

From: Ann Majestic  
Sent: Sunday, January 09, 2011 10:25 PM  
To: 'melgart@advanc-ed.org'  
Cc: 'kbergman@advanc-ed.org'; 'Donna Hargens'; Anne McLaurin (amclaurin@wcpss.net); Chris Malone; Deborah Prickett; Debra Goldman (dgoldman@wcpss.net); Dr. Carolyn Morrison; Hill, Kevin; John Tedesco; Ron Margiotta; Sutton, Keith  
Subject: Parameters for Review Team Visit

Dear Dr. Elgart:

I apologize for the informality of writing to you by email, but I am out of the office and time is of the essence.

On Friday evening , January 7, the Wake County Board of Education discussed Mr. Bergman's response to our request that Board members and senior staff members, if they desire, be permitted to have legal counsel present during interviews by the AdvancED Review Team next week. As you know, we believe that legal counsel should be allowed to be present because the complaint involves accusations against individual board members as well as allegations raised in a legal challenge filed by the NAACP with the Office for Civil Rights. In his last response, Mr. Bergman stated that counsel could be present "as an observer only."

The Board of Education cannot agree to this limitation on the role of board counsel in representing board members and senior staff members during the Review Team interviews. As a matter of basic due process, Board members and senior staff are entitled to have their interests fully represented in these interviews. This is particularly true when your organization has declined to specify the issues that will be included in your investigation, and, in prior correspondence Mr. Bergman has said that all actions, policies and decisions of the Board of Education are subject to review by AdvancED.

In addition to the issue regarding the role of legal counsel, the Board continues to object to the apparent breadth of the AdvancED investigation. In our correspondence this fall, we outlined the Board's legitimate concerns about the scope of your inquiry. Subsequently, Mr. Margiotta, Dr. Donna Hargens and I made a special trip to Atlanta to meet with you and Mr. Berman to ask you to narrow the scope of your investigation to matters that are clearly related to the Board's obligations under Standard 2. Because the district had provided SACS and AdvancED with detailed written information in response to your earlier requests, we reasonably believed that you would recognize that the issues raised by the NAACP were either clearly unfounded and unsubstantiated or not within the scope of the standards for school accreditation. Unfortunately, your response echoed Mr. Berman's earlier letter. The basic message was again that AdvancED has authority to investigate virtually any action, policy or decision of the Board of Education and you would not commit to narrowing the issues under investigation.

As I have said before, the Board values the accreditation process for its schools, but it has reached the conclusion that the Review Team process as it is currently planned is fundamentally unfair. The Board is also concerned that you intend to inquire into matters that are presently subject to threatened litigation and investigation by the OCR. In light of these concerns, the Board is prepared to proceed with the review process scheduled for Thursday and Friday, January 13 and 14, if:

1. Legal counsel is allowed to be present, active and engaged and able to fully represent the interests of board members and senior staff members, upon their request;
2. The scope of the investigation is limited to issues that directly relate to the Board's obligations under Standard 2 for the accreditation of schools and that these issues be communicated to the Board prior to the visit ; and

3. The investigation is limited to issues that are not currently subject to pending or threatened litigation.

The Board asks that you respond to this request by close of business on Monday, January 10. The Board is scheduled to meet on Tuesday to consider your response.

Ann Majestic

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**From:** Mark Elgart [mailto:melgart@advanc-ed.org]  
**Sent:** Monday, January 10, 2011 3:19 PM  
**To:** Ann Majestic  
**Cc:** Ken Bergman; Donna Hargens; amclaurin@wcpss.net; Chris Malone; Deborah Prickett; dgoldman@wcpss.net; Dr. Carolyn Morrison; Hill, Kevin; John Tedesco; Ron Margiotta; Sutton, Keith  
**Subject:** RE: Parameters for Review Team Visit

Ann,

Good afternoon. In response to your e-mail last night, I am disappointed and deeply concerned regarding the continued attitude and resistance of school system leaders. The accreditation process is voluntary and collegial by design. Yet, Wake County leadership continues to take action that is confrontational. I seriously doubt the school system can benefit from the accreditation process with this attitude and approach. As such, I ask the system to seriously consider withdrawing its accreditation unless it can move forward in a more collegial and collaborative manner.

With respect to your requests and observations, you continue to misstate our role and expectation. The accreditation process is limited to our standards and criteria. Although the scope of the review is clearly focused on the ability of the board to govern effectively, such a determination can be related to other areas of our standards. Our standards are not mutually exclusive. For example, the ability of a board to govern effectively is in part related to its capacity to establish a clear and coherent vision and direction (Standard One) for the school's we accredit. Therefore it is quite possible that the team's observations regarding the ability of the board to govern effectively may relate to other standards, as appropriate.

The focus of the review is on the standards and criteria for accreditation. The review will not be focused on the ongoing matter between the school system and the Office of Civil Rights. Outside of the mere fact that such a matter is ongoing we shall not make any determination, opinion, or observation related to such a matter. We have conducted reviews of schools and school systems that are concurrently involved in a legal matter. Our teams are instructed to refrain from any comment or observation related to the legal matter. Our teams are trained to focus on applying only the accreditation criteria in the review process.

It is quite evident that the board and system leadership have pre-determined the outcome of the review team's visit. As I have repeatedly stated the review team will not tell the board they cannot adopt a particular policy. As was stated quite clearly in our meeting, the outcome of this visit will not be to inform the board that they cannot assign students to attend schools in a certain manner. We accredit over 25% of the nation's public schools and there are numerous structures/policies that system's use to assign students to schools. The driving questions for this visit are:

- Is the governing board for the Wake County Schools effective in carrying out its roles and responsibilities?
- Is the governing board for the Wake County Schools following established policy related to the work of the board in fulfillment of its responsibilities?
- Does the governing board have appropriate controls and monitoring strategies to evaluate the impact of its adopted policies on the quality of the educational program?
- Does the governing board engage stakeholders in matters related to policy development and adoption? In particular, does the governing board provide authentic opportunities for the community to provide feedback to the board on potentially new or revised policies?
- Does the governing board adopt and implement policy that is aligned and supportive of the school system's vision and direction including its expectations for student learning?

- Do the governing board and system leadership meet the criteria and expectations for Accreditation Standard Two?

In closing, we reject your request for active legal counsel participating in the interviews. You may, as indicated before, be an observer of the process. Additionally, I believe the information should adequately address your requests in Items 2 and 3 in your e-mail. We plan to conduct the visit on Thursday and Friday with or without members of the governing board participation. Given the scope of the review it is expected that every member of the board will participate in this review. In order to ensure a fair and comprehensive review, involvement of every board member is critical.

In order for the accreditation process to be effective it requires respect and trust on both parties. It is our hope and expectation that the Wake County Schools can embrace review as an ongoing partnership for continuous improvement. In fulfillment of our role, we strive to provide the school system with guidance that is designed to improve the schools we accredit. We need and expect the cooperation of the leadership of the school system in order for Wake County to benefit from the accreditation process.

Respectfully,

Mark

**Mark A. Elgart, Ed.D.**  
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**From:** Ann Majestic

**Sent:** Tuesday, January 11, 2011 11:09 AM

**To:** 'Mark Elgart'

**Cc:** 'kbergman@advanc-ed.org'; 'Donna Hargens'; Anne McLaurin (amclaurin@wcpss.net); Chris Malone; Deborah Prickett; Debra Goldman (dgoldman@wcpss.net); Dr. Carolyn Morrison; Hill, Kevin; John Tedesco; Ron Margiotta; Sutton, Keith

**Subject:** Review team visit

Dear Dr. Elgart,

Due to the icy weather in the Raleigh area, the Board has had to postpone tonight's meeting until Wednesday, January 12 at 5:30. At that time, the Board will consider your January 10 email and provide you with its response. We certainly want to avoid a situation in which you and your team make a trip to Raleigh on Wednesday night, before the Board has decided whether to proceed under the limitations set forth in your recent email. Please confirm receipt of this email and confirm that you and your team will postpone your trip at this time. Thanks.

Ann Majestic