



**WAKE COUNTY BOARD OF
EDUCATION'S
RESPONSE TO COMPLAINT**

**Wake County Public School System
5625 Dillard Drive
Cary, NC 27518**

Prepared for AdvancED®

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Overview to Response

Purpose

This document responds to a complaint filed by the Wake County Taxpayers Association¹ against the Wake County Board of Education (the “Board”) on or about September 19, 2012 (hereinafter, the “Complaint”). By letter dated October 2, 2012 (hereinafter, the “Complaint Notification”), and in subsequent correspondence, AdvancED instructed the Board to respond in narrative form to the complaint allegations, as summarized by AdvancED, and to reference or attach any supporting documentation. This document discharges that obligation and demonstrates why the Complaint is without merit and the Board is in compliance with AdvancED accreditation standards.

Structure of the Response

This response consists of an introduction, specific responses to each complaint allegation, and a conclusion. The response follows the structure of the Complaint by addressing each allegation in terms of specific Required Actions referenced in AdvancED’s November 29-30, 2011, Monitoring Visit Report. Supporting documentation is referenced in the body of the response and included on the enclosed USB drive.

¹ Although the Complaint Notification does not reveal the name of the complainant, the Complaint itself was published by local news media and is available online at http://www.wral.com/asset/news/education/wake_county_schools/2012/09/20/11571785/complaint.pdf.

Response to Complaint

INTRODUCTION:

The Complaint alleges that the Board's June 19, 2012, vote directing staff to begin developing a proposal for a new student assignment plan with guaranteed "base" schools assignments for all students, along with a few allegations relating to individual Board members, demonstrate that the Board has not governed the school district effectively since AdvancED's November 29-30, 2011, Monitoring Review. A fair review of the record shows that the Board's process and decisions since the Monitoring Review have complied with AdvancED accreditation standards. As of December 4, 2012, the Board has completed all seven of AdvancED's Required Actions.² All Board deliberations and actions since the Monitoring Review have followed the Board's established process for agenda-setting and policy development and have been open, transparent, and informed by staff recommendations and input from community stakeholders. The Board has sought consensus wherever possible, and Board members have achieved super-majorities in many important areas, including but not limited to a 6-2 decision to approve a Strategic Plan, an 8-1 decision to approve changes to the Board's policy on co-curricular activities, a 7-2 decision to approve a new math placement policy, and unanimous decisions to approve changes to the Board's policies on student transfers, harassment and bullying, employee absences, teacher responsibility, student due process, school improvement, and the code of student conduct. Indeed, between November 30, 2011, and November 30, 2012, only 30 of the 426 items decided in open-session (7%) have been decided by bare majorities. During the same time period, in contrast, 396 of these open-session items (93%) were decided by supermajorities, with 219 of the 426 (75%) being decided unanimously, and 61 of 426 (14%) having only one dissent.³ Any specific votes that happen to have broken along party lines reflect good faith differences on important matters of educational policy, not the desire to promote the agenda of any political party. All Board members deny that they have made decisions based on partisanship or that they are beholden to special interests.

Even in the area of student assignment – where Board members have admittedly had strong, but good faith, disagreements as to what is in the best interests of students⁴ – the Board has

² As demonstrated in its November 1, 2012, Institution Progress Report, the Board had completed six of seven Required Actions by that date. The final Required Action was completed on December 4, 2012, when the Board adopted a policy governing the use of resolutions. See http://www.wcpss.net/about-us/our-leadership/board-of-education/agendas_schedules/12_04_2012-ws-agenda.pdf (agenda for December 4, 2012, meeting) and <http://www.wral.com/news/video/11841706/#/vid11841706> (recorded video stream of December 4, 2012, meeting).

³ See Exhibit 1. These numbers reflect items approved rather than votes taken. Thus, a 9-0 vote to approve a consent agenda approving seven separate items that could otherwise have been placed on the action agenda is recorded as seven unanimous approvals. When tabulated in terms of votes, rather than items approved, the following percentages apply: 123 of 186 (66%) unanimous, 17 of 186 (9%) decided with only one dissent, 156 of 186 (84%) decided by super-majority, and 30 of 186 (16%) decided by bare majority. See *id.*

⁴ The fact that Board members have different perspectives and beliefs with regard to student assignment is understandable in light of Wake County's unique experience in this area and does not reflect a breakdown of governance. To the contrary, one of the vital roles of elected boards of education is to resolve difficult issues on which

engaged in healthy and robust debate in accordance with established processes and sought consensus wherever possible. These efforts culminated in a clear consensus among all eight Board members present at an October 4, 2012, work session to take a careful, incremental, approach by directing staff to develop a temporary and transitional student assignment plan for the 2013-2014 school year based largely on the 2011-2012 address-based assignment plan that had already been developed, thereby providing more time for staff and the Board to explore a more comprehensive and long-term approach to student assignment for 2014-2015 and beyond. Although not all Board members were in agreement with the initial decision to move away from the Choice Plan, this strong consensus on the best way to proceed in light of that decision prompted Board member Chris Malone, a supporter of the Choice Plan, to comment, “If we get along any better they will have to write a story about it” and “I’m really glad to see we’re working together.”⁵

In short, the Board has been governing openly, effectively, transparently, and in compliance with AdvancED accreditation standards. While good faith differences of opinions remain on some important matters, and there is room for improved civility as the Board debates these matters, all Board members avow that they are committed to following proper procedures, working together with mutual respect, and seeking consensus wherever possible while pursuing what they believe to be in the best interests of students and their families.

REQUIRED ACTION 2:

Analyze and revise the “node” system of assigning students to schools to ensure objectivity, transparency and consistency.

COMPLAINT 1:

The Resolution Approving the Student Assignment Plan, adopted with a 6-2 vote on October 18, 2011 supporting the New Choice Plan, directed “. . . that the student assignment plan will remain in effect for a minimum of three years, allowing continuity for students and families.” On June 19, 2012, the new Board majority “subverted that promise and directed staff to create a new plan for the 2013-2014 school year.”

RESPONSE:

The June 19, 2012, vote directing staff to work on a new student assignment plan that “integrate[s] the best practices and strategies” of the Choice Plan and the previous address-based “base” school assignment plan did not violate AdvancED accreditation standards.⁶

the community may be divided. While the Board seeks consensus whenever possible and actively solicits the opinions of staff and stakeholders, AdvancED accreditation standards do not require unanimity and consensus on all issues.

⁵ See <http://www.wral.com/news/video/11841692/#/vid11841692> (recorded video stream of October 4, 2012 work session).

⁶ See Exhibit 2.

While four members disagreed with this decision, the majority's votes were based on their reasonable beliefs that there were demonstrable and substantial problems with the Choice Plan⁷ that could not be fixed with minor adjustments. The majority also believed that it was necessary to begin exploring other options immediately in order to allow sufficient time for the Board to receive detailed recommendations from staff and to hold public hearings before voting on a new plan for the next school year. In light of these time constraints, the majority believed it was necessary to have staff present their initial suggestions no later than September 2012. Given that the directive was to combine the best elements of two previously developed assignment plans,⁸ they also believed this timeline was reasonable. Staff agreed, and the deadline was in fact met.

In terms of process, the directive was properly listed on the Board's agenda and a draft was provided to Board members in advance of the meeting in compliance with all applicable Board policies and laws.⁹ The public was given the opportunity to comment on the item, and Board members engaged in an open and robust discussion before the matter was put to a vote. The directive was revised during the meeting¹⁰ to address concerns raised at that time, and it was intentionally written to be appropriately broad, so that the details of plan development would be left to staff.¹¹ The Board Attorney confirmed that the Board had the authority to take this action and that the motion was procedurally proper. She also confirmed that the directive did not effect a change in the Board's student assignment policy.¹²

In the months that followed, the Board has followed a careful and deliberative process in reviewing and offering feedback on staff's response to the June 19 directive. As requested, staff presented its initial proposal for a new student assignment plan at the Board's September 19, 2012, meeting.¹³ While Board member comments were initially very positive,¹⁴ many

⁷ A summary of these concerns is attached to this report as Appendix A.

⁸ As Mr. Malone, a supporter of the Choice Plan, described it, the directive was "an outline for a new plan that goes back to the old plan with flourishes of items from the controlled choice plan." Exhibit 2.

⁹ See Exhibits 3 (Board Policies 1000, 1200, 1300, 1317, 1320, 1321, 1322, and 1323), 4, and 5.

¹⁰ The text of the revised resolution appears in the minutes of the June 19, 2012, meeting. See Exhibit 2.

¹¹ As reflected in the meeting minutes, Mr. Sutton, who made the motion to approve the directive, explained that it was "intended to be light on detail" and that "the thinking behind that is to provide direction and not detail; that is what staff is for." Exhibit 2.

¹² Exhibit 2. Indeed, the directive itself stated that it was "not intended to be a policy or establish policy." *Id.* This is significant because it shows that the Board was mindful not to circumvent the policy development process.

¹³ Exhibit 6.

¹⁴ One aspect of the plan that was particularly lauded was abandonment of the "node" system associated with the old base assignment plan. Consistent with AdvancED's Required Action 2, which directed the Board to "analyze and revise the 'node' system of assigning students to schools," one of the hallmarks of the proposed plan was to move to a system based on smaller geographic units known as "corridor polygons" that reflect subdivision and neighborhood boundaries as well as transportation infrastructure. The purpose of this shift is to avoid the seemingly arbitrary school assignment boundaries and breaking up of neighborhoods that led to dissatisfaction with the former "node" system.

members, as well as parents and other stakeholders, became concerned, after the assignment maps were released on September 28, 2012, that the plan could result in a significant number of reassignments. Based on legitimate concerns that staff's initial plan would be too disruptive for students and their families, the Board directed staff at a October 4, 2012, work session to revise the plan and resubmit a more modest, transitional plan for the 2013-2014 school year with an emphasis on stability for students and their families. Specifically, the Board directed staff to use the 2011-2012 assignments, which had already been fully developed, as the starting point for guaranteed "base" assignments in the 2013-2014 transitional plan.¹⁵ The Board also asked staff to identify and recommend any adjustments to the 2011-2012 assignment maps that would be necessary to fill new schools and alleviate overcrowding.¹⁶ There was broad consensus on all these measures.

A key advantage of this approach was that it allowed the Board to provide guaranteed "base" assignments immediately while also giving staff and Board members much more time to review and develop a long-term assignment plan that drew from the best features of both the base school and choice models. The new, more incremental, approach drew praise from all Board members present, prompting Board member Chris Malone to comment, "If we get along any better, they will have to write a story about it." With clear direction from the Board, staff quickly developed the requested transitional plan and presented it at the Board's November 13, 2011, work session.¹⁷ Comments from Board members were generally positive. As part of this presentation, staff outlined the next steps toward finalizing this interim student assignment plan.¹⁸ First, public hearings on the assignment proposal, which the Board had specifically requested, would be held on November 28 at Sanderson High School, December 3 at Davis Drive Middle School, and December 5 at Rolesville Middle School.¹⁹ Second, the Board would hold additional work sessions to discuss the proposal on December 4 and December 11. Finally, staff would formally present the transitional plan for approval at the Board's December 11 meeting. Based on the solicited public input, staff made several modifications to the transitional assignment plan, which were presented to the Board at its December 4 work session.²⁰ The Board indicated its consent to those changes.²¹ Staff

Board members have reacted positively to this aspect of the proposal, and it is anticipated that it will be a feature of the multi-year assignment plan that will developed going forward.

¹⁵ Exhibit 5.

¹⁶ *Id.*

¹⁷ The Board also discussed assignment plan transition issues at its October 16 and October 30 work sessions.

¹⁸ See Exhibit 7.

¹⁹ These locations were chosen because they are spread out geographically across the district.

²⁰ See <http://www.wral.com/news/video/11841692/#/vid11841692> (recorded video stream of December 4, 2012, work session).

²¹ *Id.*

then presented the final version of the transitional assignment plan on the December 11 meeting.²² The Board approved the plan as amended.²³

In the weeks and months following the June 19 directive, the Board's process has been open and transparent, with ample opportunities for public input. In addition to the forthcoming public hearings, the Board has heard and carefully considered many public comments on student assignment issues and have reviewed countless emails from their constituents. Meetings and work sessions are covered on television and streamed live over the Internet. Details of the developing plan are regularly posted on the district's website, and members of the public are being encouraged to review them and comment online.²⁴ All of this public input has been and will be carefully considered as the Board moves forward.

In sum, the Board's June 19 directive and subsequent events do not reflect poor governance or a violation of AdvancED accreditation standards. To the contrary, they reflect careful consideration of difficult issues, open debate, the solicitation of public feedback, and good faith efforts on the part of all Board members to reach consensus when possible and to take actions they sincerely believe to be in the best interests of students. The fact that Board members disagree at times on certain important and difficult matters does not reflect poor governance; it merely reflects how important and how difficult those matters truly are.

COMPLAINT 2:

The lack of communication and transparency of the Board related to the June 19, 2012 Board decision to “drastically alter the Student Assignment Plan.”

RESPONSE:

Contrary to this allegation, the Board has communicated clearly, effectively, and in accordance with established policies and procedures in charting a new course on student assignment. As explained above, the Board has consistently followed all applicable policies and procedures governing the placing of items on the agenda, the submission of supporting materials in advance of Board meetings, and other procedural matters. The Board has deliberated at length and in full view of the public on these matters. Details of the proposed plan have been posted on the district's website, and extensive efforts have been made to ensure that the views

²² See <http://www.wral.com/news/video/11865732/#/vid11865732> (recorded video stream of December 11, 2012 Board meeting, beginning at 39:28 minute mark).

²³ See *id.*

²⁴ See <https://docs.google.com/spreadsheet/viewform?formkey=dGpoNHBUTEVVM1RjakREOV93WjczMEE6MA> (WCPSS web page soliciting online comments on transitional student assignment plan); <http://www.wcpss.net/blog/2012/11/student-assignment-plan-proposal-for-2013-14/> (WCPSS web page on proposed 2013-2014 assignment plan, with links to plan details, school assignment look-up, timeline, maps, FAQ page, video recordings of public hearings, and online comment page); <http://www.wcpss.net/blog/2012/09/new-student-assignment-proposal-to-be-presented-september-18/> (WCPSS blog post with information and links relating to interim student assignment proposal); <http://www.wcpss.net/about-us/our-leadership/board-of-education/> (WCPSS web page with links to Board calendar, minutes, agendas, and work session materials).

of students, parents, and other community stakeholders are carefully solicited and considered before any final actions are taken. On June 19, 2012, the Board directed staff to begin developing a new student assignment plan that combined the best elements of the choice and base school assignment models. Over the next six months, the Board followed an open, transparent, and deliberative process culminating in the December 11, 2012, vote to approve the final version of the transitional assignment plan. Going forward, the Board will continue to review data, consult with staff, and seek public input on a longer-term assignment plan for 2014-2015 and beyond. All of this reflects good governance consistent with AdvancED standards.

COMPLAINT 3:

Public disregard by Board member Susan Evans of the “concerns and involvement of educational and community advocacy groups . . . who were intimately involved and consulted during the seven months of creating the new assignment plan.”

The allegation that Ms. Evans showed “public disregard” at a board meeting for the concerns and involvement of community groups has no basis in fact. In support of this allegation, the Complaint cites a newspaper article quoting Ms. Evans’s response at the June 19, 2012, meeting to a comment from Board member Deborah Prickett, who had noted that both the Raleigh Chamber of Commerce (RCC) and Wake Educational Partnership (WEP) had supported the Choice Plan. The newspaper article quotes Ms. Evans as saying, “While I acknowledge that, first of all, the Raleigh Chamber and the Wake Ed Partnership are valuable partners in our community . . . I just wanted to remind Ms. Prickett and the board that we are the elected officials charged with making these important decisions on behalf of the school system.”²⁵ While the quote is mostly accurate,²⁶ it in no way reflects Ms. Evans’ “disregard” of the views of the RCC, the WEP, or any other individual or group. Ms. Evans was merely expressing her view that, while she welcomes public input, and particularly the input of “valuable partners” like the RCC and WEP, it is ultimately for the Board, not any community groups, to make the sometimes difficult decisions associated with governing the school system. This is not a controversial position. Indeed, Board member John Tedesco, a supporter of the Choice Plan who opposed the June 19 directive, expressed his agreement with Ms. Evans on this point, stating that he “agree[d] with Ms. Evans’ comments that the Wake Ed Partnership and the Chamber of Commerce do not have to make these decisions,

²⁵ See Exhibit 8.

²⁶ Ms. Evans exact comments were, ““While I acknowledge that, first of all, that the Raleigh Chamber and the Wake Ed Partnership are valuable partners in our community and I respect the input of all citizens at these Board meetings, on the blogs, wherever they choose to give their input, I just wanted to remind Ms. Prickett and the board that we are the elected officials charged with making these important decisions on behalf of the school system, and while I welcome that input, we have to be mindful of that.” See <http://www.wral.com/news/video/11222117/#/vid11222117> (recorded video stream of June 19, 2012, Board meeting, beginning at 6:39:30 mark).

although they have proven to be valuable partners in helping us to serve the community and our children,” and that “we are ultimately the ones who have to make these decisions.”²⁷

More important than her words, Ms. Evans’ actions show that she, like all the Board members, affirmatively values and carefully considers the views of these community partners. For example, before she was even sworn in as a Board member, Ms. Evans met with Tim Simmons, the Vice President of Communications for the WEP, to hear his views on student assignment. She also met twice more with Mr. Simmons on student assignment issues, both times at her initiative, in the spring of 2012. One of these meetings lasted over three hours. Shortly after the June 19 Board meeting, Ms. Evans also met, again at her initiative, with Harvey Schmitt, President and CEO of the RCC. At this meeting, she expressed her appreciation for the work and input of the RCC on matters of student assignment. Not only has Ms. Evans not “publicly disregarded” the views of groups like the RCC and WEP, she has actively solicited them.

COMPLAINT 4:

Violations of Board Policy 1035, B2: *Render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;* and Board Policy 1005: *It is important that a Board member is nonpartisan in dealing with school matters and that he/she not subordinate the education of children and youth to any partisan principle, group, interest or personal ambition which is to subordinate education to a partisan policy [sic]*²⁸ occurred when “alteration of the Choice Assignment Plan was completed with extreme influence of Great Schools in Wake (GSIW).”

RESPONSE:

The allegation that the Board members who voted in favor of the June 19 student assignment directive did so because of “extreme influence” from GSIW is suppositional and wrong. In fact, the Board members who voted to move away from the Choice Plan did so based on the many complaints they received from constituents, the data and information they received from staff, and their sincere and independent judgments that the plan was fundamentally flawed and could not be salvaged. Every member who voted for this directive strongly denies that they did so at the behest of GSIW or that they have ever subordinated the education of students to any partisan principle, group, interest, or personal ambition.

The only evidence offered in support of this allegation is a private May 19, 2012, email from a leader in GSIW stating that the group was “working to get the Board to at least direct the staff

²⁷ See <http://www.wral.com/news/video/11222117/#/vid11222117> (recorded video stream of June 19, 2012, Board meeting, beginning at 6:54:00 mark).

²⁸ The relevant language in Policy 1005 actually reads, “It is important that a Board member is nonpartisan in dealing with school matters and that he/she not subordinate the education of children and youth to any partisan principle, group, interest, or personal ambition.” See Exhibit 9.

for the 2013 assignment plan” and “need[ed] everyone to show up and speak” at the upcoming June 5 meeting. The email also asked members to make a “push a[t] the next school board meeting (June 5) to MAKE A NEW PLAN for 2013” that would move from a “CHOICE proximity model” to a “RESIDENCY based assignment plan.” On its face, the email merely shows that GSIW urged its members to advocate for a return to a base school assignment plan at an upcoming public meeting. While this marked a shift from GSIW’s earlier efforts to stop the Choice Plan from being implemented in the first place, it was otherwise entirely consistent with the group’s longstanding efforts and provides no evidence that any Board member violated Policies 1005 or 1035. There is nothing nefarious about community members offering public comments at Board meetings, and it is fallacious to assume that any vote that happens to correspond with GSIW’s policy preferences must have resulted from the group’s “extreme influence.” For example, all Board members have met with and received input from representatives of the RCC and/or WEP, groups that supported the Choice Plan and opposed the June 19 directive. It would be unfair to assume that those Board members who voted against the June 19 directive must have surrendered their independent judgment and done so based on the “extreme influence” of the RCC or WEP.

In contrast to the unsupported assumptions offered in the Complaint, concrete facts belie the notion that GSIW exercises “extreme influence” over the Board members who voted for the June 19 directive. For example, it is no secret that GSIW had, since at least January 2012, publicly and forcefully advocated that the Choice Plan not be implemented at all.²⁹ Yet not a single Board member heeded this call, and there was never a motion to “halt” implementation of the Choice Plan, as GSIW expressly urged.³⁰ Instead, all Board members allowed the plan to be finalized and put into effect at the beginning of the 2012-2013 school year, and a majority voted to ask staff to develop an alternative approach only after they became convinced that its implementation revealed serious and insurmountable problems. It is unreasonable to assume that, in voting for the June 19 directive, five Board members could only have been doing the bidding of an advocacy group they had disagreed with in the past. This complaint allegation is entirely unsupported and without merit.

COMPLAINT 5:

Board members Susan Evans, Jim Martin, and Christine Kushner “were and possibly still are active leaders in this group.” [referring to GSIW]

RESPONSE:

Presumably, the essence of this complaint is that by having been and “possibly” still being “active leaders” in GSIW, Board members Evans, Martin, and Kushner have violated their

²⁹ See Exhibit 10.

³⁰ *Id.*

ethical obligations under Board Policies 1005 and 1035.³¹ All three members strongly deny any such suggestion.

As a concerned parent who shared many of GSIW's concerns with the school system's direction at the time, Ms. Evans was actively involved with GSIW before her election to the school board in October 2011. Although the group was fairly informal, Ms. Evans believes it is fair to say she had a "leadership" role in GSIW at that time. She has not been of part of its leadership since becoming a member of the Board. More importantly, she strongly disclaims any suggestion that she has allowed the group to dictate her decisions as a Board member or that she has subverted her independent judgment to its interests or goals. As indicated above, she did not agree with the group's urgings to block implementation of the Choice Plan and did not heed those calls. This is an example of exercising independent judgment. As a general matter, Ms. Evans listens carefully to the views of all community stakeholders, including not just GSIW but also RCC and WEP, while forming her own conclusions about matters of school system governance.

Ms. Kushner was an active and involved parent and PTA member before becoming a Board member. She became involved with GSIW through connections with like-minded friends. While there was no formal membership status, she attended GSIW meetings and supported many of its goals. As she became increasingly involved in school board matters generally, Ms. Kushner began emailing summaries of Board meetings to certain friends and acquaintances. Eventually, a leader in GSIW asked her for permission to forward those emails to a wider audience, and Ms. Kushner agreed. When she decided to run for the Board, however, she announced to those receiving her emails that she would no longer be performing this function. Since she was elected to the Board in October 2011, Ms. Kushner has not considered herself to be a "member," let alone a "leader" of GSIW. She strongly denies having ever subverted her independent judgment as a Board member to the goals or aims of GSIW. Like Ms. Evans, she has not always agreed with GSIW since becoming a Board member, and she solicits and listens carefully to all individuals and community groups who offer input while forming her own opinions.

Like Ms. Evans and Ms. Kushner, Dr. Martin was active in school board matters as a concerned parent long before he ran for the Board. While sympathetic to many of GSIW's concerns, Dr. Martin has never attended one of its meetings and has never considered himself a "member" of GSIW. Before he was elected in October 2011, he frequently offered public comments at Board meetings, and members of GSIW sometimes asked him for copies of his remarks. Dr. Martin allowed anyone who asked to share or post his comments, but his comments were always his own. Like Ms. Evans and Ms. Kushner, he has not always agreed

³¹ There is no law or policy dictating that past or present membership in a group that advocates on educational matters disqualifies individuals from serving on local school boards. If there were, some of the most active and engaged parents and community members would be barred from seeking office. The only issue, then, is whether these three members have surrendered their independent judgment or subverted the education of students to the goals and interests of GSIW. They deny any such suggestion.

with GSIW and has based his decisions on facts, data, and his own judgment and values. While he listens carefully to all input from community members and groups, he strongly denies ever subverting his independent judgment as a Board member to the goals or preferences of any other person or organization.

In sum, there is no evidence that any official actions of Ms. Evans, Ms. Kushner, or Dr. Martin are the result of “extreme influence” by GSIW, and all three understand and take very seriously their obligations to eschew partisanship and exercise independent judgment in the conduct of official business. There is no substance to this complaint allegation.

REQUIRED ACTION 3:

Establish and implement an agenda setting process to ensure that every member of the Board of Education and key system leadership are well-prepared for each meeting.

COMPLAINT 1:

Board member Kevin Hill “attempted to schedule work sessions thru [sic] the superintendent prior to being elected Board chair, circumventing the then-current chairman.”

RESPONSE:

Presumably, the essence of this complaint allegation is that Mr. Hill acted in violation Board Policy 1300, which governs the scheduling of Board meetings, when he “attempted to schedule” a work session before being elected as Chair. The evidence cited in support of this complaint provides no support for such allegations.

Under Board Policy 1300, a special meeting may called by either the “Chair or any two members of the Board” after consultation with the superintendent.³² The media reports cited in the Complaint merely note that, sometime in November 2011, Mr. Hill asked the superintendent about the possibility of scheduling a December 7 work session to discuss student assignment issues. The purpose of this request was to allow the new Board members, who were elected in October and scheduled to be sworn in on December 6, to get right to work on this important issue. As Mr. Hill recalls, he told the superintendent that he thought it would be a good idea to schedule a work session as soon as possible to bring the new Board members up to speed. As quoted in the article, Mr. Hill explained that “[t]he assignment plan is very time sensitive. . . . We’ll be into the December holidays and time is short. I requested that we get our sleeves rolled up and get to work.” Nothing in the press reports suggests that Mr. Hill attempted to “circumvent[]” the sitting Board Chair or otherwise acted in violation of Board Policy 1300. Rather, Mr. Hill merely consulted with the superintendent, as required by the policy, about the possibility of scheduling a meeting. All that would be required for a special meeting to be called would be for any other Board member to join in Mr. Hill’s

³² See Exhibit 3 (Policy 1300 – “Board Meetings”).

request. This did not happen, and no work session was scheduled on that date. These facts are unremarkable and do not suggest a breakdown in good governance or violation of AdvancED accreditation standards.

COMPLAINT 2:

Board member Kevin Hill “inappropriately scheduled a secret meeting of the newly elected board majority prior to being elected and assuming responsibilities as chair. Further, the newly sworn-in majority secretly attended said meeting to discuss reassignment with educational consultant Mr. Michael Alves.”

RESPONSE:

This complaint allegation focuses on a December 7, 2011, meeting between four Board members and educational consultant Michael Alves. Because only four of nine Board members were present, there was no quorum and hence no “public meeting” under the North Carolina Open Meetings Law or applicable Board policies. Nevertheless, some of the other members were understandably concerned that they were not notified of the meeting, and the superintendent apologized for not bringing it to their attention, even though no law or policy was violated. The Board agrees that, going forward, the best practice is to give all members the opportunity to participate in meetings of this nature. Although this issue caused a brief stir, it does not reflect a crisis in governance and should not raise concerns about the accreditation of individual schools in Wake County.

Michael Alves is an educational consultant who was retained by the WEP and RCC in September 2010 to help develop a controlled-choice student assignment model. Both organizations advocated the district’s adoption of the Alves plan, and elements of his model were eventually incorporated into the Choice Plan that was adopted in October 2011. Since that time, the RCC hired Mr. Alves to advise the district on implementation of the Choice Plan.³³

After the 2011 election brought three new members to the Board, the WEP extended an invitation to Mr. Hill to schedule a meeting between Mr. Alves and the new Board members. The WEP offered to arrange the meeting at no cost to the district. The purpose was to give the new members a chance to ask questions and “get up to speed” on the basics of the controlled choice assignment model.³⁴

The opportunity to schedule this meeting coincided with several days of orientation for the new Board members, who were sworn in on December 6. After the conclusion of the December 6 meeting, Mr. Hill, who had just been elected Chair, approached the superintendent and asked whether a room could be reserved the next day for Mr. Alves to

³³ See Exhibit 11.

³⁴ See Exhibit 11.

meet with the new members. Mr. Hill believed that it was a good idea for the new members to have the same opportunity to meet with and ask questions of Mr. Alves that other members had previously. Mr. Hill shared his thoughts with the superintendent, who agreed that the meeting was a good idea.³⁵

The superintendent “felt like [the Alves meeting] was part of the orientation” because “we were running the new board members through orientation for many days preceding that.” However, when other Board members later expressed concerns that they were not notified of the Alves meeting, he acknowledged that “maybe [he] should have stopped and involved the whole board” and that “it[] [was] probably [his] mistake” for not doing so. He also reiterated that he “could have done a better job after [Chair Hill] talked with [him] in making sure everybody understood this meeting was taking place.” During this same discussion, Mr. Hill noted that he would be happy to share Mr. Alves’ phone number and e-mail address because Mr. Alves had said he was available to speak with others. The opportunity to meet with Mr. Alves was later extended to all Board members, and one of the members who expressed concerns about not being notified of the December 7 meeting with Mr. Alves did meet with him on January 6.³⁶

The bottom line is that this one-time event does not reflect a crisis in governance or a violation of AdvancED accreditation standards. While the better practice would have been to extend an invitation to meet with Mr. Alves to all Board members, there was no violation of any law or policy, no intent to keep the meeting “secret,” and no intent to give the new Board members some special benefit or advantage. Mr. Hill consulted with the superintendent about his plan to give the new Board members the same opportunity that other Board members had in the past to get an overview of choice plans from an educational consultant. The superintendent agreed that it was a good idea. The purpose of the meeting was only to help the new members get “up to speed” on the basics of the controlled choice model so that they could make informed decisions at the Board table. There have been no similar issues in the nearly twelve months since this issue arose. The Board has moved on and is communicating and governing effectively.

COMPLAINT 3:

“Offensive and intimidating behavior by members of GSIW” was allowed by Chairman Hill during public board meetings creating a climate of “fear and uneasiness among citizens wishing to speak during public comment.”³⁷

³⁵ See Exhibit 12.

³⁶ See Exhibit 12.

³⁷ As a general matter, this complaint allegation has no logical connection to Required Action 3. As demonstrated in AdvancED’s November 29-30, 2011, Monitoring Visit Report, this Required Action has been successfully completed, and the Board’s “agenda-setting process has been unequivocally a visible aspect of the transformation to design systematic, operational, procedures.” An allegation that the Board Chair allowed members of the public to create a climate of “fear and uneasiness” has nothing to do with the agenda-setting process.

RESPONSE:

The record shows that Chair Hill, like Chair Margiotta before him, has been very patient and tolerant when presiding over public comment, even when comments are highly critical of himself, fellow Board members, or the Board as a whole. He has stepped in where necessary to maintain order,³⁸ but has not censored speakers for speaking with passion or even anger. This approach reflects a philosophical commitment to openness as well as sensitivity to the First Amendment rights of speakers. There is no evidence that Mr. Hill has clamped down on speakers based on their viewpoints or that he has shown any favoritism to particular speakers during public comment periods. Nor is there any evidence that Mr. Hill's patience and tolerance has created a climate of "fear and uneasiness" that has deterred members of the public from speaking their minds on student assignment or other, sometimes controversial, issues. Indeed, the record reflects that there has been a continuous stream of comments in support of and opposition to virtually every significant student assignment initiative over the past several years. Robust debate is the essence of democracy, even when it causes some discomfort.

REQUIRED ACTION 5:

Provide on-going cohesive and consistent training to all members of the Board of Education regarding their roles, responsibilities, and the strategic direction of the school system.

COMPLAINT 1:

Violation of Policy 1035, which is the Code of Ethics, by Board member Susan Evans when she referred to Superintendent Tata "in a derogatory manner" in a March 2012 email.

RESPONSE:

In the email in question, Ms. Evans made a very brief and off-color joke about the superintendent (followed by a smiley face) after a period of tension between them. This was a private email among friends. Ms. Evans never intended it to be forwarded and was surprised when it was. She regrets making the comment and immediately called the superintendent to apologize when the email was made public. The superintendent accepted her apology. This was a minor, personal matter that was fully resolved by two adult professionals. It did not reflect or bring about a breakdown in governance.

³⁸ To cite just one example, when Ms. Prickett was speaking in opposition to the June 19 student assignment directive at the June 19 meeting, Chair Hill intervened to quiet the audience and insist they show respect. *See* <http://www.wral.com/news/video/11222117/#/vid11222117> (recorded video stream of June 19, 2012, Board meeting, beginning at 5:46 hour mark).

COMPLAINT 2:

During the May 15, 2012 public Board meeting, Susan Evans told Board member Debra Goldman to “just hush,” and Board member Deborah Prickett to “get a life.”

RESPONSE:

Although she does not recall her exact words, Ms. Evans does recall making two comments under her breath in response to separate remarks from Ms. Goldman and Ms. Prickett. Ms. Evans regrets the comments, which were borne out of a sense of frustration at the time and do not reflect a general lack of respect for her colleagues.

COMPLAINT 3:

Chair Hill in an email exchange between Board members dated March 28, 2012 “requests and encourages off-the-record and private discussions and deliberations between the Board members about school business.”

RESPONSE:

The Complaint grossly mischaracterizes the email in question. In no way was Mr. Hill proposing a secret meeting with a quorum of Board members or other violations of the Open Meetings Law. Nor was he suggesting that “deliberations” or Board actions occur outside the public eye. Rather, Mr. Hill was attempting to diffuse a somewhat heated email exchange by encouraging Board members to discuss their concerns face to face. He was also urging Board members not presume that others were motivated by “political considerations.” If anything, his email message is an example of good governance in that Mr. Hill was encouraging collegiality and cooperation.³⁹

COMPLAINT 4:

“Private deliberations were held regarding the placement of WCPSS Leadership Academies at Peace College with a majority of Board members. Peace College had initially agreed, and then after the private deliberations with the newly elected majority – at the exclusion of the minority, the President of Peace called the agreement off by stating that ‘due to the division and controversy on the Wake County School System board,’ the university was removing itself from consideration.”

RESPONSE:

There were no “private deliberations” among a group of Board members about the placement of the WCPSS Leadership Academies at Peace University. In support of this allegation, the Complaint cites a newspaper article in which a Peace alumna is quoted as saying that five members of the Board seemed sympathetic to the concerns of many Peace Alumnae about the location of the Leadership Academies at Peace.⁴⁰ There is no suggestion anywhere in the

³⁹ Exhibit 13.

⁴⁰ Exhibit 14.

article that those five members, or some of them, participated in a secret meeting or “private deliberations,” with one another or with Peace alumnae, and no such meetings or deliberations occurred. All Board members received many emails from concerned Peace alumnae, and some responded. Some Board members also expressed their concerns about the proposed location of the Leadership Academies in open session during work sessions.⁴¹ These were presumably the sources of information drawn upon by the Peace alumna quoted in the article.

Finally, the Peace press release citing “division and controversy” on the Board as the reason negotiations between Peace and the Board fell through is misleading. As noted in the article, the concerns expressed by Peace alumnae “resulted in new questions [from the Board] for Peace that the university decided not to answer.”⁴² The Board was not comfortable entering into a memorandum of understanding with Peace in light of these unanswered questions. Thus, as stated in the Board’s press release, the Board and Peace were “unable to reach an agreement on the location of the early college portion of the Leadership Academies.”⁴³ These events show only that the Board was unwilling to enter into a specific contractual arrangement. They do not reflect poor governance. The Board remains committed to the Leadership Academies and recently voted unanimously to house them at other sites.⁴⁴

COMPLAINT 5:

“Board member Jim Martin, a professor at North Carolina State University, requested a discussion of the Policy Committee to create a policy that would specifically benefit NCSU professors. This is in violation of Policy 1036 and 1035, using Board positions for personal gain and avoiding impropriety.”

RESPONSE:

Dr. Martin did not violate Board Policies 1035 and 1036 when he asked the Policy Committee to consider holding seats open for students whose parents travel out of state temporarily in connection with their employment. The Complaint alleges that Dr. Martin sought a policy “that would specifically benefit N.C. State professors.” But the sole evidence offered in support of this allegation is a press report on the Policy Committee meeting in which Dr. Martin is quoted as expressing concerns not just for university faculty on sabbaticals, but for any business professionals away on temporary assignments.⁴⁵ To be sure, his experience as a university professor informs Dr. Martin’s perspectives as a Board member. But Dr. Martin was not and is not contemplating taking a sabbatical, and there was nothing self-serving about his broaching this issue. While it is true that he discussed the issue with the university’s

⁴¹ See Exhibit 15.

⁴² See Exhibit 14.

⁴³ See Exhibit 16.

⁴⁴ See Exhibit 17.

⁴⁵ See Exhibit 18.

Provost after formulating his own views on the subject, Dr. Martin strongly denies the implication that he raised the issue with the Policy Committee to curry favor with his employer or promote his personal interest. At no time has Dr. Martin subverted his independent judgment as to what is best for students to any partisan, personal, or professional aims.

COMPLAINT 6:

The violation of the Open Meeting Law when a July 8, 2012 email sent by Chair Hill to Board members “presented a document tilted *Possible Seat Allocation [Solutions] for 2012-13*. The document included a draft date of 6/18/12. The 5-4 vote to alter the new choice plan with these directives had not been taken until June 19, 2012 . . . , the day after the document was drafted.”

RESPONSE:

According to the Complaint, the fact that the document titled *Possible Seat Allocation Solutions for 2012-13* was drafted the day before the June 19 student assignment directive is “proof that the Board majority is deliberating and discussing their votes privately” in violation of the Open Meetings Law. This allegation reflects a fundamental misunderstanding of the nature and purpose of the document in question. Contrary to the complainants’ assumptions, the document was prepared by staff and had nothing to do with the June 19, 2012, student assignment directive. The fact that it was drafted the day before June 19 directive is of no significance whatsoever.

As explained in the July 8, 2012 email from Mr. Hill to the Board attaching the document, the *Possible Seat Allocation Solutions for 2012-13* outline was drafted by staff in response to the Board’s request for possible ways to reserve seats at high performing schools for student who enroll in late August.⁴⁶ Historically, the majority of students who register this late in the summer are more challenged academically. The Board was concerned that if regional high-performing school choices were filled early in the choice selection process, a disproportionate number of higher-needs students would be shut out of those options, creating educational disparities.⁴⁷ The document outlines options for possible adjustments to the Choice Plan to address this particular concern. It provides no evidence of private deliberations among Board members and was not a part of June 19 student assignment directive.

COMPLAINT 7:

The *News & Observer* reports that Board member Susan Evans made “racist comments about the trends of the new choice plan and her concern with the percentage of ‘white kindergartners.’”⁴⁸

⁴⁶ Exhibit 19.

⁴⁷ *See id.*

⁴⁸ Except for the words “white kindergartners,” the quoted language is from the Complaint and not the *News & Observer* article.

RESPONSE:

The only evidence offered in support of the Complaint allegation that Ms. Evans made “racist remarks” about the Choice Plan is a newspaper article that states the following about her comments at a July 24, 2012, work session:

Democratic member Susan Evans said she is worried about the signs emerging from the choice plan. In one example, more than 20 schools have had increases of more than 10 percentage points in the ranks of white kindergartners.

“While I am not happy with some of the trends that have evolved with the choice process – I do believe that trying to do this at this point is too little, too late.”⁴⁹

Setting aside the fact that it would not be “racist” to express concern that public schools may become racially polarized, a review of the recorded video stream from the July 24 work session reveals no reference whatsoever by Ms. Evans or any other person to “white kindergartners” or racial demographics.⁵⁰ The context of Ms. Evans’ remarks was a discussion of the *Possible Seat Allocation Solutions for 2012-13* document described directly above. Ms. Evans was merely expressing her view that the idea of setting aside seats at regional high-performing schools was “too little, too late” to promote academic achievement diversity, a stated goal of the Choice Plan. She therefore agreed with staff’s recommendation not to develop a plan to reserve seats at regional high-performing schools for late-enrolling students. She said nothing about race and certainly nothing racist.

CONCLUSION:

Since the AdvancED Review Team visited Wake County in late November 2011, the Board has tackled many difficult issues and worked tirelessly to improve educational opportunities for over 150,000 students. To improve its operations, the Board has adopted a Strategic Plan; provided training for Board members on their roles and responsibilities; refined its processes for agenda-setting and policy adoption; clarified the role of resolutions as a governing practice; and aligned its policies and procedures with its vision, mission, and core beliefs. Contrary to the unfounded allegations in the Complaint, it has operated openly and transparently and solicited input at every turn from staff and community stakeholders. It has sought consensus whenever possible and decided the lion’s share of the issues it has faced by super-majority votes. It has adopted a transitional student assignment plan developed by staff with significant public input and continues to review data, ask questions, and solicit

⁴⁹ Exhibit 20.

⁵⁰ The quote attributed to Ms. Evans is only partially accurate. Her actual statement, with omitted words displayed in italics, were as follows: “While I am not happy with some of the trends that have evolved with the choice process – *I feel that we have put certain schools a little more at jeopardy than they were already at* – I do believe that trying to do this at this point *with the few students that we have left to register is probably* too little, too late *and is probably awkward at this point in time.*” See <http://www.wral.com/news/video/11348802/#/vid11348802> (recorded video stream of July 24, 2012, work session, 33:20 minute mark).

recommendations from staff on complex student assignment matters. The Board is not perfect, but it understands the fundamentals of good governance, works through contentious issues, and strives for continual improvement. It is proud of its strong schools and dedicated staff and prepared to face the challenges ahead.

APPENDIX A

EXAMPLES OF BOARD MAJORITY'S CONCERNS WITH CONTROLLED CHOICE ASSIGNMENT PLAN

In its November 2011 Monitoring Visit Report, the AdvancED Special Review Team concluded that the Board had successfully completed Required Action 2, which required the Board to “[a]nalyze and review” the “node system” for assigning students to school. It also commended the Board and its senior staff for the hard work and community engagement that had gone into the development of a “choice” student assignment plan approved with a 6-2 vote on October 18, 2011.⁵¹ At the same time, however, the Special Review Team noted that “concerns,” “apprehension,” “skeptical[ism],” and “stakeholder uneasiness” remained and advised that the district’s leadership should “continue its efforts to inform stakeholders and make adjustments to the Student Assignment Plan when identified.”⁵²

At the time of the Special Review Team visit, the Choice Plan had just been adopted but had not been implemented, and there was great hope that the plan would be successful. Beginning in Spring 2012, and continuing throughout the summer and fall, however, staff and Board members received a large number of complaints and concerns about the plan and its implementation. While four Board members believed that the Choice Plan remained viable and that any problems could be successfully addressed, five members came to the conclusion that a fundamental change in approach was needed. As reflected in questions submitted by Board members to staff for follow up at Board meetings, and in discussions at many Board meetings, many of these concerns were longstanding.⁵³ They were also expressed repeatedly in emails, online comments, and public comments from parents.⁵⁴ The majority’s concerns included, but were not limited to, the following:

- Unassigned Students. Because of enrollment caps, an essential feature of the Choice Plan, many students who participated in the first round of the choice selection process, especially incoming kindergartners, were capped out of all available choices and did not receive a school assignment. Some of these students lived just blocks away from the school selected as their first choice. This situation caused stress and anxiety for many families and led to widespread complaints. According to press reports, over 200 incoming kindergartners, mostly in downtown areas, were in this predicament as of March 28, 2012, before the choice process was opened to students in grades 1 through 12. The superintendent apologized for the situation, acknowledging “[t]hey have no

⁵¹ Monitoring Visit Report (November 29-30, 2011), pp. 5-6.

⁵² Monitoring Visit Report (November 29-30, 2011), pp. 6.

⁵³ See Exhibits 22-25.

⁵⁴ See Exhibits 26-29.

assignment and that created anxiety that didn't need to be created.” The response to this problem was to expand the choice selections for these unassigned students in later rounds. But the expanded choices where seats were available were in most cases much farther from student's homes, causing additional discontent. At one Board meeting, a group of parents came dressed in black to protest the situation.⁵⁵

- Students Capped out of Proximate Schools. Because of enrollment caps, many parents had limited choices in practice. In high-growth areas in the County, in particular, many families complained that their only available options were far from home. As families fell farther down their choice selection lists, they were scattered to more distant schools, raising concerns that neighborhood cohesiveness would be undermined. Other results included long bus commutes for students and logistical problems for the Transportation Department. The challenges were so great that the Transportation Department contacted the Office of Student Assignment to see if might be possible to re-assign 171 students to schools higher on their choice selection lists. 144 of these students had bus commutes of 15 to 20 miles. The remaining 27 had bus commutes of 20-25 miles. The Office of Student Assignment was unable to do anything about this situation within the parameters of the Choice Plan.⁵⁶
- Newcomers Placed at Disadvantage. Another consequence of enrollment capping, an essential feature of the Choice Plan, was that newcomers were placed at a disadvantage in the competition for open seats. In many cases, families who moved to Wake County after the first round of selections were capped out of proximate, or otherwise desirable, schools and forced to move farther down their list of choices. In response to Board member concerns, staff acknowledged that this was to some degree inevitable under the current Choice Plan.⁵⁷
- Under-Enrolled Schools. Under-enrollment is an inherent risk for any plan to populate schools by parental choice. School buildings and infrastructure are enormously expensive and must be filled if resources are to be used efficiently. Under-enrollment at new schools, in particular, was clearly an issue at the end of the choice selection process. For example, Rolesville Middle School opened with only 511 students. By comparison, two middle schools opened their doors in 2010, under a base assignment model, with over 1,000 students each. Under-enrollment was even more pronounced at two new elementary schools. Richland Creek Elementary opened with only 34

⁵⁵ See Exhibits 31-33; *see also* <http://www.wral.com/news/video/11222117/#/vid11222117> (recorded video stream of June 19, 2012, Board meeting, comments of Susan Evans, beginning at 6:40:30 mark).

⁵⁶ See Exhibits 34-37; *see also* <http://www.wral.com/news/video/11222117/#/vid11222117> (recorded video stream of June 19, 2012, Board meeting, comments of Susan Evans, beginning at 6:40:30 mark).

⁵⁷ See Exhibits 22 and 33.

students. The opening of Abbots Creek Elementary, slated for 2012-2013, was delayed when only six students applied.⁵⁸

- Students Automatically Pre-Assigned to Schools without Transportation Guarantees. One feature of the Choice Plan was for students to be “pre-assigned” to particular schools before the choice enrollment period began. This was necessary to ensure school assignments for those who might fail to participate in the choice process. Pre-assignments for rising 6th and 9th graders were determined based on feeder patterns, but if the pre-assigned school was not also in a student’s choice list, transportation was not provided. This meant that many families who had always had free bus transportation in the past were now automatically assigned to new schools with no bus service. At the Board’s January 10, 2012, work session, staff advised that there were approximately 600 rising 6th graders and 500 rising 9th graders who had been automatically pre-assigned to schools without a transportation guarantee.⁵⁹
- Burdensome Registration Process. Many parents complained about the process for registration under the Choice Plan. In the days of “base” school assignments, parents could simply come to their assigned school with proof of domicile to register. Under the Choice Plan, however, all new families and families requesting a change in assignment were required to bring documentation to the school system’s central offices in Cary, North Carolina, to register. Due to limited public transportation in the area, this created problems for parents without vehicles. It also resulted in massive registration lines, with hundreds of families arriving to register virtually every day from July 9 through September 18. Indeed, lines became so long that the district had to pull every data manager from every school in the county to assist with registration. Parents complained bitterly about the inconvenience and long delays.⁶⁰
- Insufficient Information for Parents to Make Informed Decisions. The Choice Plan is complicated, and selection processes have not always been clear to Board members, let alone students and parents. Some parents complained that they were unable to make informed choices because of the complexity of the system and limited availability of certain types of information.⁶¹
- Widespread Transportation Problems and Increased Transportation Costs. As noted above, the Choice Plan gave parents options to apply to a wide variety of schools, some far from their homes. In many cases, enrollment caps precluded assignment to proximate schools, effectively requiring parents to select more distant schools. All of

⁵⁸ See Exhibit 36.

⁵⁹ See Exhibits 23 and 31.

⁶⁰ See Exhibits 34, 37, and 38.

⁶¹ See Exhibit 30.

this put great strain on the Transportation Department. At the beginning of the 2012-2013 school year, the district experienced unprecedented and widespread problems with its yellow bus service. Many families received no bus service whatsoever for the first days or weeks of school. In many cases, buses arrived to school hours late and did not return children home until evening hours. The problem was so serious that senior staff, the superintendent, and Board members all issued public apologies to parents. To be clear, these problems cannot be attributed solely to the Choice Plan. As acknowledged by district staff, one contributing factor was an overly aggressive plan to remove buses from service to increase the district's transportation efficiency rating. But the longer distances traveled by buses and crisscrossing transportation patterns mandated by choice selections were surely another contributing factor. Analysis by staff suggests that buses are travelling an additional 13,200 miles per day under the choice plan as compared to last year under a base assignment model. The estimated annual cost associated with this extra mileage, including tires, parts, driver's salaries, and fuel, is \$1,089,643.⁶²

- Anxiety and Uncertainty Based on Lack of Guaranteed "Base" Assignments. Fundamentally, assigning students by ranked choices based on seats available creates a degree of uncertainty that is not present when students are guaranteed seats at specific schools based on defined attendance zones. Reasonable minds can differ as how to weigh and balance the advantages of these two assignment systems. For some, however, the uncertainty and stress associated with the Choice Plan outweighed any advantages. Many newcomers and families contemplating moves within the County have also complained that they cannot know what school their children will attend while they are researching housing options. Realtors have expressed concern that this uncertainty will deter families from settling in Wake County. Based on the experience gained and input received during the implementation of the Choice Plan, a majority of Board members believed that without guaranteed base assignments, no assignment plan could provide adequate peace of mind and stability for families in Wake County. At the same time, they recognized the value in expanded choices and wanted to preserve the best features of the Choice Plan. The June 19 student assignment directive reflects their reasonable belief that a philosophical change in direction was needed, and that families would best be served by a new approach to student assignment combining the best elements of the choice and base assignment models.⁶³
- Negative Effect on Socio-Economic Balance in Schools. Finally, based on initial information provided by staff, members of the Board majority were concerned that continuing with the Choice Plan could lead to significant increases in the percentages

⁶² See Exhibits 39-44.

⁶³ See Exhibits 2 and 45-46.

of low-income students in certain schools.⁶⁴ Although reasonable minds can differ as to whether socioeconomic status should be considered in connection with student assignment, the majority reasonably believed that greater disparities in the socioeconomic demographics of schools would have negative effects on student achievement.

⁶⁴ See Exhibit 21.

APPENDIX B LIST OF EXHIBITS

1. Wake County Board of Education – Tabulation of Votes between November 30, 2011 and November 30, 2012.
2. Minutes of June 19, 2012, Meeting of Wake County Board of Education.
3. Wake County Board of Education Policies 1000 (School Board Authority and Duties), 1200 (Duties of Officers), 1300 (Board Meetings), 1317 (Open Meetings), 1320 (Notification of Board Meetings), 1321 (Board Meeting Preparation), 1322 (Agendas), and 1323 (Rules of Order).
4. Posted Agenda for June 19, 2012, Meeting of the Wake County Board of Education.
5. Précis and Attached Materials for June 19, 2012, Action Item on Student Assignment.
6. Unofficial Draft Minutes of September 18, 2012, Meeting of Wake County Board of Education.
7. Précis and Attached Materials for November 13, 2012, Board of Education Work Session.
8. Thomas Goldsmith and T. Keung Hui, “Change in Wake Student assignment plan draws reaction,” News & Observer, June 20, 2012
9. Wake County Board of Education Policy 1005 (Responsibilities of a Board Member).
10. January 9, 2012, Press Release from Great Schools in Wake.
11. T. Keung Hui, “Wake County GOP school board members complain about not being told of meeting with Michael Alves,” WakeEd blog, January 5, 2012.
12. T. Keung Hui, “Raising more questions about Michael Alves’ unannounced meeting with new Wake County school board members,” WakeEd blog, January 13, 2012.
13. T. Keung Hui, “Wake County school board member Jim Martin alleging political partisanship in bell schedule changes,” WakeEd blog, April 9, 2012.
14. T. Keung Hui, “Deal to house Wake County single-sex leadership academies at Peace University fell apart quickly,” WakeEd blog, April 13, 2012.
15. T. Keung Hui, “New Wake County school board members talk about nixing deal to house single-sex schools at Peace University,” WakeEd blog, April 10, 2012.
16. T. Keung Hui, “Peace University backs out of deal for Wake County single-sex leadership schools,” WakeEd blog, April 12, 2012.
17. Unofficial Draft Minutes of October 16, 2012, Meeting of the Wake County Board of Education.

18. T. Keung Hui, "Wake County school board committee debates guaranteeing school spots for families who want to return," WakeEd blog, May 30, 2012.
19. July 8, 2012, E-Mail from Kevin Hill to All Board Members, with attachment.
20. Thomas Goldsmith, "Wake school board delays decision on low-income students," *News & Observer*, July 25, 2012.
21. T. Keung Hui, "Wake County school board chairman Kevin Hill not expecting 'massive reassignment' under new student assignment plan," WakeEd blog, June 30, 2012.
22. January 3, 2012, Board of Education Work Session – Staff Responses to Questions from Board Members.
23. January 10, 2012, Board of Education Work Session – Staff Responses to Questions from Board Members.
24. T. Keung Hui, "Speakers raise concerns about new student assignment plan," WakeEd blog, October 14, 2011.
25. T. Keung Hui, "Wake County school board members raise concerns about student assignment plan's impact on magnet schools," WakeEd blog, January 25, 2012.
26. Minutes of April 24, 2012, Meeting of Wake County Board of Education.
27. Minutes of May 1, 2012, Meeting of Wake County Board of Education.
28. Minutes of May 15, 2012, Meeting of Wake County Board of Education.
29. Minutes of June 5, 2012, Meeting of Wake County Board of Education.
30. Thomas Goldsmith and T. Keung Hui, "Wake delays placing students under new assignment plan," *News & Observer*, March 28, 2012.
31. T. Keung Hui, "Wake County school board updated on student assignment plan," WakeEd blog, March 27, 2012.
32. Steve Sbraccia, "Tata: unassigned students in downtown Raleigh will get seats," NBC-17.com, April 2, 2012.
33. Renee Chou, "New Wake assignment proposal combines choice, address-based models," WRAL.com, September 19, 2012.
34. T. Keung Hui, "Newcomers enduring long waits to register for school in Wake County," WakeEd blog, August 9, 2012.
35. List of Problematic Bus Runs Presented by Transportation Department to Office of Student Assignment.⁶⁵

⁶⁵ Personally identifiable information about individual students had been redacted from this exhibit.

36. T. Keung Hui, "Wake County school system dealing with issues related to new choice plan," WakeEd blog, July 8, 2012.
37. Numbers of Families Seeking to Register at Wake County Public School System Central Offices, July 9, 2012, through October 25, 2012.
38. T. Keung Hui, "Wake parents face long wait to register children for school," *News & Observer*, August 9, 2012.
39. Précis and Attachment for November 13, 2012, Wake County Board of Education Information Item on Local Expenditures.
40. T. Keung Hui and Thomas Goldsmith, "Wake leaders apologize for bus woes, promise more fixes," *News & Observer*, September 5, 2012.
41. Thomas Goldsmith and T. Keung Hui, "Waiting on the bus: Anatomy of a Wake school debacle," *News & Observer*, September 8, 2012.
42. T. Keung Hui, "Wake County parents flood school system with bus complaints," WakeEd blog, August 28, 2012.
43. John Camp, "Parents, Wake schools caught in bus stop dilemma," ABC11.com, September 5, 2012.
44. [Author unknown], "Parents fired up over school bus problems," ABC11.com, September 4, 2012.
45. Thomas Goldsmith and T. Keung Hui, "Wake school board will consider assignment compromise Tuesday," *News & Observer*, September 16, 2012.
46. Thomas Goldsmith and T. Keung Hui, "Wake delays hearings on student assignment plan," *News & Observer*, September 19, 2012.