of the entire community.
- **Joanne Crooks (Citizen)** – Ms. Crooks spoke in support of the Wednesday PLT's. Ms. Crooks explained the PLT time for Geometry students at Cary High School and how invaluable it has been for the collaboration among colleagues.
- **Kelly Roberts (Citizen)** – Ms. Roberts thanked the Board for their valued work in this past and difficult year. Ms. Roberts lends her voice and hope in support of the Board's work going forward in the next pivotal and important year. Ms. Robert's

urged the Board to proceed in 2010 with integrity, intentionality, with evidence-based thoughtful and reflective decision making.

- **Cindy Hoyt (Citizen)** – Ms. Hoyt shared that she is a proponent for the year-round system. Ms. Hoyt voiced her support in keeping Leesville Middle School year-round and to maintain the positive force that PLT's have had in the system.
- **Christine Kushner (Citizen)** – Ms. Kushner sent her best wishes to the Board as they do very important work on behalf of the 140,000 children in Wake County. Ms. Kushner asked the Board to listen to parents. Ms. Kushner requested that the Board take time to consider all the changes that can be made to the school system to make it even stronger than it is today.
- **Colethia Evans (Citizen)** – Ms. Evans shared that the magnet program has done something wonderful for Wake County. Ms. Evans sincerely hopes that all Board members take all students into consideration and to listen to the parents.
- **Marcia Timmel (Teacher)** – Ms. Timmel shared her thoughts and support regarding PLT's. Ms. Timmel requested that the Resolution not be to end PLT's but to find a more family-friendly time as teachers need the time to collaborate and plan.
- **Dhruv Jain (Student)** – Mr. Jain shared how Enloe High School is the perfect example of the success of the magnet program. Mr. Jain spoke about the varieties of classes, the specialized teachers and experiences. Mr. Jain expressed his opinions of how the magnet program embraces diversity.
- **Vickie Adamsen (Parent)** – Ms. Adamsen urged the Board to have a direction before they dismantle the diversity policy and to not rush into any decisions.
- **Mary Kelley (Parent)** – Ms. Kelley shared her experience with the Board of what happens when we do not protect all schools from inequities and her support of the diversity policy.
- **Anne Sherron (Parent)** – Ms. Sherron shared documentation of PLT's at Sanderson High School and keeping the PLT program. Ms. Sherron shared with Board members that student assignment is a delicate process. Ms. Sherron requested that the Board slow down and make educated and informed decisions.
- **Zach Goldman (student)** – Mr. Goldman shared that as a student, he does not see the benefit from the early release Wednesdays, many children go home to be alone. Mr. Goldman requested that the early release Wednesdays be removed or moved to another time during the day. Mr. Goldman also requested that Blue Diamond be removed from the overall educational program of WCPSS.
- **Paul Trogdon (Teacher)** – Mr. Trogdon shared his support of PLT's with the Board. He shared the collaborative planning sets the agenda for what teachers will do to help students achieve academic success.
- **Elizabeth Whisenant (Teacher)** – Ms. Whisenant shared her support of PLT Wednesdays and the collaborative time to enhance children's education. Ms. Whisenant encouraged Board members to go to the WCPSS website and listen to a PLT in action.

Anne McLaurin withdrew her request to move Consent Agenda item #9, CONTRACT WITH TE21 FOR ACADEMY OF READING LICENSES, PROFESSIONAL DEVELOPMENT AND COACHING, to the Action Agenda.

### CLOSED SESSION

Keith Sutton made a motion to go into Closed Session at 6:37 p.m. to consider confidential personnel information protected under G.S. 143-318.11(a)(6) and 115 C-319, and to consider confidential student information protected under G.S. 115C-402 and the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g. The motion was seconded by Chris Malone. The motion was unanimously approved.

The Board returned to Open Session at 7:35 p.m.

### CONSENT ITEMS

Kevin L. Hill made a motion to approve the Consent Agenda, seconded by Anne McLaurin. The motion was unanimously approved.

### FINANCE

#### **7. GIFTS TO THE SYSTEM**

Two hundred and two gifts have been donated to the Wake County Public School System. The approximate value of the gifts is \$50,966.00. Fiscal Implications: Not applicable. Recommendation for Action: No action is required.

### FACILITIES

#### **8. TERMINATION OF SUBLEASE AGREEMENT: ALL THINGS ENTERPRISES, INC. (WAKE FOREST-ROLESVILLE HIGH)**

On March 31, 2009, the Board entered into a Sublease Agreement with Moll, Inc., for temporary classroom space for the CTE Collision Repair Technology classes provided for Wake Forest-Rolesville High School students. The Sublease Agreement was assigned to All Things Enterprises, Inc., effective May 14, 2009. After initial use of the space for classroom equipment storage, material terms and conditions of the Sublease have not been met rendering the space unusable as originally intended as classroom space. Staff has located acceptable alternate space on the Heritage High School campus in which to hold the classes, while the campus is being utilized as a swing space for Wake Forest-Rolesville High School. Staff recommends that the Board terminate the Sublease Agreement effective November 1, 2009, pursuant to the terms and conditions of the Termination of Sublease Agreement attached. Fiscal implications: Anticipated lease costs of \$30,000 are reduced to \$10,000, representing a savings of \$20,000 of project funds. Recommendation for action: Board approval is requested.

### STUDENT ACHIEVEMENT

#### **9. CONTRACT WITH TE21 FOR ACADEMY OF READING LICENSES, PROFESSIONAL DEVELOPMENT AND COACHING**

Academy of Reading (AOR), which is based on neuroscience research, provides a rich set of web-based tools for intensive training in reading foundations, assessment, ongoing progress monitoring and response to intervention environments. This intervention resource builds strong roots in the five areas outlined by the National Reading Panel: phonemic awareness, phonics, fluency, vocabulary, and comprehension. AOR licenses would be purchased for 12 middle schools, which would expand the resource to 100% of the middle schools. TE21 would provide training, job-embedded professional development, coaching, teacher sharing sessions, and implementation support for

Academy of Reading in 49 secondary schools and Academy of Math in six schools. These resources serve students with foundational issues in reading or math. Fiscal Implications: Funding is available in the Disadvantaged Student Support Funding budget in the amount of \$650,000 to pay the cost of these services. Recommendation for Action: Staff is requesting Board approval.

#### **10. LIGON MIDDLE SCHOOL TRIP TO COSTA RICA**

- Participants will be Ligon Spanish Students, grades 6-8 and their families.
- Approximately 15 students will participate with two school staff chaperones.
- Students will depart from RDU on Monday, June 14, 2010 and return on Tuesday, June 22, 2010. No school days will be missed as this is during summer vacation.
- The students will utilize their Spanish speaking skills with native and non-native persons to develop cultural awareness via interaction and touring.
- A tour guide from Costa Rica will accompany the group during the entire trip and students must be escorted by an adult chaperone at all times.

Fiscal Implications: The cost per student is \$2249.00. This trip is enrichment only and not a required trip. Families will assist with funding. Fund raisers will be held as necessary to enable all students an opportunity to participate in this activity. Recommendation for Action: This item is recommended for consent.

#### **11. GRANT PROPOSALS**

- Competitive (#004910): National Endowment for the Humanities, We the People Bookshelf Grants / Individual Schools.
- Competitive (#005010): Muzak Heart and Soul Foundation, Music Matters Music Education Grant / Individual Schools.
- Competitive (#005110): North Carolina Association of Soil & Water Conservation Districts, Auxiliary Grant / Individual Schools.
- Collaborative (#005210): National Science Foundation, Discovery Research K-12 Grants / Central Services.

Fiscal Implications: Any required cash and/or in-kind matching contributions vary by grant program. Recommendation for Action: Staff is requesting Board approval.

#### **HUMAN RESOURCES**

#### **12. RECOMMENDATIONS FOR EMPLOYMENT**

- A. Professional
- B. Support

#### **ACTION ITEMS CONT'D**

#### **HUMAN RESOURCES**

#### **13. RECOMMENDATION FOR ADMINISTRATIVE APPOINTMENT(S)**

Carolyn Morrison made a motion to approve the following Administrative Appointments:

- (1). Lisa Brown, Assistant Principal at Leesville Road Elementary School to Principal at Green Year-Round Elementary School effective January 1, 2010.
- (2). Sue King, Retiree to Interim Principal at Creech Road Elementary School effective January 1, 2010 through January 31, 2010.

- (3). Tiffany Rich, Teacher at Brier Creek Elementary School to Assistant Principal at North Ridge Elementary School effective January 4, 2010.
- (4). Cynthia Seder, Converted Assistant Principal at Salem Elementary School to Permanent Assistant Principal at Salem Elementary School effective December 2, 2009.

The motion was seconded by Anne McLaurin. The motion was unanimously approved.

#### **14. RESOLUTION TO APPOINT INTERIM SPECIAL LEGAL COUNSEL**

John Tedesco made a motion to adopt the following resolution:

WHEREAS, the Wake County Public School System (WCPSS) spent in excess of \$1.2 million in legal fees and more than \$600,000 in liability insurance premiums during the 2008-09 academic year;

WHEREAS, the Board believes a thorough review of existing legal processes, procedures, and expenditures is in the best interest of the citizens and taxpayers of Wake County;

WHEREAS, the Board believes a thorough review of existing legal processes, procedures, and expenditures is in the best interest of the citizens and taxpayers of Wake County;

WHEREAS, Thomas A. Farr, a partner with the law firm of Ogletree, Deakins, Nash, Smoak, & Stewart, P.C. ("Ogletree Deakins") and his firm have the experience and ability to conduct such an independent review and to provide recommendations to the Board;

WHEREAS, the Board also desires to retain Ogletree Deakins, through Mr. Farr, to provide the Board with general advice and counseling on litigation, policy, and personnel matters that arise during the period of their appointment as interim special legal counsel;

**NOW, THEREFORE, THE WAKE COUNTY BOARD OF EDUCATION DOES HEREBY RESOLVE THAT:**

1. The law firm of Ogletree, Deakins, Nash, Smoak, and Stewart, P.C., through Thomas A. Farr, be appointed and retained as interim special legal counsel and shall perform a review of all legal expenditures on legal services, processes, and procedures, and prepare a report for the Board of Education on or before the Board's 2010 annual meeting-providing recommendations regarding the provision of legal services to the Board and the WCPSS.
2. Ogletree Deakins, through Mr. Farr, shall be retained to provide legal advice and counsel to the Board on such litigation, policy, and personnel matters as requested by the Chair of the Board between the date of this resolution and the Board's annual meeting. The WCPSS will continue its relationship with Tharrington Smith, however, the Chair will have the option to refer to the special counsel for additional advice and guidance.

3. The Chair is authorized to negotiate an acceptable method of compensation with Ogletree Deakins and to make a report to the Board no later than the first meeting in January 2010.
4. The Superintendent and all law firms currently retained by the Board or handling matters on behalf of the Board or the WCPSS shall cooperate with Mr. Farr and Ogletree Deakins and provide all requested information needed to perform the review of legal services described herein.

Adopted this the 1<sup>st</sup> day of December, 2009.

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Chair, Wake County Board of Education

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Del Burns, Superintendent  
Wake County Public School System

The motion was seconded by Chris Malone. After lengthy discussion, clarification which was added to the resolution, and questions, the Board voted 4 to 4 with Deborah Prickett, Chris Malone, Debra Goldman, and John Tedesco voting "yes", and Carolyn Morrison, Keith Sutton, Kevin L. Hill, and Anne McLaurin voting "no." Mr. Margiotta voted to break the tie by voting "yes". The vote was 5 to 4. The motion passed. See Attachment #1 for the Amended Resolution to appoint Interim Special Legal Counsel.

#### 15. CHANGE IN STUDENT ASSIGNMENT POLICY

Debra Goldman made a motion to amend Policy 6200 as a first reading.

The Board of Education's goals for the student assignment process include:

- Achieving academic success for all children
- Creating stable school environments (families, classmates, and peers)
- Protecting the ability to offer quality programs in every school
- Promoting neighborhood schools with proximity to home consideration
- Collaborating with the community (all parties/stakeholders)
- Providing choice in calendar and programs
- ~~Creating and maintaining a diverse student body~~
- Alleviating overcrowding
- Filling seats efficiently
- ~~Achieving academic success for all children~~
- Providing a logical progression between elementary, middle, and high school
- Creating good teaching conditions (~~the social, emotional, and physical environment~~)
- Retaining good teachers
- Ensuring academic consistency across the System over time
- Building a sense of community and connection (i.e. neighborhoods, parent involvement)
- Fairness



Maintaining diverse-stable student populations that consider proximity to home in each Wake County school is ~~critical~~ important to ensuring academic success for all students. Assignment policies will recognize the impact of student assignment on students, families, and communities and the costs involved. The promotion of neighborhood schools will increase stability, encourage parental involvement, support and strengthen the community and place emphasis on the education of every student. ~~This supported by research. The school system will also consider other factors that impact communities, families and costs.~~

Each student enrolled in the Wake County Public School System shall be assigned to the school of his or her grade level serving the attendance area in which that student's parents or court-appointed custodian is domiciled and the student resides. Exceptions will be made as necessary to limit enrollment of a school due to overcrowding or for special programmatic reasons such as the need for special education services or alternative school programs. Each student will have the option of applying for admission to one of the magnet educational programs offered in designated schools or to a school which operates on a different calendar than the assigned school.

~~All of the following factors, not in priority order, will be used in the development of the annual student assignment plan. While absolute balance of each factor across all schools is not achievable, comparability between neighboring schools in regard to each factor is the desired outcome of the student assignment process.~~

Student assignment plans will be based on the following factors:

~~A. Populations of Students With Higher Needs~~

~~The student assignment plan will create balance across schools in the distribution of students who:~~

- ~~1. are eligible to receive free or reduced price lunches in the child nutrition program;~~
- ~~2. perform below grade level on End-of-Grade tests;~~
- ~~3. are identified as being Limited English Proficient (LEP)~~
- ~~4. require services from Special Education programs.~~

~~Whenever any of the following targets are exceeded, the Board directs the Superintendent to review the reasons for exceeding the target, study trends across several years, and recommend ways in which the student assignment plan could help achieve the targets:~~

- ~~1. Less than 25% of students at any school, averaged across a two-year period, will score below grade level on the Reading End-of-Grade test.~~
- ~~2. Less than 40% of students at any school will qualify for free or reduced price lunches.~~

• **Choice**

Students may apply for a school other than their base assignment. This includes calendar options and magnet programs. Enrollment may be limited to avoid overcrowding.

- **Facility Utilization**  
~~The student assignment plan will seek optimal utilization of each school's long range capacity and, whenever possible, reduce utilization of mobile or modular classrooms that cause a school to operate at more than the approved long range capacity.~~  
 Student assignment will seek optimal utilization of each school's capacity.
- **Alignment With The Magnet Schools Program**  
 The student assignment plan will include a review of the extent to which the system wide objectives of the Magnet Program are being achieved.
- **Grade Structure**  
 The student assignment plan will adhere to K-5, 6-8, 9-12 grade organization whenever possible with consideration for moving groups of students together across levels given to logical feeder patterns within communities.
- **Stability Of Assignment**  
~~Nodes will remain assigned to the schools at each level (Elementary, Middle, High) for at least three years before being considered for reassignment, whenever possible.~~ Students will remain assigned to a school at each level (Elementary, Middle, & High) unless a new school is opened, overcrowding is a factor or a request for transfer is requested.
- **Distance**  
~~Proximity of nodes to assigned schools will be considered, and no student should travel more than the maximum time established by Board Policy 7125.~~  
 Assignments will be based on proximity to residence. No student should travel more than the maximum time established by Board Policy 7125.

Keith Sutton made a motion to refer the policy to the Policy Committee to be vetted, through Committee of the Whole, and back to the Board. The motion was seconded by Carolyn Morrison. The Board voted 4 to 4 with Carolyn Morrison, Keith Sutton, Kevin L. Hill, and Anne McLaurin voting "yes", and Chris Malone, Deborah Prickett, Debra Goldman and John Tedesco voting "no". Mr. Margiotta vote "no", and broke the tie 4 to 5, the motion failed to pass.

John Tedesco made a motion to take a 5 minute recess, the motion was seconded by Debra Goldman. The motion was unanimously approved.

The Board returned to Open Session at 8:16 p.m.

Debra Goldman made a motion to reconsider the last action and to vote again on Keith Sutton's motion to refer the Changes in Student Assignment Policy 6200 to the Policy Committee to be vetted, moved through the Committee of the Whole, and back to the floor at a Board Meeting. The motion was seconded by John Tedesco. The motion was unanimously approved.

Keith Sutton made a motion to move Student Assignment Policy 6200 to the Policy Committee to be fully vetted and then sent to Committee of the Whole, to then follow normal procedure. The motion was seconded by Debra Goldman. The motion was unanimously approved.

See attachment #2 to show Student Assignment Policy was sent to Policy Committee.

**16. RESOLUTION TO ENSURE PARENTAL CHOICE REGARDING YEAR ROUND SCHOOLS**

WHEREAS, the Wake County Board of Education believes that neighborhood and voluntary school assignments are in the best interest of students, families, and teachers, as well as the citizens and taxpayers of Wake County;

WHEREAS, the Board desires to permit voluntary year-round assignments to continue while ending mandatory year-round assignments beginning with the 2010-2011 academic year;

NOW, THEREFORE, BE IT RESOLVED, BY THE WAKE COUNTY BOARD OF EDUCATION THAT:

1. Wake County Public School System (WCPSS) staff is directed to immediately cease the directive of opening all new schools on a year-round calendar and stop work on any conversions of remaining schools to mandatory year-round.
2. WCPSS staff is directed to end mandatory assignment to year-round schools effective the 2010-2011 academic year;
3. The Superintendent shall perform a review of the following items, and, within 90 days of the passage of this resolution, report back to the Board regarding the following:
  - a. Utilization of all current year-round calendar schools, including trace distribution, changes in enrollments since 2006 and the breakdown of students who attend year-round calendar schools as a result of "base school" assignment or by calendar application process.
  - b. The results of a survey of all parents to identify areas of the county in which to locate year-round schools based on local demand.
  - c. Identify geographic locations within Wake County currently not served by year-round calendar schools.
  - d. Based upon the information collected in items a, b, and c, and with further direction from the Board, identify current year-round calendar schools to be converted back to traditional calendar schools based on the survey results.

Deborah Prickett made a motion to approve, seconded by John Tedesco. Keith Sutton made a motion to amend the motion by removing #1 and #2 from the resolution. The motion was seconded by Chris Malone. The motion was unanimously approved.

Debra Goldman made a motion to include the wording, "*all parents of actively enrolled Wake County students.*" in section 3b. The motion was seconded by Keith Sutton. The motion was unanimously approved.

After lengthy discussion, clarification, and modification of the resolution, Debra Goldman made an amendment to the motion to reverse C and D, add to the current C, "*based upon the information collected above, and with further direction from the Board, identify*" The motion was seconded by Keith Sutton. The motion was unanimously approved to accept the resolution with the amendments. See attachment #3 for the amended

Resolution on Parental Choice Regarding Year-Round Schools.

**17. RESOLUTION TO END ALL EXPENDITURES ON THE H-6 SITE AND TO SEEK AN ALTERNATIVE SITE**

WHEREAS, the site known as H-6 has had significant escalation in costs;

WHEREAS, the H-6 site has had significant opposition from local residents and communities;

WHEREAS, acceptable alternative sites are available;

NOW THEREFORE BE IT RESOLVED BY THE WAKE COUNTY BOARD OF EDUCATION THAT:

1. All work and expenditures on H-6 site are to stop immediately upon passage of this resolution.
2. The Superintendent and WCPSS staff are directed to work with affected county and municipal officials to identify alternative sites, including sites outside assignment circles, without delay.
3. The Superintendent and WCPSS staff are directed to develop recommendations for how to accommodate students, if new site is not ready in a timely manner.
4. The Superintendent and WCPSS staff are to work with affected county and municipal governments to dispose of the site in an expeditious manner and return proceeds to the school building budget.
5. The Superintendent is to provide a report to the Board at its next regular meeting that includes a complete listing of ALL expenditures and costs associated with H-6 and recommendations for proceeding on alternative site.

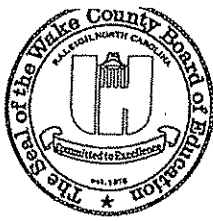
Chris Malone made a motion to approve, seconded by John Tedesco. After lengthy discussion, Anne McLaurin requested to add the following wording to #4, "*Provided that the Board of Education find an alternative site.*" Board members clarified information and the process that Wake County Staff and School System staff have been collaborating on regarding the H-6 site. Debra Goldman made an amendment to #4 to include the wording, "*if an alternative site is identified.*" The motion was seconded by Anne McLaurin. The motion was unanimously approved to accept the resolution with the amendment. See attachment #4 for the amended Resolution to End All Expenditures on the H-6 Site and to Seek an Alternative Site.

**18. RESOLUTION TO SAVE COSTS AND EXPENSES**

WHEREAS, maximum resources must be directed towards the classroom and student;

WHEREAS, the Wake County Board of Education is concerned about the need to save costs and expenses during these challenging economic times;

THEREFORE, BE IT RESOLVED BY THE WAKE COUNTY BOARD OF EDUCATION THAT:



## WAKE COUNTY BOARD OF EDUCATION MEETING MINUTES

March 23, 2010

<u>Board Members Present</u>	<u>Staff Members Present</u>	
Ron Margiotta, Chair	Donna Hargens, Acting Superintendent	David Holdzkom
Debra Goldman, Vice Chair	Terri Cobb	Ann Hooker
Kevin L. Hill	Danny Barnes	Julye Mizelle
Anne McLaurin	Kathy Chontos	Cathy Moore
Chris Malone	Marvin Connelly	David Neter
Carolyn Morrison	Laura Evans	Andre Smith
Deborah Prickett	Michael Evans	Mark Winters
John Tedesco	Stephen Gainey	
Keith Sutton	Lloyd Gardner	<u>Board Attorney</u>
	Don Haydon	Ann Majestic

Chair, Ron Margiotta, called the meeting to order at 3:15 p.m. Everyone recited the Pledge of Allegiance.

### Chair's Comments

- Chairman Margiotta announced that the 15 semi-finalists for Wake County Public School System's Diane Kent-Parker First Year Teacher Award have been determined. Mr. Margiotta congratulated each of the teachers on behalf of the Board of Education. The semi-finalists will be announced at the annual banquet on May 13, 2010.
- Over 950 performers participated in the 28<sup>th</sup> Annual Pieces of Gold and Gifts of Gold held on Wednesday, March 10, 2010. Performers also included over 100 visual artists and 70 technical liaisons. Mr. Margiotta thanked Elizabeth Grimes Droessler, Senior Administrator for Arts Education, for her leadership and expertise. Mr. Margiotta also thanked the 950 performers, the school staffs, the many volunteers, and the support from parents and the community.
- The annual Battle of the Books Competition was held on Saturday, March 6<sup>th</sup> at Green Hope High School. Approximately 241 middle schools from across the state participated. Mr. Margiotta congratulated Ligon Middle School, the 2010 winning team, and Davis Drive Middle School as the runner up.
- Mr. Margiotta announced that the 2010 Teacher Transfer Fair will be held on April 8<sup>th</sup> at Leesville Road High School from 3:30 until 5:30. Interested staff members are encouraged to go online and sign-up.
- The Joint Meeting of the Board of Education and County Commissioners will be held here on Wednesday, April 21<sup>st</sup> in the Board Conference Room. The purpose of the meeting will be to present the budget to the Commissioners.
- Mr. Margiotta thanked the parents and the community for their support as the Board works through methods to ensure the safety of everyone who attends Board meetings; with the support of several community agencies, the WCPSS Security Department, and Dr. Hargens, we are working through the many aspects of arranging for a larger audience while respecting the rights of citizens to be in attendance.

## Superintendent's Comments

- Dr. Hargens congratulated the 15 semi-finalists for Wake County Public School System's Diane Kent-Parker First Year Teacher Award. The teachers include:
  - Niki Britt, Reedy Creek Elementary School,
  - Meghan Brownell, Dillard Drive Middle School,
  - Joanna Cook, Yates Mill Elementary School,
  - Amber Craig, Apex Elementary School,
  - Ann Marie Edquist, Heritage Middle School,
  - Lindsey Evans, Apex Middle School,
  - Shea Grisham, Combs Elementary School,
  - Karen Hall, Aversboro Elementary School,
  - Ashley Kerr, Powell Elementary School,
  - William King, Millbrook High School,
  - Julie McGee, Fuquay-Varina High School,
  - Megan McHenry, Wildwood Forest Elementary School,
  - Luke Miles, Durant Road Middle School,
  - Emily Murdock, Sanford Creek Elementary School, and
  - Preston Williams Jr., Middle Creek High School
- Enloe student, Karina McCorkle, was recently selected for the 2010 Regional Scholastic Art and Writing Award. Enloe's English teachers, Priscilla Chappell and Joyce Nelson, were also recognized for coaching and supporting Karina.
- Fours WCPSS students have been named 2010 award winners by the Raleigh Sports Club. Each student will receive a \$1,500 scholarship. The award winning students include:
  - John Adam Tassitino of Sanderson High School,
  - Charles Harris of Enloe Magnet High School,
  - Kasey Hamrick of Garner Magnet High School, and
  - Christopher Tomlinson of Holly Springs High SchoolThe Raleigh Sports Club also named Apex High School track/cross-country coach, Roy Cooper, to receive their Coach's Distinguished Service Award. The award winners will be honored at a banquet to be held Thursday, April 8<sup>th</sup> at 6:30 p.m.
- Students from across the state were chosen to present their science projects in the international exhibit after winning top honors at the North Carolina International Science Challenge (NCISC). Students chosen from WCPSS include:
  - Victoria Jones, a senior at Wake Early College of Health and Sciences;
  - Victoria Melbourne, a senior at Wake Early College of Health and Sciences; and
  - Chelsea Sumner, a junior at Knightdale High SchoolDr. Hargens congratulated each of the students.
- On March 17<sup>th</sup>, Freddie Lee Heath, dance teacher at Ligon GT Magnet Middle School, was named the K-12 National Dance Educator of the Year by the National Dance Association (AAHPERD).
- On Thursday, March 11<sup>th</sup>, more than 700 students from across Wake County participated in the 2010 Wake County French Festival. Tom Huffstetler, Senior Administrator for Second Languages, coordinated the event in an effort to bring awareness to the importance of speaking another language in the 21<sup>st</sup> century.

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## Board Members' Comments

- Ms. Goldman shared that during the week of March 15<sup>th</sup>, she visited Northwoods Elementary and was impressed with what the principal, Kerry Chisnall is doing with data and technology.
- Mrs. Prickett shared that the Student Achievement Committee met on Tuesday, March 9<sup>th</sup>. Members included Carolyn Morrison, John Tedesco, Anne McLaurin, Marvin Connelly, Donna Hargens, David Holdzkom, Ken Branch, Susan Shell, Eric Sparks, and Christine Zukowski. The agenda included discussion regarding the current math collaborative which included current math placement guidelines for the 2010-2011 school years. The committee reviewed how WCPSS is using EVAAS to make informed placement decisions and instructional practices. The committee also discussed the number of students that are enrolled in advanced math classes.
- Mr. Sutton shared that he attended the North Carolina High School 4-A Regional Semi-Finals. Three Wake County schools participated for the East; they included Green Hope High School, Southeast Raleigh High School, and Enloe High School. Green Hope defeated Southeast Raleigh and Enloe defeated Clayton High School. Green Hope and Enloe met in the Eastern Finals, with Green Hope defeating Enloe and went on to represent the East in the State High School Championships at the 4-A level. Mr. Sutton congratulated the three teams. Mr. Sutton also recognized Dr. Hargens as the Acting Superintendent for Wake County Public Schools.
- Dr. Morrison shared that she went to Project Enlightenment and visited two demonstration classrooms and viewed a huge library with parent resources. Dr. Morrison stated that Project Enlightenment is a wonderful project and an asset to the community.
- Mr. Tedesco shared that he attended Smith Elementary School's Third Grade Class musical on Thursday, March 18<sup>th</sup>, and that he also attended Pieces of Gold. He stated that the performances by the 950 WCPSS students were astonishing.

## APPROVAL OF THE MEETING AGENDA

Mr. Margiotta requested to move items #18-22 and item #25 to the Action Agenda. He also requested that Items #37-53 on the Action Agenda be moved to the Consent Agenda.

Anne McLaurin made a motion to approve the amended agenda, seconded by Debra Goldman. The motion was unanimously approved.

## INFORMATION ITEM

### 6. 2010 LEGISLATIVE AGENDA

The 2010 Legislative Agenda is proposed by the Legislative Committee and presented as information. Fiscal Implications: Undetermined at this time. Recommendation for Action: Information at this time.

Susan Harrison presented information to the Board on behalf of the Legislative Committee. Mrs. Harrison stated that the Legislative Committee began meeting in November to review the changes for the 2010 Legislative Agenda. The committee completed their work on February 23<sup>rd</sup>. The Committee is comprised of members from Central Office, as well as a PTA Council member, a Board Advisory Council member, a principal, a teacher, a teacher's assistant, and a Board member.

Mrs. Harrison reviewed that draft agenda highlighting the five issues which the committee designated as priorities. They include:



- Provide personnel and funding to increase the on-time graduation rate of students through direct intervention programs at every school system.
- Support funding for child nutrition programs that support healthy children initiatives.
- All state mandates for public schools, including new education programs, shall be fully funded prior to implementation.
- Continue to provide state funding for the following programs: Yellow School Bus Tort Claims, North Carolina Virtual Public School Courses, School Construction Funding through Corporate Tax Collections, and
- Comply with the North Carolina Court ruling to pay fines and forfeiture funds to public schools without supplanting other public school funds.

Nineteen items were placed on the 2010 Draft Legislative Agenda; 13 items were new.

They included:

- Review and consider state initiatives and the recommendations of the 2009 Childhood Obesity Commission in addressing childhood obesity issues,
- Support existing rules and regulations on student participation in public school athletic programs established and administered by the State Board of Education and the North Carolina High School Athletic Association,
- Fund a Distance Learning Coordinator for high schools,
- All state mandates for public schools, including new education programs, shall be fully funded prior to implementation,
- Continue to provide state funding for the following programs: Yellow School Bus Tort Claims, North Carolina Virtual Public School Courses, School Construction Funding through Corporate Tax Collections,
- Eliminate the 2009 State Local Education Agency Adjustment,
- Retain state sovereign and government immunity laws,
- Maintain state's ban on collective bargaining,
- Clarify unemployment compensation laws regarding substitute teachers eligibility for unemployment benefits for days they do not substitute,
- Comply with the North Carolina Court ruling to pay fines and forfeiture funds to public schools without supplanting other public school funds, and
- Address the loss of the Federal Education Stabilization Funds for public schools totaling more than \$373 million (2010-2011) statewide, that will occur with the 2011-2012 state budget.

Mrs. Harrison stated that the Legislature is scheduled to convene on May 12, 2010 for their short session.

Mr. Margiotta requested that Board members channel their questions or concerns through Dr. Morrison, the Board's legislative representative.

Board members suggested separating the items under two headings; budget and policy.

**PUBLIC HEARING OF THE SUPERINTENDENT'S PROPOSED BUDGET – 3:30 P.M.**  
*Citizens who sign up to address the 2010-2011 Superintendent's Proposed Budget will be called on in priority order. Each individual will be allowed two minutes for remarks.*

- **Aylett Colston** – Ms. Colston requested that the Board not cut any positions or people at Project Enlightenment. Ms. Colston shared her thoughts regarding the reduction in force and its affect on Project Enlightenment.
- **Lisa Chambers** – Ms. Chambers requested that the Board preserve the programs at Project Enlightenment and not cut any positions or people.
- **Larry Shug** – Mr. Shug shared that the Board should be conservative and cut programs that are overlapping.
- **Elizabeth Jordan** – Ms. Jordan shared her thoughts regarding kindergarten readiness and Project Enlightenment.

The Board recessed until 4:00 p.m.

#### **PUBLIC COMMENT – 4 P.M.**

*Citizens who signed up to address the board during public comment will be called on in priority order first for items on the agenda and then for items not on the agenda. Each individual speaker will be allowed two minutes for remarks. Issues or concerns involving personnel matters are not appropriate for this public comment setting. After 30 minutes of public comment, any speakers remaining will be recognized at the end of the agenda for their comments.*

Board Attorney, Ann Majestic, made the following statement. *“The Board welcomes comments from members of the public on issues of public concern. The Board is committed to conducting its meetings with order, civility, and respect; and asks that all meeting participants comply with the following expectations.*

*Citizens who sign up to address the Board during Public Comment will be called on in priority order. First, for items on the agenda and then for items not on the agenda. Issues or concerns involving individual personnel matters are not appropriate for this public comment setting and may be addressed through the Board’s grievance policies.*

*Please give your name when you begin speaking; it is not necessary to give your address. Please stay within your time limit. Because of the large number of speakers tonight, each person will be allowed two minutes for remarks. Speakers may not give their time to another speaker or trade their time slot with another speaker. If a speaker chooses not to speak, or is not present at the time he/she is called, the Chair will move to the next speaker on the list. Speakers are required to refrain from personal attacks and insults directed at Board members or others.*

*The Board also asks that members of the audience show respect for each speaker and refrain from loud comments or other disruptions. Also, members of the audience who are carrying signs, must keep the signs in front of themselves and not raised above their heads to avoid blocking the view of others. Any person who interrupts, disturbs, or disrupts the Board meeting may be directed to leave the premises by the Board Chairman.*

*The Board regularly sets aside 30 minutes at the beginning of the meeting; Mr. Margiotta has discussed with the Board allowing 1 hour at the beginning. Any speakers remaining at the end of the hour long period will be recognized at the conclusion of the Board’s business agenda.*

- **Barbara Walters** – Ms. Walters spoke in support of the utilization of objective data-driven decisions and the elimination of profiling students. Ms. Walters formally requested a Board resolution that removes the Effectiveness Index from use in Wake County.
- **James Henderlite** – Mr. Henderlite shared his concerns about the direction in which the Board is moving with respect to student assignment.

- **Mark Adamson** – Mr. Adamson shared his thoughts regarding the resolution Establishing Board Directives for Community Based Assignments.
- **Rev. Dr. William J. Barber** – Rev. Barber shared the reasons why the NAACP is against the policies of anti-diversity.
- **Diana Starling** – Ms. Starling thanked the Board for keeping their promises and for making changes that are in the best interest for all children.
- **Jerry Ballan** – Mr. Ballan thanked the Board majority for keeping the platform they ran on. Mr. Ballan expressed his thoughts of sending future high school students from Brier Creek to Broughton High School.
- **Bill Randall** – Mr. Randall spoke to the Board regarding diversity and cause and effect of blighted conditions.
- **Charles Campbell** – Mr. Campbell shared his support of the new Board policies and urged the Board to move forward with neighborhood schools.
- **Patti Gillenwater** – Ms. Gillenwater shared that she does not support the policy of community based assignment. Ms. Gillenwater shared that the Board should be preparing students for a world without boundaries.
- **Julius Chambers** – Mr. Chambers shared his knowledge of litigating civil rights in the Charlotte- Mcklenburg school case and the Raleigh-Wake County school case. Mr. Chambers requested that the Board not approve the plan for community based assignments as it is not in the best interest of Raleigh.
- **Benita Jones** – Ms. Jones urged the Board to learn and understand the historical context of the terms “neighborhood schools” and “bussing”. She also shared her thoughts regarding school re-segregation and the re-emergence of racially identifiable schools.
- **Mark Doroson** – Mr. Doroson shared his thoughts regarding the changes in the Board’s meeting policies and procedures.
- **Neel Mandavilli** – Mr. Mandavilli shared his concerns for his school and the future of his school. Mr. Mandavilli spoke in support of keeping diversity as a part of student assignment.
- **Risi Ademola** – Ms. Ademola shared her thoughts regarding the diversity policy and requested that the Board not pass the resolution regarding community based assignments.
- **Jocelyn Wilson** – Ms. Wilson shared her thoughts regarding student assignment. Ms. Wilson made the Board aware that students are united in fighting for diversity.
- **Debbie Griffith Overby** – Ms. Overby shared her thoughts regarding forced bussing and forced year-round schools.
- **Sarah Redpath** – Ms. Redpath shared her support of the Board and requested that the Board replace Board Policy 6200 with equitable access for all children to academic programs based on their ability.
- **Matt Duvall** – Mr. Duvall shared his thoughts regarding the Board’s directive for community based assignments.
- **Debbie Vair** – Ms. Vair shared her thoughts regarding every child having a quality education in all schools and her support of community schools and parental involvement.
- **Maria Lonnberth** – Ms. Lonnberth shared her thoughts and support of diversity.
- **Cris Mulder** – Ms. Mulder petitioned the Board to take action for the 2010-11 school year and ensure that Mills Park Elementary is the traditional elementary option for Highcroft Elementary School and that Salem Middle would be the year-round middle school option. Ms. Mulder also requested to convert Highcroft Elementary School back to a traditional calendar.

- **Donna Reist** - Ms. Reist shared her surprise of making the Mills Park campus traditional calendar schools. Ms. Reist shared her concerns of having Highcroft Elementary feeding into Mills Park Middle now that it has been converted to a traditional calendar. She also shared her concerns of having children split on two different calendars. Ms. Reist requested that the Board change Highcroft Elementary to a traditional calendar, now that the assigned middle school traditional or give parents the option of going to Mills Park Elementary.
- **Jim Martin** - Mr. Martin shared his thoughts regarding the process by which the Board's decisions appear to be being made.
- **Chris Aycock** - Mr. Aycock spoke to the Board regarding his support of diversity and the magnet programs.
- **Erica Martin** - Ms. Martin spoke to the Board regarding diversity and magnet school programs.
- **Robert Siegel** - Mr. Siegel spoke to the Board regarding diversity, magnet school programs, and neighborhood schools.

Chairman Margiotta called a brief recess at 4:59 p.m. The Board returned to Open Session at 5:15 p.m.

- **Jennifer Mansfield** - Ms. Mansfield requested that the Board vote "yes" for the resolution.
- **Brenda Millar** - Ms. Millar shared her thoughts regarding the resolution for community based assignments.
- **Rev. Tom Rhodes** - Rev. Rhodes shared a petition with the Board from the Wake County Clergy Coalition on Diversity.
- **Lettice Rhodes** - Mrs. Rhodes shared information and data with Board members regarding the benefits of diversity in schools.
- **Heather Koons** - Ms. Koons requested that the Board not approve the resolution regarding community based assignments.
- **Heather Davis** - Ms. Davis shared her thoughts regarding the resolution regarding community based assignments.
- **Tom Munk** - Mr. Munk shared his support of diversity and his thoughts regarding the resolution on community based assignments.
- **Helen Ladd** - Ms. Ladd spoke to the Board regarding education policy in the state of North Carolina. Ms. Ladd asked the Board how they would ensure that all schools have equal access to high quality teachers.
- **Kathleen Brown** - Ms. Brown requested that the Board reconsider their vote on the resolution regarding community based assignments.
- **Kirsten Kainz** - Ms. Kainz shared her thoughts regarding student achievement with the Board.
- **John Gilbert** - Mr. Gilbert spoke to the Board regarding partisan politics and the role he sees it playing throughout local elections. Mr. Gilbert asked the Board to remember that they represent all of the children of Wake County.

### CONSENT ITEMS

Debra Goldman made a motion to approve the Consent Agenda, seconded by Chris Malone. The motion was unanimously approved.

### 7. APPROVAL OF MEETING MINUTES

February 16, 2010 - Board of Education Meeting Minutes

February 23, 2010	-	Facilities & Operations Committee Meeting Minutes
February 23, 2010	-	Special Board Meeting Minutes
February 23, 2010	-	Closed Session Meeting Minutes
February 24, 2010	-	Policy Committee Meeting Minutes
March 2, 2010	-	Committee of the Whole Meeting Minutes
March 2, 2010	-	Special Board Meeting Minutes
March 2, 2010	-	Closed Session Meeting Minutes
March 9, 2010	-	Special Board Meeting Minutes
March 9, 2010	-	Closed Session Meeting Minutes

**FINANCE**

**8. AUTHORIZATION FORMS**

These authorization forms designate the persons authorized to sign vouchers for the payment of money on behalf of Farmington Woods Elementary and Green Hope Elementary. Fiscal Implications: These authorization forms are required for bank records. Board Recommendations: Approval of Authorization Forms.

**9. REPORT OF ADMINISTRATION APPROVED CONTRACTS**

The attached summaries are provided as information in accordance with Board Policy 8361. The summaries list all change orders, and contracts having a value greater than \$50,000 and not over \$100,000, and purchase orders in excess of \$250,000 for February 2010. Fiscal Implications: Not applicable. Board Recommendations: Not applicable.

**10. RENEWAL OF OUTSOURCED DBA SUPPORT SERVICES AGREEMENT**

In October 2008 a contract was executed with Autonomic Resources to provide outsourced DBA support services to the district. This was an eighteen-month contract which included an option of renewal for up to two additional one-year terms. The support services are provided remotely and help to ensure that the district's business applications are maintained and operate in a manner that meets the district's requirements. Autonomic Resources is required to adhere to a Service Level Agreement which outlines specific responsibilities and response times. DBA support services are provided at a fixed monthly rate of \$46,230.59. Initial contract term expires March 30, 2010. Change Order 1 will extend these services at the same monthly rate for an additional one-year term through March 30, 2011. Fiscal Implications: Total amount of change order is \$554,767.08. \$138,691.77 is required during this fiscal year. The remaining \$416,075.31 will be paid in 2010-2011. Funding for contracted services was planned for and is available in the Technology Services 2009-10 operating budget. Board Recommendations: Staff is requesting Board approval of change order.

**FACILITIES**

**11. BIDS: WENDELL ELEMENTARY HVAC RENOVATIONS**

Bids were received on February 24, 2010, for HVAC system renovations at Wendell Elementary School. Staff and United Engineering Group, Inc., recommend award of the single-prime contract to Bolton Service, LLC, in the amount of \$371,117. Fiscal implications: Funding is available from the total budget of \$67,813,687 for CIP 2006 Life-Cycle Replacement of Building Components. Recommendation for action: Board approval is requested.

**12. BIDS: ZEBULON ELEMENTARY HVAC RENOVATION**

Bids were received on February 26, 2010, for HVAC system renovations at Zebulon Elementary School. Staff and Dewberry & Davis, Inc., recommend award of the single-prime contract to Comfort Systems USA (MidAtlantic), LLC, in the amount of \$493,905. Fiscal implications: Funding is available from the total budget of \$67,813,687 for CIP 2006 Life-Cycle Replacement of Building Components. Recommendation for action: Board approval is requested.

**13. BIDS: FULLER ELEMENTARY HVAC RENOVATIONS**

Bids were received on February 11, 2010, for Fuller Elementary HVAC renovations. Staff and Atlantec Engineers, PA, recommend award of the single-prime contract to Comfort Systems USA (MidAtlantic), LLC, in the amount of \$924,000. Note that the low bidder withdrew its bid due to a clerical error. Fiscal implications: Funding is available from the total budget of \$67,813,687 for CIP 2006 Life-Cycle Replacement of Building Components. Recommendation for action: Board approval is requested.

**14. CHANGE ORDER NO. 13 ROOT ELEMENTARY**

Board approval is requested for Change Order No. 13 to New Atlantic Contracting, Inc., for their Construction Management at Risk (CMAR) contract for renovations to Root Elementary School. This change order, a reduction in the amount of \$545,174.41, provides final reconciliation of the remaining construction manager contingency, unused general conditions, and allowances. This change order will complete this contract. The final Guaranteed Maximum Price for this contract is \$14,249,017. The CMAR contracts allow for unused construction manager contingency funds to be credited to the construction manager as follows: 40% of the original contingency amount for meeting substantial completion; 20% of the original contingency amount for meeting specific performance measures. This construction manager met substantial and final completion and met 95.0% of the performance measures. The attachments show how the unused construction manager contingency distribution was calculated, the process for evaluation of their performance, and other key criteria about this contract. Fiscal Implications: Funding is available from the total project budget of \$20,041,887 (pending Board of Commissioners approval to reallocate \$897,000 to Reserve), of which \$300,000 is from PLAN 2004 and \$19,741,887 from CIP 2006. Recommendation for action: Board approval is requested.

**15. RESOLUTION: CIP BUDGET ADJUSTMENT FOR E-28 AND E-21**

At the request of the Board of Education, the Board of Commissioners appropriated and reallocated \$2,000,000 of design funds from E-28 Elementary (Randleigh Farm) to E-21 Elementary (Walnut Creek Elementary) on August 20, 2007. E-28 Elementary was originally identified in the list of schools to be funded by CIP 2006, but the land at Randleigh Farm for E- 28 was not scheduled to be available for the originally planned 2009 school opening. However, land for E-21 could be available and was subsequently purchased in 2008. Requests for bids for Walnut Creek Elementary will be advertised in April 2010. Both schools will serve the Eastern Raleigh/Wake County area. This resolution requests the budget for E-28 Elementary be reduced to zero and the budget for E-21 Elementary be increased to \$22,822,608, an increase of \$20,822,608. This action completes the budget transfer from E-28 to E-21. Fiscal implications: Appropriation totals for CIP 2006 remain unchanged. Recommendation for action:

Board approval is requested.

**16. RESOLUTION: CIP 2006 REAPPROPRIATIONS AND REALLOCATIONS**

Due to the revised schedule of bond sales, this resolution requests two actions: a re appropriation and a reallocation. Funds must be transferred to projects that require funding between March 2010 and February 2011. This is in accordance with the spending plan approved by the Board at their February 16, 2010 meeting. This resolution requests that \$36,334,152 from previously appropriated CIP 2006 projects be re-appropriated to fund Walnut Creek Elementary, Mobile Classroom Relocations, Educational Equipment Replacement, Life-Cycle Furniture Replacement, Environmental & ADA Compliance, and Technology Replacement. A re-appropriation means that previously appropriated funds are transferred to another project, but the budgets of both projects remain unchanged. Once future bond sales occur, a new request will be made to appropriate funds to the projects from which funds were re-appropriated in this action. This resolution also requests a reallocation of \$4,064,132 to fund Offsite (Public)

Improvements and Building Permits. A reallocation not only transfers funds to another project, but the budgets are changed accordingly. Staff recommends approval of this re appropriation and reallocation resolution. Fiscal implications: This action will fund the projects planned between March 2010 and February 2011, with the exception of Rolesville Middle School, which will be requested in April 2010. Recommendation for action: Board approval is requested.

**17. CONSTRUCTION DOCUMENTS: WALNUT CREEK ELEMENTARY (E-21)**

Staff has reviewed the construction documents and requests Board approval and authorization to advertise for the construction of Walnut Creek Elementary School. Fiscal implications: Upon Board of Commissioners approval to re-appropriate funds, funding will be available from the total project budget of \$22,746,533, all of which is from CIP 2006. Recommendation for action: Board approval is requested.

**STUDENT ACHIEVEMENT**

**23. PUBLIC CONSULTING GROUP, INC., CONTRACT FOR SERVICES**

On January 12, 2010, a Request for Proposal was released offering qualified vendors an opportunity to bid on providing WCPSS a web-based system that would provide a comprehensive Longitudinal Electronic Data Management System. A selection committee consisting of representatives from Special Education Services, Technology Service, Curriculum/Instruction and Counseling and Support Services reviewed all proposals submitted. A rubric was utilized to rate each company based on the qualifications outlined within the RFP. Based on a thorough review and discussion of each proposal, the team determined that the Public Consulting Group (PCG) would be the best choice to provide an electronic data management system for WCPSS. PCG is being awarded a contract from March 31, 2010, to June 30, 2010, with an option for renewal. \$81,000.00 is being encumbered for the beginning stages of implementation of EasyIEP™ Services and \$59,000.00 for the development and beginning implementation of Personalized Education Plans (PEP). Fiscal Implications: The amount of the contract is \$81,000.00 for EasyIEP™ Services which will be financed with the *American Recovery and Reinvestment Act Funds of 2009*. The additional amount of

\$59,000.00 for EasyPEPT™ Services will be funded by State At Risk Funds.  
Recommendation for Action: Staff is requesting Board approval.

#### 24. GRANT PROPOSALS

- Competitive (#009810): Target Stores, Early Childhood Reading Grants Program / Individual Schools.
- Competitive (#009910): Target Stores, Arts & Culture in School Grants Program / Individual Schools.
- Competitive (#010010): Fuquay-Varina Junior Woman's Club, Mini-Grant Program / Individual Schools.
- Competitive (#010110): State Farm Insurance, Company Grant Program / Individual Schools.
- Competitive (#010210): American Honda Foundation, Honda Foundation Grant Program / Individual Schools.
- Competitive (#010310): Qwest Foundation, Qwest Foundation Grant Program / Individual Schools.
- Competitive (#010410): National Education Association (NEA) Foundation, Student Achievement Grants / Individual Schools.
- Competitive (#010510): Lois Lenski Covey Foundation, Children's Books Grant / Individual Schools.
- Competitive (#010610): National Association for Sport and Physical Education (NASPE), ING Run for Something Better School Awards Program / Individual Schools.
- Competitive (#010710): got breakfast?®, The Silent Hero Grant / Central Services, Child Nutrition Services.
- Competitive (#010810): Turning Foundation, Classroom Improvement Technology Grant / Individual Schools.
- Competitive (#010910): US Department of Education, Teacher Incentive Fund (TIF) / Central Services.
- Competitive (#011010): US Department of Education, Investing in Innovation Fund (i3) / Central Services.

Fiscal Implications: Any required cash and/or in-kind matching contributions vary by grant program. Recommendation for Action: Staff is requesting Board approval

#### POLICY

#### 26. POLICY 2333/3033/4033 REPORTING INFORMATION TO THE PRINCIPAL AND EXTERNAL AGENCIES

*Policy Revision: Second Reading*

This policy has been reviewed by the Policy Committee on February 24, 2010 and the Committee of the Whole on March 2, 2010. Fiscal Implications: None.

Recommendation for Action: Staff is requesting Board approval.

#### 27. POLICY 3021 RETENTION, CAREER STATUS, AND PROMOTION

This policy has been reviewed by the Policy Committee on February 24, 2010 and the Committee of the Whole on March 2, 2010. Fiscal Implications: None.

Recommendation for Action: Staff is requesting Board approval.



**28. POLICY 3225 NONRENEWAL OF PROBATIONARY TEACHERS**

*Policy Revision: Second Reading*

This policy has been reviewed by the Policy Committee on February 24, 2010 and the Committee of the Whole on March 2, 2010. Fiscal Implications: None.  
Recommendation for Action: Staff is requesting Board approval.

**29. POLICY 6400 CODE OF STUDENT CONDUCT**

*Policy Revision: Second Reading*

This policy has been reviewed by the Policy Committee on February 24, 2010 and the Committee of the Whole on March 2, 2010. Fiscal Implications: None.  
Recommendation for Action: Staff is requesting Board approval.

**HUMAN RESOURCES**

**30. RECOMMENDATION FOR EMPLOYEMENT**

- a. Professional
- b. Support
- c. Contract Central Services Administrator

**POLICY**

**37. POLICY 6410: INAPPROPRIATE STUDENT BEHAVIOR**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010. Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**38. POLICY 2320/3035/4035/6415: SEXUAL BEHAVIOR**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010. Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**39. POLICY 6420 DISRUPTION OF SCHOOL**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010. Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**40. POLICY 6424 GANG AND GANG-RELATED ACTIVITIES**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010. Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

- 41. POLICY 6425 PHYSICAL AGGRESSION/FIGHTING OR ASSAULT**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 42. POLICY 6426 ELECTRONIC DEVICES**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 43. POLICY 6427 WEAPONS AND DANGEROUS INSTRUMENTS/  
SUBSTANCES**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 44. POLICY 6429 NARCOTICS, ALCOHOLIC BEVERAGES, CONTROLLED  
SUBSTANCES, CHEMICALS, AND DRUG PARAPHERNALIA**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 45. POLICY 6440 TRESPASSING**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 46. POLICY 6445 INTEGRITY**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.
- 47. POLICY 6446 STUDENT ACCEPTABLE USE OF ELECTRONIC  
RESOURCES**  
*Policy Revision: First Reading*  
The following policy was submitted to the Policy Committee on March 10, 2010.

Committee recommended the following policies to be submitted to the Board.  
Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**48. POLICY 6450 MISCONDUCT ON THE SCHOOL BUS**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.

Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**49. POLICY 6500 DISCIPLINE**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.

Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**50. POLICY 6530 DUE PROCESS**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.

Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**51. POLICY 6600 SEARCH AND SEIZURE**

*Policy Revision: First Reading*

The following policy was submitted to the Policy Committee on March 10, 2010.  
Committee recommended the following policies to be submitted to the Board.

Recommendation for Action: Board approval is requested with effective date of July 1, 2010.

**52. POLICY 1323 RULES OF ORDER**

*Policy Revision: First Reading*

The Policy Committee reviewed the proposed changes for Policy 1323-RULES OF ORDER on March 10, 2010. Committee of the Whole reviewed the changes on March 23, 2010. Fiscal Implications: None. Recommendation for Action: Staff is requesting Board Approval.

**53. CONSIDERATION TO CHANGE POLICY COMMITTEE FROM AN AD HOC COMMITTEE TO A STANDING COMMITTEE**

The Board will discuss making Policy Committee to a Standing Committee. This topic has been discussed by the Policy Committee on March 10, 2010. Fiscal Implications: None. Recommendation for Action: Board approval is requested.

Dr. McLaurin requested a summary of information for Items 18, 19, 20, 21, and 22 during the Action Agenda.

FACILITIES

ACTION ITEMS

**34. AMENDMENT TO CONTRACT FOR LEGAL SUPPORT SERVICES**

A contract for legal support services was awarded to Boxley, Bolton, Garber & Haywood, LLP, on July 1, 2009, in the amount of \$24,000, for the provision of legal services related to real estate matters. The contract was amended on February 16, 2010, by increasing the fiscal year compensation by \$10,000 to \$34,000. It is necessary to increase the total amount of fiscal year compensation to \$54,000 to reflect the anticipated expenses for the 2009-2010 fiscal year. All other terms of the original contract remain. This amendment is brought for Board approval in compliance with Board Policy 1214. Copies of the 2009-2010 contract and all executed amendments are attached, together with the proposed Third Amendment to Contract, as well as a list of issues and tasks for which legal services have been or are currently being provided. Fiscal Implications: The amount of total compensation proposed in the agreement includes fees for services based upon an hourly rate schedule, as well as reimbursement of out of pocket expenses advanced by the firm. Funding is available from the CIP 2006 Land Purchase budget. Recommendation for action: Board approval is requested.

Don Haydon presented information to the Board. Mr. Haydon shared that more information will be shared with the Board in Closed Session on April 6<sup>th</sup> in regards to condemnations that ended up being potentially more expensive than staff anticipated earlier. As staff begins to work on other alternative sites for H-6, expenses will be incurred.

Anne McLaurin made a motion to approve, seconded by Kevin L. Hill. The motion was unanimously approved.

**35. BELL SCHEDULE RECOMMENDATIONS FOR THE 2010-2011 SCHOOL YEAR**

Four new schools will open, and it is anticipated that 2,000 additional riders will be transported next school year. Because of budget limitations, no additional buses will be put on the road, so it will be necessary to adjust transportation schedules. Staff will present recommended Bell Schedules for the 2010-11 school year. Fiscal implications: The growth of the additional schools will be absorbed in the current number of active buses. Recommendation for action: Approval of bell schedules for the 2010-11 school year is recommended.

Bob Snidemiller presented information to the Board. Mr. Snidemiller shared that staff is faced with significant budget cuts for the 2010-2011 fiscal year. In order for staff to absorb growth with the current 907 buses, staff requires more time in between tiers to deliver students.

Staff recommended bumping the second tier and third tier bell schedules back by 15 minutes, with the first tier remaining the same as it was in 2008-2009. Staff did make two proposed tier changes which included Lincoln Heights (for coordination of busing) and Heritage Elementary (moving from a 1<sup>st</sup> tier school to a 3<sup>rd</sup> tier school).

After conversations with school administration and hearing parents' concerns from

Heritage Elementary, staff provided a revised proposal to Board members requesting moving Heritage Elementary to the 2<sup>nd</sup> tier to match the Heritage Middle schedule.

After several comments from Board members regarding the time changes, Mr. Margiotta requested that staff reconsider the bell schedule recommendations and bring suggestions back to the Board at the April 6<sup>th</sup> Board Meeting.

Debra Goldman made a motion to waive policy so that the bell schedule recommendations can be addressed at the next Board meeting. The motion was seconded by Deborah Prickett. The motion was unanimously approved.

#### **54. DEVELOPMENT OF SUPERINTENDENT SEARCH COMMITTEE**

Authorize the Board Chair to appoint a Committee Chair and two additional Committee Members for a Superintendent Search Committee. The Committee will be an ad hoc committee and will be charged with the responsibility for developing a timeline and recommendations for the processes that will be utilized in selecting and employing a permanent Superintendent of Wake County Public School System. The Committee will report findings and recommendations to the Board of Education. Fiscal Implications: None. Recommendation for Action: Board approval is requested.

Debra Goldman made a motion for the Chair to appoint a committee chair and two additional committee members for a Superintendent Search Committee. The motion was seconded by Chris Malone.

Mr. Margiotta shared that the committee will not have the authority to spend any dollars. The committee will have the authority to come back to the Board with process recommendations. Board Attorney, Ann Majestic, recommended a committee of four.

The Board unanimously approved the motion to develop a Superintendent Search Committee consisting of four committee members.

#### **HUMAN RESOURCES**

#### **55. RATIFY BOARD OF EDUCATION DECISION REGARDING SUPERINTENDENT**

The Board of Education will take action to ratify the Board of Education's decision to place Superintendent, Dr. Del Burns on Administrative Leave. Fiscal Implications: None. Recommendation for Action: Board approval is requested.

Debra Goldman made a motion to approve, seconded by Chris Malone. With no questions from the Board, a Roll Call vote was taken with Carolyn Morrison voting "no", Keith Sutton voting "no", Deborah Prickett voting "yes", Chris Malone voting "yes", Debra Goldman voting "yes", Kevin L. Hill voting "no", John Tedesco voting "yes", and Anne McLaurin voting "no". The vote was tied 4 to 4, Chairman Margiotta broke the tie by voting "yes". The motion passed on a vote of 5 to 4.

#### **18. AMENDMENT ONE TO BAYADA NURSES, INC.**

We are increasing the Bayada Nurses contract by \$32,000 to cover the increased cost of nursing services. We are required to provide nursing services to meet the individual

needs of students with disabilities. The total contract amount will be \$112,000.  
Fiscal Implications: Funding is available in the Special Education Services' budget in the amount of \$32,000 to pay the cost of these services. Recommendation for Action: Board approval is requested.

**19. AMENDMENT ONE TO GLOBAL TRANSLATION SYSTEMS, INC.**

We are increasing our contract with Global Translation Systems, Inc. because of the significant increase in the number of requests we have received this year for foreign language interpreters. In February 2010, we are expecting to use 175 hours for interpreting, which is a 77% increase over the 39.5 hours we used in February 2009. Because of the increased demand for interpreters as well as the expected increase of changes in the reevaluation process for related services, we are increasing our current contract by \$100,000.00. The total contract amount of \$180,000 is an increase of \$85,000 over last year's contract amount. Fiscal Implications: Funding is available in the Special Education Services' budget in the amount of \$100,000 to pay the cost of these services. Recommendation for Action: Board approval is requested.

**20. AMENDMENT THREE TO INVO HEALTHCARE ASSOCIATES, INC.**

We are increasing our contract with Invo Healthcare Associates, Inc. by \$11,000 to provide services for a speech pathologist on leave. Services will be provided at Briarcliff Elementary School. Fiscal Implications: Funding is available in the Special Education Services' budget in the amount of \$11,000 to pay the cost of these services. Recommendation for Action: Board approval is requested.

**21. AMENDMENT ONE TO MAXIM HEALTHCARE SERVICES, INC.**

We are decreasing our contract with Maxim Healthcare Services by \$80,000. Maxim Healthcare is serving one student less this year than last year. These funds will be used to cover other contract needs. Fiscal Implications: \$80,000 is being returned to the Special Education Services budget. Recommendation for Action: Board approval is requested.

**22. AMENDMENT ONE TO PEDIATRIC SERVICES OF AMERICA**

We are increasing our contract with Pediatric Services of America by \$16,000 to cover services for a student that has enrolled in our preschool program. Fiscal Implications: Funding is available in the Special Education Services' budget in the amount of \$16,000 to pay the cost of these services. Recommendation for Action: Board approval is requested.

Assistant Superintendent, Marvin Connelly, combined Items #18-22 at the request of the Board. Mr. Connelly shared that the contracts reflect the commitment that Special Education Services and Student Support Services has in ensuring that all students graduate on time, especially students with disabilities. The contracts reflect the effort.

Anne McLaurin made a motion to approve Items #18-22, seconded by Debra Goldman. The motion was unanimously approved.

**25. RESOLUTION ESTABLISHING BOARD DIRECTIVES FOR COMMUNITY BASED ASSIGNMENTS**

Board members are recommending a resolution to establish a Board Directive for the establishment of Community Based Assignments. The Resolution enclosed reflects a minor change from the version presented at the last Board meeting. These changes have been highlighted. Fiscal Implications: To be determined. Recommendation for Action: Board approval is requested.

Debra Goldman made a motion to approve, seconded by Chris Malone.

Keith Sutton made a motion to amend the previous motion and offered a substitute resolution. The motion was seconded by Carolyn Morrison. Mr. Sutton read the following substitute resolution:

**Resolution Establishing Board Directive to Focus Attention on Student Achievement and Educational Quality**

Whereas, the Wake County Board of Education (hereinafter, the Board) has a primary obligation to create a school system that is committed to the highest educational results for all children in the Wake County Public School System (hereinafter, WCPSS) to allow each student to reach their full potential and better our community.

Whereas, all children are capable of high academic achievement when provided instruction of rigor and relevance in a learning environment that incorporates high expectations, adequate resources and educational innovation.

Whereas, all children, families, schools, teachers, and Wake County residents are stakeholders that benefit from a high quality education.

Whereas, Board Policy 1000 provides Board member with the authority and duty to evaluate that WCPSS educational program to determine the effectiveness with which the system is achieving its educational purpose.

Whereas, under N.C. General Statutes Section 115C-81, the North Carolina General Assembly has expressed its belief that all children can learn and that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

Whereas, the North Carolina Constitution requires that each child in North Carolina have access to the opportunity to receive a sound, basic education in our public schools.

**Be it hereby resolved:**

1. The Board affirms that its primary duty is to ensure that every student in WCPSS receives a high quality education. During the next 9-15 months, the Board hereby establishes its primary goal as the development of Board policies to increase student achievement for all students in every Wake County school.

2. The Board acknowledges that there exists a significant and pervasive achievement gap in our system that has a negative impact on many African-American and Latino students, students identified as English Language Learners, and students from low income or special needs backgrounds. In developing a plan to increase student achievement system wide, the Board will consider and develop strategies and programs targeted specifically towards making sustainable gains in achievement for these students.
3. The Board will undertake a formal and systematic study of strategies to promote and improve student achievement, including but not limited to:
  - a. A review of Board Policies regarding student discipline and student due process, including a study of how implementation of zero-tolerance discipline policies contribute to the achievement gap and disproportionately impact African-American and Latino students, and a consideration of strategies (i.e. intermediate interventions and graduated consequence) to reduce school suspensions, school-based delinquency and criminal complaints;
  - b. A review of all casual factors identified in research that create barriers to student achievement, including a study of those factors which can be addressed under the purview of the Board of Education; a review of how to increase teaching capacity in WCPSS; and a consideration of how to recruit the most highly qualified teachers, improve preparation and training, reduce school and class sizes, and improve the availability of instructional assistance and resources; and
  - c. A review of the impact of high stakes standardized testing, including if critical thinking and problem solving skills are emphasized in classrooms; if a relevant and rigorous curriculum is available for all students; and if high stakes testing accountability and compensation systems discourage strong teachers from teaching in all schools and/or create pressures that result in at-risk students being pushed out from school.
4. The Board will rely upon staff to present reports detailing how to best align system and community resources to analyze ways to achieve these goals. Before the Board approves any specific student achievement plan or policy, staff shall present detailed reports regarding any proposed initiatives, indicating
  - a. The "valid pedagogical research" that supports and justifies the proposed plan;
  - b. The "sound business and financial practices" that support and justify the plan; and
  - c. The potential legal impacts or liabilities the proposed plan may implicate.
5. Be it further resolved that effective immediately:
  - a. ALL Board level committees, WCPSS departments, and other administrative committees are directed to prepare constructive suggestions to support the furtherance of the goals outlined herein.



- b. All Board members shall participate in the development of Board Policy to address the goals outlined herein, and refer drafts of all Policies to the Board Policy Committee for review and consideration.
- c. The Board will eliminate high concentrations of low-income students in schools, which disproportionately has a negative effect on the achievement of African-American and Latino students.

After several comments from Board members, the Board voted on the substitute motion by Roll Call Vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes". The vote as tied 4 to 4. Chairman Margiotta broke the tie by voting "yes". The motion failed to pass on a 4 to 5 vote.

Anne McLaurin made a motion to move the resolution for evaluation to the Policy Committee first. Prior to a full Board vote on any resolution that will suspend, revise, or replace the existing Board Policy 6200, the "Resolution Establishing Board Directive for Community Based School Assignments", and any other resolution regarding Board policies or directives for student assignment, is referred to the Policy Committee for review, consideration, and formal vote or recommendation. This will allow deliberation without delaying the process. The motion was seconded by Keith Sutton.

After several comments from Board members, The Board voted by Roll Call vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "no". The vote was tied 4 to 4. Chairman Margiotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

Carolyn Morrison made a motion to amend the proposed resolution by inserting as the new number 2 in "Be it hereby resolved:" Prior to adopting any changes to Policy 6200 or approving the 2012-2015 student assignment plan, the Board will convene a series of community stakeholder meetings in each proposed zone to discuss student assignment policies and student achievement. The motion was seconded by Kevin L. Hill.

After several comments and clarifying questions from Board members, the Board voted by Roll Call vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes". The vote was tied 4 to 4, Chairman Margiotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

John Tedesco made a motion to amend the resolution and include after Item #1, the following sentence: "The plan would be presented at public hearings prior to final adoption." The motion was seconded by Debra Goldman. Keith Sutton made the following friendly

amendment to the motion, "the input would include, community engagement meetings prior to finalizing such zones."

After several comments and clarifying statements, the Board voted by Roll Call Vote on the amendment made by John Tedesco with Carolyn Morrison voting "yes", Keith Sutton voting "no", Deborah Prickett voting "yes", Chris Malone voting "yes", Debra Goldman voting "no", Kevin Hill voting "no", John Tedesco voting "yes", and Anne McLaurin voting "no". The vote was tied 4 to 4, Chairman Margiotta broke the tie by voting "yes". The motion passed on a 5 to 4 vote.

Keith Sutton proposed an amendment to the Resolution Establishing Board Directive for Community Based School Assignments – Work Session. Mr. Sutton made a motion to amend by inserting as the new number (2) in "Be it hereby resolved:" Prior to adopting any policies which revise Board Policy 6200, the Wake County Board of Education will hold one or more formal work sessions to review data, cost analysis, and other information related to future student assignment policies and how these policies could impact student achievement. Deliberations shall include the following:

- (a) an overview of how the current Policy 6200 has been implemented and its success and drawbacks;
- (b) research to help Board members understand and further refine the concept of community zones;
- (c) research and information on the benefits of diversity and student assignment models, including research from other districts that have achieved a balance between school proximity and diverse learning environments; and
- (d) the total costs and sources of funding for all proposals.

The motion was seconded by Anne McLaurin. After several comments from Board members, the Board voted by Roll Call vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes". The vote was tied 4 to 4. Chairman Margiotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

Kevin L. Hill proposed an amendment to Resolution Establishing Board Directive for Community Based School Assignments – Cost Assessment. Mr. Hill made a motion to amend by inserting as a new number (2) in "Be it hereby resolved:" Prior to the adoption of the final approved model, the board shall review a full assessment of all costs, including transportation, educational tools, and personnel – including teachers- to implement the proposed student assignment plan, including any additional expenses associated with the creation of high poverty schools.

The motion was seconded by Anne McLaurin. After several comments from Board members, the Board voted by Roll Call vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris

Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes". The vote was tied 4 to 4. Chairman Margiotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

Keith Sutton proposed an amendment to the Resolution Establishing Board Directive for Community Based School Assignments – Establish SES and Student Achievement Limits for Student Assignment Goals. Mr. Sutton made a motion to amend by inserting the following paragraph as a new number (2) in "Be it hereby resolved:"  
The Board acknowledges that it assigns students to schools in order to optimally and efficiently utilize existing school buildings, plan for hiring adequate teacher resources, and create a learning environment to improve achievement for all students. Within the community-based school student assignment model, the Board will not create any high poverty school, defined as 75% or more of students meeting the district's definition of poverty. The motion was seconded by Carolyn Morrison.

After several comments from Board members, The Board voted by Roll Call Vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes". The vote was tied 4 to 4. Chairman Margiotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

Anne McLaurin proposed an amendment to the Resolution Establishing Board Directive for Community Based School Assignments – Equal Opportunity to a Sound, Basic Education. Dr. McLaurin made a motion to amend by inserting as an additional bullet at the end of the list of bullets in number two, "Be it hereby resolved:" A plan that provides all students at all schools with an equal opportunity to a sound, basic education. The motion was seconded by Keith Sutton.

John Tedesco shared his support of the amendment to be added as an additional bullet under Item #2. John Tedesco seconded her motion. With no questions or comments from the Board, The Board voted by Roll Call with Carolyn Morrison voting "yes", Keith Sutton voting "yes", Deborah Prickett voting "yes", Chris Malone voting "yes", Chris Malone voting "yes", Debra Goldman voting "yes", Kevin L. Hill voting "yes", John Tedesco voting "yes", and Anne McLaurin voting "yes". The motion was unanimously approved.

Carolyn Morrison proposed an amendment to the Resolution Establishing Board Directive for Community Based School Assignments – Avoid Resegregation and Student Achievement Limits for Student Assignment Goals. Dr. Morrison made a motion to amend by inserting as an additional bullet at the end of the list of bullets in number two, "Be it hereby resolved:" A plan that ensures that schools will not become segregated. The motion was seconded by Keith Sutton.

After several comments from Board members regarding segregation, the Board voted by Roll Call Vote with Anne McLaurin voting "yes", John Tedesco voting "no", Kevin L. Hill voting "yes", Debra Goldman voting "no", Chris Malone voting "no", Deborah Prickett voting "no", Keith Sutton voting "yes", and Carolyn Morrison voting "yes".

The vote was tied 4 to 4. Chairman Marigotta broke the tie by voting "no". The motion failed to pass on a 4 to 5 vote.

Kevin L. Hill asked for clarification regarding the questions he submitted to the Board Chair regarding the Resolution Establishing Board Directives for Community Based Assignments. The questions were as followed:

- Clarification of how the **Resolution Establishing Board Directives for Community Based Assignments** will modify / change Board Policy 6200- Student Assignment,
- The definition of community assignment zone and feeder patterns that would be associated within the zones, i.e., number of elementary / middle / high schools in each zone,
- Information about the number of students who will be reassigned with the community assignment zone plan, along with the seat capacity in each zone and capacity issues at individual schools,
- What is required of the WCPSS in grant policies in order to maintain our magnet school grants,
- The potential impact on magnet grant funding, along with plans for replacing lost magnet grant funds,
- The impact on the current magnet program, i.e., current schools losing their magnet status due to the shift to community assignment zones,
- Cost impact for new transportation patterns within community zones, and
- Cost estimates for the additional resources needed to meet constitutional mandates for an equal opportunity for a sound, basic education, for all students, at all schools.

Chairman Margiotta stated that Mr. Hill's concerns have been addressed. Board Attorney, Ann Majestic, stated that because of the wording change in the resolution, that there will be 9-15 months in the development of the plan, there will be an opportunity that doesn't preclude the opportunity to have the questions answered.

The Board voted by Roll Call Vote on the original motion with the addition of the two amendments, including after Item #1, the following sentence: "The plan would be presented at public hearings prior to final adoption" and adding the additional bullet under Item #2, "A plan that provides all students at all schools with an equal opportunity to a sound, basic education."

Board Attorney, Ann Majestic clarified that, "it has not been the practice of this Board to require a 2/3 vote when a policy is amended. When the policy was amended in 2000 to go from using race to using socioeconomic status, we didn't look to the 2/3 vote. The Board adopts policies on a regular basis; changing past policy and doesn't require a 2/3 vote."

It would be unique to require that in this context. "It's difficult to apply strictly the Robert's Rules about recession to policy development because it is an on-going year-by-year, decade-by-decade process." Mrs. Majestic said that "she has never known the Board to require a 2/3 vote of itself in amending its own policies from year-to-year, as Board members change and policies change. Mrs. Majestic stated further that, "It would be unusual to require that, even though it is a change in your existing policy. The resolution is changing that factor as to magnet schools right now. I think the rest of the resolution isn't changing the policy at this time. It is setting direction for that change."

Anne McLaurin voted "no", John Tedesco voted "yes", Kevin L. Hill voted "no", Debra Goldman voted "yes", Chris Malone voted "yes", Deborah Prickett voted "yes", Keith

Sutton voted "no", and Carolyn Morrison voted "no". The vote was tied 4 to 4. Chairman Margiotta broke the tie by voting "yes". The motion was approved on a 5 to 4 vote.

The Board recessed at 7:50 p.m. The Board returned to Open Session at 8:21 p.m.

### CLOSED SESSION

Kevin L. Hill made a motion to go into Closed Session at 8:22 p.m. to consider confidential personnel information protected under G.S. 143-318.11 (a)(6) and 115C-319, and to consider confidential student information protected under G.S. 115C-402 and the Family Educational and Privacy Rights Act, 20 U.S.C. 1232. The motion was seconded by Debra Goldman. The motion was unanimously approved.

The Board returned to Open Session at 8:59 p.m.

### ACTION ITEMS CONT'D

#### HUMAN RESOURCES

##### **56. RECOMMENDATION FOR ADMINISTRATIVE APPOINTMENT(S)**

Kevin L. Hill made a motion to approve the following Administrative Appointment(s):

- (1). LaShara Gilkes, Teacher at Forest Pines Drive Elementary School to Assistant Principal at Salem Elementary School effective March 24, 2010.
- (2). Dawn Gooding-Edwards, Applicant to Assistant Principal at Durant Road Middle School effective April 5, 2010.
- (3). Michael Hokenberg, Teacher at East Cary Middle School to Assistant Principal at East Cary Middle School effective March 24, 2010.
- (4). Michael Massey, Teacher at Wake Forest-Rolesville High School to Assistant Principal at Wake Forest-Rolesville Middle School effective March 24, 2010.
- (5). Roxane Neal, Behavior Specialist at River Oaks Middle School, to Assistant Principal at River Oaks Middle School effective March 24, 2010.
- (6). Clifford Owens, Applicant to Assistant Principal at West Cary Middle School effective March 29, 2010. (Converted Position)
- (7). Cara Sullivan, Teacher at Highcroft Drive Elementary School to Assistant Principal at Alston Ridge Elementary School effective April 26, 2010.

The motion was seconded by Debra Goldman. The motion was unanimously approved.

Chairman Margiotta stated that Items #31 REVIEW OF THE THREE-YEAR STUDENT ASSIGNMENT PLAN, #32 STATUS OF 2010 APPLICATIONS FOR MAGNET AND CALENDAR SCHOOLS, and #33 STUDENT ASSIGNMENT GRANDFATHERING GUIDELINES, will be moved to the Board's Work Session on Wednesday, March 31, 2010 for further discussion. Action will be taken on the items at the April 6, 2010 Board Meeting.

#### FACILITIES

##### **31. REVIEW OF THE THREE-YEAR STUDENT ASSIGNMENT PLAN**

On February 3, 2009, the Board of Education approved a three-year assignment plan. The Board of Education has requested staff to provide data pertaining to the three-year reassignment plan. Recommendations from the Student Assignment Committee were considered at the Committee of the Whole meeting. Fiscal Implications: Changes in attendance areas may impact transportation

costs. Recommendation for Action:

1. Assign Node 368.2 to Reedy Creek Elementary as base beginning 2010-2011.  
Assign Nodes 412.8 and 412.9 to Dillard Drive Elementary as base beginning 2010-2011.  
Assign Nodes 412.8 and 412.9 to Dillard Drive Middle as base beginning 2010-2011.  
Assign Nodes 579.0 and 580.0 to Kingswood Elementary as base beginning 2010-2011.
2. Assign Nodes 248.1; 617.0; 622.0; 704.0; 707.0; 709.0; 710.0; 732.0; 752.0; 755.0; 276.0; 277.1; and 277.3 to Heritage High as base beginning 2010-2011 (9<sup>th</sup> and 10<sup>th</sup> grade only).
3. Assign Nodes 357.1; 357.2; 357.3; 358.0; 359.0; 360.0; 621.0; 642.0; 666.0; 667.0; 702.0; and 708.0 to Panther Creek High as base beginning 2010-2011.
4. Assign Nodes 358.0; 359.0; 360.0; 642.0; 666.0; 667.0; 702.0; 708.0; 357.1; 357.2; 357.3; and 621.0 to Mills Park Middle as base beginning 2010-2011.
5. Assign Nodes 539.0 to Salem Elementary as base beginning 2010-2011.
6. Assign Nodes 416.0, 632.0 to Holly Ridge Middle as base beginning 2010-2011.
7. Assign Nodes 458.2, 465.2 to Fuquay-Varina High as base beginning 2010-2011.

Laura Evans presented information to the Board. John Tedesco made a motion to approve, seconded by Deborah Prickett. After comments from Board members, the Board voted 5 to 3, with Anne McLaurin voting "no", John Tedesco voting "yes", Kevin L. Hill voting "no", Debra Goldman voting "yes", Chris Malone voting "yes", Deborah Prickett voting "yes", Keith Sutton voting "yes", and Carolyn Morrison voting "no". The motion passed on a 5 to 3 vote.

### STUDENT ASSIGNMENT GRANDFATHERING GUIDELINES

On February 3, 2009, the Board of Education approved the following grandfathering guidelines: Transfer requests will be automatically approved if the following three conditions apply: (1) if they are submitted during the annual transfer application period between May 14<sup>th</sup> and June 1<sup>st</sup>, (2) if the application is for a student who has been attending WCPSS schools and the Board's action has changed the student's assignment for the subsequent year to a school different from the current school, and (3) if one of the following statements is true: the student is rising into grades 4 or 5 (and is reassigned to either an existing school), or the student is rising into grades 7,8,10,11, or 12 and the change in assignment is from an existing school to an existing school, or the student is rising into grade 8 and the reassignment is to a new school.

Staff will be available to answer questions regarding grandfathering and athletic eligibility.

Staff is recommending siblings rising into grades K, 6<sup>th</sup>, or 9<sup>th</sup> be allowed to transfer into the same school as the older sibling. Transfers are approved without transportation. Fiscal Implications: None. Recommendation for Action: Board approval is requested.

Laura Evans presented information to the Board. Ms. Evans provided the following information to Board members regarding athletic eligibility, "Per Board Policy 6203.8 high school students on transfer waive the right to participate in athletic activities for 365 days. If a student is approved for transfer under the grandfather provisions, however, the student is not required to appeal for athletic participation. If growth management allows the student to stay at the previous school due to grandfathering, then the student is eligible for athletics."

Kevin L. Hill made a motion to approve, seconded by Anne McLaurin. With no questions from the Board, the motion was unanimously approved.

## PUBLIC COMMENT

- **Amy Lee** - Ms. Lee spoke to the Board regarding schools in downtown Raleigh, and the effect of the community based assignment model.
- **Christine Kushner** - Ms. Kushner shared her concern regarding the process of consensus. Ms. Kushner urged the Board to work together and come up with a plan that can serve all the children and community of Wake County.
- **Larrie Loehr** - Mr. Loehr spoke to the Board regarding a vision of what quality student learning is. Mr. Loehr requested that the Board postpone the neighborhood resolution and put energy into chartering a design team to guide development of a vision for student learning useful for living in our new world.
- **Marvin Pittman** - Mr. Pittman spoke to the Board regarding developing high poverty and struggling schools. Mr. Pittman shared his thoughts of what a vote for neighborhood schools could bring to Wake County.
- **Jerod Johnson** - Mr. Johnson spoke to the Board regarding the community based assignment zones.
- **Diana Bader** - Ms. Bader shared her thoughts and feelings regarding assignments and the decisions being made regarding assignments.
- **Dove Tinker** - Mr. Tinker shared his thoughts with the Board regarding the resolution on community assignments. Mr. Tinker shared his concern of how rash behavior will lead to unintended consequences.
- **Yuri Yamamoto** - Ms. Yamamoto shared her thoughts regarding her support of diversity and community schools working together.
- **Nefertiti Byrd** - Ms. Byrd spoke to the Board and stated that she did not support the resolution that was passed. Ms. Byrd also shared her thoughts and feelings regarding Board decisions.
- **Christina Creech** - Ms. Creech shared her thoughts and feelings regarding Board members' conduct at Board meetings, specifically compromising at the role it must play in society.
- **Marc Nolan** - Mr. Nolan spoke to the Board regarding the selection committee's recommendation of PCG for electronic data management. Mr. Nolan spoke to the Board on behalf of Spectrum K-12 and the RFP process.
- **Carol Fekaris** - Ms. Fekaris spoke to the Board regarding her node staying at Heritage Middle School instead of being moved to Durant Road Middle.
- **Matthew Booker** - Mr. Booker complimented the Board on vigorously debating the implications of several amendments. Mr. Booker shared that the efforts and conversation should and could lead to compromise.
- **Jackson Foster** - Mr. Foster shared his thoughts regarding the community based assignment model and what the lack of diversity will do to his school.
- **Heather Losurdo** - Ms. Losurdo shared her thoughts regarding the magnet system lottery and how it operates.
- **Annette Exum** - Ms. Exum shared her thoughts regarding the community based assignment zone resolution and how separate but equal is inherently unequal.
- **Ed Morris** - Mr. Morris shared his thoughts regarding forced busing.
- **Cathy Harris-Cannon** - Ms. Harris-Cannon spoke to the Board regarding Spotlight on Students and the next time students will be recognized.

**ADJOURNMENT**

There being no further business coming before the Board, Debra Goldman made a motion to adjourn, seconded by John Tedesco. The motion was unanimously approved. The meeting adjourned at 10:01 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ronald A. Margiotta, Chair, Wake County Board of Education

\_\_\_\_\_  
Donna M. Hargens, Acting Superintendent, WCPSS

\_\_\_\_\_  
Melissa R. Christmas, Recording Secretary





April 29, 2010

VIA EMAIL

Wake County Board of Education  
Raleigh, North Carolina

Dear Chairman Margiotta and Members of the Board:

We are writing to follow-up on our letter of March 23, 2010 regarding the Wake County School Board's obligation to conduct its meetings openly and in a way that is accessible to members of the public who wish to attend.

Because of the policies regarding public attendance that you put in place for the March 23 meetings of the Wake County Board of Education and Committee of the Whole, as well as at subsequent meetings, many members of the public who have wanted to attend Board of Education meetings have been prevented from doing so. Despite the existence of many available alternatives, such as school auditoriums, gyms, and other large civic gathering sites, you have chosen to conduct these meetings in venues far too small to accommodate the expected number of persons who wish to attend. In addition, you have required those wanting to attend to follow unreasonable and unduly burdensome procedures, such as issuing tickets (available exclusively at the WCPSS administrative office) hours before the commencement of meetings, and requiring ticketholders to forfeit their tickets if they left the premises before the meeting. We believe these actions violate both the letter and the spirit of the North Carolina Open Meetings Law, N.C.G.S. 143-318.9 et seq.

Because of the issues that have been placed on the agenda for the Board and Committee of the Whole meetings on Tuesday, May 4, and the enormous public concern related to those issues, it is widely expected that a very large number of members of the public will want to attend. It is evident to all that the meeting rooms commonly used for the Board's Committee of the Whole and full Board meetings are far too small to accommodate the expected number of attendees.

Accordingly, we are hereby requesting that you direct WCPSS staff immediately to explore and identify larger venues that would be available for the meetings on Tuesday and that would be large enough to accommodate the expected number of persons desiring to attend the meetings, and that you arrange to hold Tuesday's meetings at such a location. We also request that you

Wake County Board of Education  
April 29, 2010  
Page Two

eliminate the ticketing requirement and instead allow everyone who wishes to attend the meeting to do so.

Sincerely,

Julius L. Chambers, Director  
Mark Dorosin, Senior Managing Attorney  
Benita Jones, Education Fellow  
UNC Center for Civil Rights

Katy Parker, Legal Director  
ACLU of North Carolina

Bill Rowe, General Counsel/Director of Advocacy  
Jack Holtzman, Staff Attorney  
NC Justice Center

Al McSurely, Esq.  
Irv Joyner, Esq.  
NAACP North Carolina State Conf.

Lewis Pitts, Managing Attorney  
Advocates for Children's Services,  
Legal Aid of North Carolina

Anita Earls, Executive Director  
Allison Riggs, Staff Attorney  
Southern Coalition for Social Justice

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

10-CV-7713

WAKE COUNTY, C.S.C.)

BARBARA GARLOCK, ANDREW )

SNEE, by and through <sup>BY</sup> Julie Snee, his )

Parent and Guardian, DAVID )

EISENSTADT, by and through Alison )

Eisenstadt, his Parent and Guardian, )

WOODROW BARLOW, by and )

through Ava Barlow, his Parent and )

Guardian, JUDY PIDCOCK, ERIN )

BYRD, GERALD WRIGHT and )

COLETHIA EVANS, )

Citizens and Residents of Wake )

County, North Carolina, )

Plaintiffs, )

v. )

WAKE COUNTY BOARD OF )

EDUCATION, and its Members, in )

Their Official Capacities, )

Defendants. )

MOTION FOR APPOINTMENT  
OF GUARDIAN AD LITEM

The undersigned hereby moves for appointment of Julie Snee to serve as guardian ad litem for the minor child Andrew Snee pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, and in support of this motion, shows unto the Court as follows:

1. Julie Snee is the mother of Andrew Snee, who is currently enrolled in the tenth grade in a Wake County public school.
2. Julie Snee and Andrew Snee are residents of the State of North Carolina, and Andrew resides with Julie Snee in Raleigh, North Carolina.
3. Julie Snee is over eighteen years of age and is competent to serve as guardian ad litem for Andrew Snee.
4. Other than his mother and natural guardian, Andrew Snee has no guardian or appointed representative.

5. Andrew Snee has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.
6. Julie Snee has no interests adverse to the rights of Andrew Snee, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for Andrew Snee.

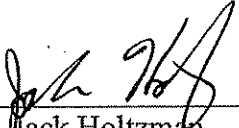
WHEREFORE, it is requested that Julie Snee be appointed guardian ad litem for Andrew Snee for the purpose of prosecuting the minor's claims against the Wake County Board of Education.

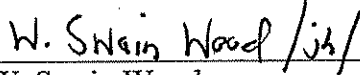
This the 6<sup>th</sup> day of May 2010.

CO-COUNSEL FOR PLAINTIFFS:

*North Carolina Justice Center*

By: \_\_\_\_\_

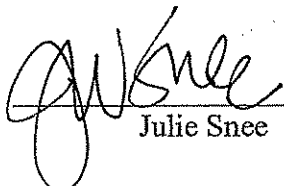
  
Jack Holtzman  
N.C. State Bar # 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 (FAX)

  
W. Swain Wood  
N.C. Bar No. 32037  
Wood Jackson PLLC  
301 Glenwood Avenue, Suite 280  
Raleigh, North Carolina 27603  
(919) 829-7394  
(919) 829-7396 (fax)

VERIFICATION

Julie Snee, after being duly sworn, deposes and says that she has read the foregoing Motion and that the allegations of fact contained therein are true of her own personal knowledge and belief.

This the 5 day of May 2010.

  
\_\_\_\_\_  
Julie Snee

NORTH CAROLINA  
WAKE COUNTY

I hereby acknowledge that Julie Snee personally appeared before me this day and, after being duly sworn, voluntarily executed the foregoing Verification.

This the 5<sup>th</sup> day of May 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires:

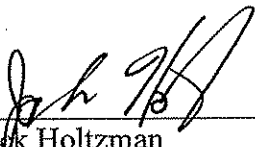
NICOLE LEE DOZIER NOTARY PUBLIC WAKE COUNTY, NC My Commission Expires <u>2/17/12</u>
---

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Appointment of Guardian Ad Litem, was served by electronic mail and fax on Defendant's counsel, addressed to the following :

Ann L. Majestic  
Christine T. Scheef  
Tharrington Smith, LLP  
209 Fayetteville Street Mall  
Post Office Box 1151  
Raleigh, North Carolina 27602-1151

This the 6th day of May, 2010.

  
\_\_\_\_\_  
Jack Holtzman  
N.C. Justice Center  
State Bar No. 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 FAX

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE	
COUNTY OF WAKE	SUPERIOR COURT DIVISION	
	10 CVS 9713	
BARBARA GARLOCK, ANDREW SNEE, by and through Julie Snee, His Parent and Guardian,	)	APPOINTMENT OF GUARDIAN AD LITEM
DAVID EISENSTADT, by and through Alison Eisenstadt, his Parent and Guardian, WOODROW BARLOW, By and Through Ava Barlow, His Parent and Guardian, , JUDY PIDCOCK, ERIN BYRD, GERALD WRIGHT, and COLETHIA EVANS,	)	
Plaintiffs,	)	
v.	)	
WAKE COUNTY BOARD OF EDUCATION, and its Members, in Their Official Capacities,	)	
Defendants.	)	

FILED  
 2010 MAY -6 PM 12:51  
 WAKE COUNTY, C.S.C.  
 BY \_\_\_\_\_

THIS CAUSE coming on to be heard pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, based on the verified motion of Julie Snee to by appointed guardian ad litem for the minor child Andrew Snee, the Court finds as follows:

1. Julie Snee is the mother of Andrew Snee, who is currently enrolled in the ninth grade in a Wake County public school.
2. Julie Snee and Andrew Snee are residents of the State of North Carolina, and Andrew Snee resides with Julie Snee in Raleigh, North Carolina.
3. Julie Snee is over eighteen years of age and is competent to serve as guardian ad litem for Andrew Snee.
4. Other than his father and mother, Andrew Snee has no guardian or appointed representative.
5. Andrew Snee has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.
6. Julie Snee has no interests adverse to the rights of Andrew Snee, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for Andrew Snee.

NOW THEREFORE, Julie Snee is hereby appointed guardian ad litem for Andrew Snee for the purpose of prosecuting the above styled action on his behalf.

This the \_\_\_\_ day of May 2010.

ASSISTANT CLERK OF SUPERIOR COURT



STATE OF NORTH CAROLINA

COUNTY OF WAKE

WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

10-CV-773

BARBARA GARLOCK, ANDREW  
SNEE, by and through Julie Snee, his  
Parent and Guardian, DAVID  
EISENSTADT, by and through Alison  
Eisenstadt, his Parent and Guardian,  
WOODROW BARLOW, by and  
through Ava Barlow, his Parent and  
Guardian, JUDY PIDCOCK, ERIN  
BYRD, GERALD WRIGHT and  
COLETHIA EVANS,

Citizens and Residents of Wake  
County, North Carolina,

Plaintiffs,

v.

WAKE COUNTY BOARD OF  
EDUCATION, and its Members, in  
Their Official Capacities,

Defendants.

MOTION FOR APPOINTMENT  
OF GUARDIAN AD LITEM

The undersigned hereby moves for appointment of Ava Barlow to serve as guardian ad litem for the minor child Woodrow Barlow pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, and in support of this motion, shows unto the Court as follows:

1. Ava Barlow is the mother of Woodrow Barlow, who is currently enrolled in the eleventh grade in a Wake County public school.
2. Ava Barlow and Woodrow Barlow are residents of the State of North Carolina, and Woodrow Barlow resides with Ava Barlow in Raleigh, North Carolina.
3. Ava Barlow is over eighteen years of age and is competent to serve as guardian ad litem for Woodrow Barlow.
4. Other than his father and mother, Woodrow Barlow has no guardian or appointed representative.

5. Woodrow Barlow has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.
6. Ava Barlow has no interests adverse to the rights of Woodrow Barlow, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for Woodrow Barlow.

WHEREFORE, it is requested that Ava Barow be appointed guardian ad litem for Woodrow Barlow for the purpose of prosecuting the minor's claims against the Wake County Board of Education.

This the 16<sup>th</sup> day of May 2010.

CO-COUNSEL FOR PLAINTIFFS:

*North Carolina Justice Center*

By: \_\_\_\_\_

Jack Holtzman  
N.C. State Bar # 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 (FAX)

W. Swain Wood /jib/  
W. Swain Wood  
N.C. Bar No. 32037  
Wood Jackson PLLC  
301 Glenwood Avenue, Suite 280  
Raleigh, North Carolina 27603  
(919) 829-7394  
(919) 829-7396 (fax)

VERIFICATION

Ava Barlow, after being duly sworn, deposes and says that she has read the foregoing Motion and that the allegations of fact contained therein are true of her own personal knowledge and belief.

This the 5 day of May 2010.

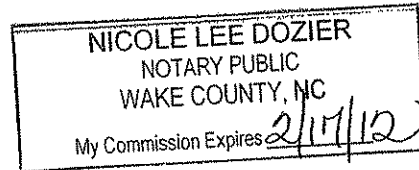
Ava Barlow  
Ava Barlow

NORTH CAROLINA  
WAKE COUNTY

I hereby acknowledge that Ava Barlow personally appeared before me this day and, after being duly sworn, voluntarily executed the foregoing Verification.

This the 5<sup>th</sup> day of May 2010.

Nicole Lee Dozier  
NOTARY PUBLIC  
My commission expires:

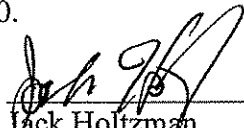


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Appointment of Guardian Ad Litem, was served by electronic mail and fax on Defendant's counsel, addressed to the following :

Ann L. Majestic  
Christine T. Scheef  
Tharrington Smith, LLP  
209 Fayetteville Street Mall  
Post Office Box 1151  
Raleigh, North Carolina 27602-1151

This the 6th day of May, 2010.



---

Jack Holtzman  
N.C. Justice Center  
State Bar No. 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 FAX

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10 CVS 773

COUNTY OF WAKE

BARBARA GARLOCK, ANDREW  
SNEE, by and through Julie Snee, his  
Parent and Guardian, DAVID  
EISENSTADT, by and through Alison  
Eisenstadt, his Parent and Guardian,  
WOODROW BARLOW, By and  
Through Ava Barlow, his Parent and  
Guardian, , JUDY PIDCOCK, ERIN  
BYRD, GERALD WRIGHT, and  
COLETHIA EVANS,  
Plaintiffs,

v.

WAKE COUNTY BOARD OF  
EDUCATION, a public body, and its  
Members, in Their Official Capacities,  
  
Defendants.

APPOINTMENT OF  
GUARDIAN AD LITEM

FILED  
20MAY-6 PM12:52  
WAKE COUNTY, C.S.C.  
BY \_\_\_\_\_

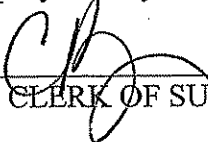
THIS CAUSE coming on to be heard pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, based on the verified motion of Ava Barlow to by appointed guardian ad litem for the minor child Woodrow Barlow, the Court finds as follows:

1. Ava Barlow is the mother of Woodrow Barlow, who is currently enrolled in the eleventh grade in a Wake County public school.
2. Ava Barlow and Woodrow Barlow are residents of the State of North Carolina, and Woodrow Barlow resides with Ava Barlow in Raleigh, North Carolina.
3. Ava Barlow is over eighteen years of age and is competent to serve as guardian ad litem for Woodrow Barlow.
4. Other than his father and mother, Woodrow Barlow has no guardian or appointed representative.
5. Woodrow Barlow has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.

6. Ava Barlow has no interests adverse to the rights of Woodrow Barlow, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for Woodrow Barlow.

NOW THEREFORE, Ava Barlow is hereby appointed guardian ad litem for Woodrow Barlow for the purpose of prosecuting the above styled action on his behalf.

This the 10 day of May 2010.

  
\_\_\_\_\_  
ASSISTANT CLERK OF SUPERIOR COURT

FILED

STATE OF NORTH CAROLINA  
2010 MAY -6 PM 12:48  
COUNTY OF WAKE  
WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10-CV-4713

BY BARBARA GARLOCK, ANDREW )  
 SNEE, by and through Julie Snee, his )  
 Parent and Guardian, DAVID )  
 EISENSTADT, by and through Alison )  
 Eisenstadt, his Parent and Guardian, )  
 WOODROW BARLOW, by and )  
 through Ava Barlow, his Parent and )  
 Guardian, JUDY PIDCOCK, ERIN )  
 BYRD, GERALD WRIGHT and , )  
 COLETHIA EVANS, )  
 Citizens and Residents of Wake )  
 County, North Carolina, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 WAKE COUNTY BOARD OF )  
 EDUCATION, and its Members, in )  
 Their Official Capacities, )  
 )  
 Defendants. )  
 )

MOTION FOR APPOINTMENT  
OF GUARDIAN AD LITEM

The undersigned hereby move for appointment of Alison Eisenstadt to serve as guardian ad litem for the minor child David Eisenstadt pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, and in support of this motion, shows unto the Court as follows:

1. Alison Eisenstadt is the mother of David Eisenstadt, who is currently enrolled in the tenth grade in a Wake County public school.
2. Alison Eisenstadt and David Eisenstadt are residents of the State of North Carolina, and David Eisenstadt resides with Alison Eisenstadt in Raleigh, North Carolina.
3. Alison Eisenstadt is over eighteen years of age and is competent to serve as guardian ad litem for David Eisenstadt.
4. Other than his father and mother, David Eisenstadt has no guardian or appointed representative.

5. David Eisenstadt has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.
6. Alison Eisenstadt has no interests adverse to the rights of David Eisenstadt, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for David Eisenstadt.


WHEREFORE, it is requested that Alison Eisenstadt be appointed guardian ad litem for David Eisenstadt for the purpose of prosecuting the minor's claims against the Wake County Board of Education.

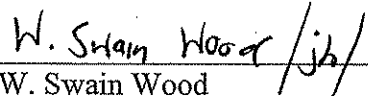
This the 6<sup>th</sup> day of May 2010.

CO-COUNSEL FOR PLAINTIFFS:

*North Carolina Justice Center*

By: \_\_\_\_\_

  
Jack Holtzman  
N.C. State Bar # 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 (FAX)

  
W. Swain Wood  
N.C. Bar No. 32037  
Wood Jackson PLLC  
301 Glenwood Avenue, Suite 280  
Raleigh, North Carolina 27603  
(919) 829-7394  
(919) 829-7396 (fax)



VERIFICATION

Alison Eisenstadt, after being duly sworn, deposes and says that she/he has read the foregoing Motion and that the allegations of fact contained therein are true of her/his own personal knowledge and belief.

This the 5<sup>th</sup> day of May 2010.

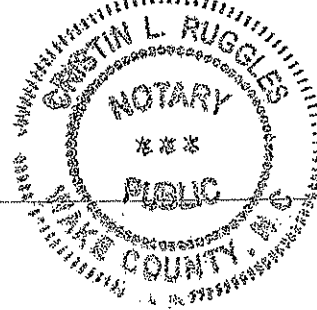
Alison Eisenstadt  
Alison Eisenstadt

NORTH CAROLINA  
WAKE COUNTY

I hereby acknowledge that Alison Eisenstadt personally appeared before me this day and, after being duly sworn, voluntarily executed the foregoing Verification.

This the 5<sup>th</sup> day of May 2010.

Christin L. Ruggles  
NOTARY PUBLIC  
My commission expires: 7-19-2011

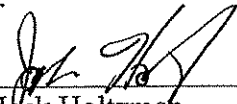


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Appointment of Guardian Ad Litem, was served by electronic mail and fax on Defendant's counsel, addressed to the following :

Ann L. Majestic  
Christine T. Scheef  
Tharrington Smith, LLP  
209 Fayetteville Street Mall  
Post Office Box 1151  
Raleigh, North Carolina 27602-1151

This the 6th day of May, 2010.

  
\_\_\_\_\_  
Jack Holtzman  
N.C. Justice Center  
State Bar No. 13548  
Post Office Box 28068  
Raleigh, N.C. 27611  
919-856-2165  
919-856-2175 FAX

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
10 CVS 7713

BARBARA GARLOCK, ANDREW SNEE, by and through Julie Snee, his Parent and Guardian, DAVID EISENSTADT, by and through Alison Eisenstadt, his Parent and Guardian, WOODROW BARLOW, By and Through Ava Barlow, his Parent and Guardian, ; JUDY PIDCOCK, ERIN BYRD, GERALD WRIGHT, and COLETHIA EVANS,	)	APPOINTMENT OF GUARDIAN AD LITEM
Plaintiffs,	)	
v.	)	
WAKE COUNTY BOARD OF EDUCATION, and its Members, in Their Official Capacities,	)	
Defendants.	)	

FILED  
2018 MAY -6 PM 12:51  
WAKE COUNTY, C.S.C.  
BY \_\_\_\_\_

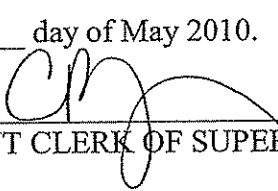
THIS CAUSE coming on to be heard pursuant to Rule 17 of the North Carolina Rules of Civil Procedure, based on the verified motion of Alison Eisenstadt to by appointed guardian ad litem for the minor child David Eisenstadt, the Court finds as follows:

1. Alison Eisenstadt is the mother of David Eisenstadt, who is currently enrolled in the tenth grade in a Wake County public school.
2. Alison Eisenstadt and David Eisenstadt are residents of the State of North Carolina, and David Eisenstadt resides with Alison Eisenstadt in Raleigh, North Carolina.
3. Alison Eisenstadt is over eighteen years of age and is competent to serve as guardian ad litem for David Eisenstadt.
4. Other than his father and mother, David Eisenstadt has no guardian or appointed representative.
5. David Eisenstadt has a cause of action for declaratory judgment and injunctive relief against the Wake County Board of Education.

6. Alison Eisenstadt has no interests adverse to the rights of David Eisenstadt, is not connected in business with the proposed adverse party, and is fully competent and responsible to prosecute the proposed action for David Eisenstadt.

NOW THEREFORE, Alison Eisenstadt is hereby appointed guardian ad litem for David Eisenstadt for the purpose of prosecuting the above styled action on his behalf.

This the 6 day of May 2010.

  
\_\_\_\_\_  
ASSISTANT CLERK OF SUPERIOR COURT