

Approved by the Charlotte-  
Mecklenburg Board of Education  
October 14, 2008  
Regular Board Meeting



Charlotte, North Carolina

August 12, 2008

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

The Charlotte-Mecklenburg Board of Education held a Regular Board Meeting on August 12, 2008. The meeting began at 4:31 p.m. and was held in Room CH-14 of the Government Center.

Present: Joe I. White, Jr., Chairperson, Member At-Large;  
Molly Griffin, Vice-Chairperson, (District 5);  
Trent Merchant, Member At-Large;  
Larry Gauvreau (District 1);  
Tom Tate (District 4); and  
Ken Gjertsen (District 6)

Absent: Kaye McGarry, Member At-Large;  
Vilma D. Leake (District 2); and  
George Dunlap (District 3)

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; Tyler Ream, Chief of Staff; and Nancy Daughtridge, Clerk to the Board.

**Upon motion by Mr. Merchant, seconded by Ms. Griffin, the Board voted unanimously of those present for approval to go into Closed Session for the following purposes:**

- **To consult with the Board's attorneys on matters covered by the attorney-client privilege including but not limited to the following:**
  - a. **To consider student matters that are privileged, confidential, and not a public record;**
  - b. **To consider potential litigation matters;**
  - c. **To consider real estate matters, and**
- **To consider a personnel matter of an administrative employee.**

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

Chairperson White reconvened the Regular Board Meeting at 6:06 p.m. in the Meeting Chamber of the Government Center. CMS-TV Channel 3 televised the meeting.

Present: Joe White, Chairperson, Member At-Large;  
Molly Griffin, Vice-Chairperson, (District 5);

Kaye McGarry, Member At-Large;  
Trent Merchant, Member At-Large;  
Larry Gauvreau (District 1);  
Vilma D. Leake (District 2);  
George Dunlap (District 3);  
Tom Tate (District 4); and  
Ken Gjertsen (District 6)

Absent: There were no absences.

Also present at the request of the Board were Dr. Peter Gorman, Superintendent; Regina H. Bartholomew, General Counsel; Members of Executive and Senior Staffs; Judy Whittington, Manager of Board Services; and Nancy Daughtridge, Clerk to the Board.

## I. CALL TO ORDER

Chairperson White called the meeting to order at 6:06 p.m. Chairperson White welcomed everyone to the Board's first Regular monthly business meeting of the month. He noted that the Board had been conducting business in Closed Session and would need to return to that Closed Session following the close of business in Open Session. Following the close of business in that Closed Session meeting, the Board will return to Open Session to take any required action and adjourn the Regular Board meeting.

### A. Pledge of Allegiance

Chairperson White called upon Ms. Leake to lead those present and in the viewing audience in the Pledge of Allegiance.

### B. Adoption of Agenda

Chairperson White said Dr. Gorman has requested that Action Item IV.A. (Recommend approval of 2008-2009 employee salary increase.) be deleted from the agenda and the motion for the adoption of the Agenda will include the deletion of that item. This item will be on the agenda for the August 26, 2008 Regular Board meeting.

**Ms. Griffin moved, seconded by Mr. Merchant, that the Board adopt the agenda as presented, and the Board voted 9-0 in support of the motion.**

## II. REQUESTS FROM THE PUBLIC

Nina Anderson thanked the Board for their service to CMS. She recommended cost saving measures for the Board's consideration.

Blanche Penn shared information on the initiative of Men Taking Children to School on the First Day of School.

Martin Davis expressed concerns regarding the athletic investigation at Independence High School.

### III. CONSENT ITEMS

- A. Recommend approval of minutes.
  - June 10, 2008 Regular Board Meeting.
  - June 24, 2008 Regular Board Meeting.
  - July 9, 2008 Closed Session.
  - July 22, 2008 Closed Session.
  - July 24, 2008 Closed Session.
- B. Recommend approval of appointment of administrative personnel.
- C. Recommend approval of licensed/non-licensed hires and promotions for July 2008.
- D. Recommend approval of Ms. McGarry's, Member At-Large, request of citizen appointment to the Bond Oversight Committee.
- E. Recommend approval of the adoption of a resolution authorizing the Director of Supply Services to dispose of surplus property at a public auction on Saturday, September 20, 2008.
- F. Recommend approval of requests for release of students to other school districts.

**Ms. Griffin moved, seconded by Ms. McGarry, that the Board adopt Consent Items A.-F., and a discussion followed.**

Ms. Leake pulled B. and D.

Mr. Gauvreau pulled E.

**Ms. Griffin moved that the Board adopt Consent Items A. C. and F., seconded by Mr. Tate, and the Board voted 9-0 in support of the motion.**

The Board discussed Consent Item B. Ms. Leake asked clarifying questions regarding the personnel appointments and Dr. Gorman responded. She expressed concern that the appointment to Hidden Valley Elementary School did not have prior experience in Charlotte-Mecklenburg Schools and was unfamiliar with the community.

**Ms. Leake moved, seconded by Mr. Dunlap, that the Board adopt Consent Item B., and the Board voted 9-0 in support of the motion.**

The Board discussed Consent Item D. Ms. Leake asked Ms. McGarry to clarify the reason for the early request of her appointment. Ms. McGarry said she was being proactive. She is appointing Mary Ellen Miller to serve a three year term effective September 30, 2008 and ending on September 30, 2011. Mr. Dunlap said this appointment is considered early because previously the Board has made appointments one month prior to the expiration of the term. He would like to ensure there is consistency in the process.

**Ms. Leake moved, seconded by Mr. Merchant that the Board adopt Consent Item D. (Recommend approval of Mary Ellen Miller as Ms. McGarry's citizen appointment to the Bond Oversight Committee with an ending term of September 30, 2011), and the Board voted 9-0 in support of the motion.**

The Board discussed Consent Item E. Mr. Gauvreau said he is opposed to the motion and does not understand the rationale for CMS to sell cars that have less than 100,000 miles. This is

indicative of the continued waste through the school system. Mr. Merchant asked staff to explain the inspection procedure for evaluating equipment to be dispersed? Guy Chamberlain, Associate Superintendent for Auxiliary Services, said there is a standard process to review vehicles with excess mileage or whose condition is not worthy of keeping in service. He does not know the specific merits of the four vehicles on this list and he could provide that information at a later time if necessary. Mr. Merchant expressed concern that the cars have low mileage and staff may not be properly taking care of the vehicles. Mr. Dunlap encouraged the Board to trust staff's decisions because other justifiable factors are considered in this decision such as high cost of maintenance and safety issues for the employees. Dr. Gorman will provide the car records if necessary. Ms. Leake asked clarifying questions regarding the number of vehicles being sold and the location of the sale, and staff responded. Ms. Leake wants to ensure the cars driven by staff meet all safety standards and are properly maintained because many staff members work late hours. Mr. Gauvreau said this is bad management and not in the best interest of the public.

**Ms. Leake moved, seconded by Mr. Dunlap, that the Board adopt Consent Item E. (Recommend approval of the adoption of a resolution authorizing the Director of Supply Services to dispose of surplus property at a public auction on Saturday, September 20, 2008), and the Board voted 6-3 in support of the motion. Chairperson White, Ms. Griffin, Ms. McGarry, Ms. Leake, Mr. Dunlap, and Mr. Tate voted in support of the motion. Mr. Merchant, Mr. Gauvreau, and Mr. Gjertsen voted against the motion.**

Dr. Gorman's personnel recommendations were as follows:

Appointments:

- Kevin M. Paige named Executive Director for the Central Learning Community. Mr. Paige previously served as principal at Torrence Creek Elementary School since 2005 and principal at Morehead and Sterling elementary schools. He began his career with CMS in 1979 as a teacher at Myers Park Traditional.
- Sarika S. Pride named principal at Hidden Valley Elementary School. Ms. Pride has a Master of Science in Educational Leadership from Cardinal Stritch University, Milwaukee, Wisconsin, and a Bachelor of Arts in Biology from University of Milwaukee, Milwaukee, Wisconsin. She previously served as principal at Huffman Elementary School, Plano Independent School District, in Plano, Texas.

#### **IV. ACTION ITEMS**

- A. Recommend approval of 2008-09 employee salary increases

Item deleted with the adoption of the agenda.

#### **V. REPORTS/INFORMATION ITEMS**

- A. Report/Update on Opening of Schools

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman called Tyler Ream, Chief of Staff to present the report on Opening of Schools. Dr. Gorman said this information will be changing until the opening of school and the Board will receive an updated

report on Friday, August 15<sup>th</sup>. Mr. Ream provided the Board with the progress towards specific opening of schools and the deliverables in each of the associated thirty-one projects. The report included information on student assignment, new construction, existing renovations, mobile classroom relocations, transportation, human resources, and fall athletics. Mr. Ream said the opening of schools always signify something special. The process and work for preparing for the opening of 174 schools is mind-boggling. The initiation of the process began seven months ago but the preparations began long before then. He commended the CMS employees for their hard work and dedication in working towards the opening of schools. Mr. Ream showed a video that enhanced the efforts of staff in preparing for the opening schools. Mr. Ream reviewed the progress towards opening of schools.

- Projected Enrollment
  - 135,854 students in grades K-12
  - 3,300 Pre-K
- Transfers
  - 5,548 requested
  - 2,107 approved
- Student Enrollment as of 8/11/08
  - 134,504 students in grades K-12 (shortfall of 1,348 students)
  - Enrollment is expected to change on a daily basis
  - Enrollment will be evaluated on the 20<sup>th</sup> day of school and staff will respond accordingly when numbers stabilize
- School Facilities
  - 174 Schools (includes seven new schools)
  - 1,262 mobile units
  - Seven new school sites
    - ✓ Whitewater Academy - West Learning Community
    - ✓ Barnette Elementary School - North Learning Community
    - ✓ Elon Park Elementary School - South Learning Community
    - ✓ Polo Ridge Elementary School - South Learning Community
    - ✓ Croft Community School - North Learning Community
    - ✓ Ballantyne Elementary School - South Learning Community
    - ✓ Military and Global Leadership Academy at Marie G. Davis – Central Learning Community
  - Major Renovation Projects
- Employee/Staffing
  - 19,064 Employees
  - 10,013 Teachers/Instructional staff
  - 8,491 Non-instructional Staff/Support Staff
  - Administrative (445 principals and assistant principals, 115 senior managers and above)
  - 367 School-based vacancies
  - 10 Bus Driver vacancies
- Transportation
  - 1,238 Active Buses (twenty new buses on order)
  - 1,255 Routes (estimated daily mileage 135,000, 5,000 less than last year, 3,000 stops less than year)

Mr. Ream reviewed a list of projects that have accomplished significant deliverables in advance of opening of schools. The projects included information on athletics; health and wellness; inventory management and distribution of books supplies, furniture and materials to schools; Pre-Kindergarten placements; professional development; purchasing; new or renovated Media Centers at ten schools; NC Wise training; six hundred computers installed and networked at seven sites and in all mobile classrooms; and 300,000 books ordered and delivered. Ongoing monitoring projects include ESL Testing to meet the requirements of State-mandated WIDA Access Placement Test for all ESL identified kindergarten students and ESL identified students new to CMS; Mobile-Reliant Services; Call Center and Information Hotline (telephone number 980.343.6192, opened 8:00 a.m. to 5:00 p.m., Monday-Friday). The Call Center opened July 14<sup>th</sup> and has received 11,653 calls. Mr. Ream said the work never ends and meeting the needs of students is the most important aspect of the work. He encouraged everyone in the district to make this year more successful and meaningful than prior years.

Board members were invited to make comments and ask questions.

- Ms. Griffin said this was a great report. It was helpful for the public to see the activities necessary in the summer to open school in the fall because many people believe CMS is on a vacation period during the summer. She encouraged all parents to enroll their students as soon as possible so that CMS can prepare to educate their children.
- Mr. Merchant said there are approximately eighty instructional vacancies. He asked are the vacancies actual based upon the shortfall of students. Dr. Gorman said sixty positions have been removed from the budget but there are eighty positions to be filled. There are applicants in the pipeline and that number will dramatically reduce prior to the start of school.
- Ms. Leake commended CMS staff for what they do throughout the year. She expressed concern regarding the teacher vacancies. She thanked CMS for a job well done and she wants to ensure those positions are filled prior to the start of school. She encouraged the community to apply for substitute teaching positions.
- Mr. Tate thanked the CMS staff for their hard work to ensure schools open on schedule and classrooms are prepared to educate students.
- Mr. Dunlap said this is an excellent report. He thanked staff for their tireless efforts throughout the year. He was pleased that no one made reference to schools being empty. He explained that staffing is based upon student enrollment and some schools have been assigned a smaller class size. He noted that some of the new schools had smaller student enrollment numbers.
- Chairperson White thanked staff for a great report. He commended Carol Stamper, Executive Director of Transportation, on the great job of hiring bus drivers and having only ten vacancies.
- Mr. Gauvreau expressed concern regarding the older schools with smaller student enrollments because they are half empty and that point should be addressed by the district. He expressed concern regarding the shortfall of student enrollment based upon the projections because that results in a significant outlay of resources from the state and Board of County Commissioners. The over projection of student enrollment also happened last year and CMS did not make adjustments to the operational budget. He encouraged the Superintendent to preplan this better so that the financial risk to the

County does not continue to increase because this results in additional cost to the taxpayers.

Chairperson White said this discussion is not relevant to opening schools. Dr. Gorman said Harry Jones, County Manager, has been notified of the student enrollment numbers and he believes it is credible request based upon the funding formula. CMS does preplan and makes enrollment adjustments throughout the year that may include reducing funding in other areas and holding positions back. For example, if five classes loose two students during the year, CMS cannot combine those five classes into four classes and lay a teacher off.

B. Report on Federal Free and Reduced Lunch Program as requested by Ken Gjertsen, District 6

Chairperson White called upon Dr. Gorman to present the report. Dr. Gorman said the report on the Federal Free and Reduced Lunch Program was requested by Mr. Gjertsen. He called upon Guy Chamberlain, Associate Superintendent for Auxiliary Services, to present the report. Mr. Chamberlain provided the Board with a review of the Free and Reduced Lunch process. He said this began as a result of an article in the *Carolina Journal* in June that profiled four counties in North Carolina and the results of their verification. The Free and Reduced Lunch Program began in 1946 and it was authorized under the "Richard B. Russell National Lunch Act." Mr. Chamberlain reviewed the data for the CMS Free and Reduced Lunch (FRL) Program for the 2007-2008 school year.

- 49,594 students eligible for free lunch
- 9,240 students eligible for reduced lunch
- 7,839,319 free lunches served
- 1,344,712 reduced lunches served
- CMS Child Nutrition received \$22.1 million from United States Department of Agriculture (USDA)

The USDA requires that all school districts take some verification and there are a number of sampling methods. The USDA has directed CMS to take a three percent sample of all approved FRL applications which does not constitute all of those who are on FRL. It is a little higher than 50% of those on FRL. The process is to include an error prone application which is essentially any application that is within \$100.00 of the threshold to qualify for FRL. That threshold varies based upon the number of people in each household. Those sampled are required to provide proof of income at the time of application or an award letter that the family receives Food Stamps or Temporary Assistance for Needy Family Benefits (TANF). If this information is not provided, they are taken off the list. Staff followed up to contact those families and benefits were restored to a number of families that reported late. Mr. Chamberlain reviewed the results of the 2007 verification process.

- 58,834 students eligible for FRL
- 25,474 not subject to verification (CMS receives lists from various agencies that have already verified FRL eligibility)
- 33,360 eligible through application (self verified process)
- 704 applications were sampled
  - 174 were non-responsive and removed from FRL list
  - 263 received reduction of eligibility

- The remainder were eliminated

Mr. Chamberlain said because this is a skewed sample and we must follow the guidelines of the audit process, it is difficult to apply this to the entire group of CMS students receiving FRL.

Board members were invited to ask questions and make comments.

- Mr. Gjertsen said regarding the error prone application sampling, did CMS notify the USDA that it was 60%? Mr. Chamberlain said 62% of those that were error prone sampled were taken off the list. Mr. Gjertsen said it is clear that the USDA does not seem to care that CMS reported 62% of incorrect applications. He has concerns regarding the self-selected system in which half the people applying were within the error prone pool. Mr. Chamberlain said approximately half of the students eligible for FRL are eligible through the application process. Mr. Gjertsen is concerned that based upon the sampling, 62% tested were not eligible for FRL because CMS uses the FRL data for funding considerations other than the meal program. Dr. Gorman said FRL is used as the multiplier for weighted-student staffing and Focus Schools, and he is working with staff to consider the use of other data for those formulas. Mr. Gjertsen said considering the impact of that number, it is important that CMS ensure the integrity of that number. He does not have confidence in that number at this time. He said given the importance of that number, what additional action can be taken to ensure the integrity of that number? Mr. Chamberlain said the USDA manual for the FRL Program is emphatic that school districts shall not perform 100% verification during this time period. The regulations also include that, for cause, school districts can perform as many verifications as they deem necessary. CMS did what they were asked to do by USDA. Mr. Gjertsen expressed concern that with a 62% rate CMS did not choose to complete additional verification. Mr. Chamberlain said 62% of those applications that were within \$100.00 of the threshold for eligibility of benefits were determined to be ineligible and were removed or reduced. Mr. Gjertsen expressed concerned regarding the integrity of that number and based on the other uses of that number it is important to ensure it is accurate, and that number in CMS could be higher or lower. Mr. Gjertsen is not suggesting that CMS perform 100% verification but he is not satisfied with just doing what the USDA asked. He believes there may be a management problem with using the FRL data for the other reporting items because that also includes student achievement. He believes the discrepancy should have been included in the Management Oversight report on Food Services. He asked from a management perspective, should CMS be doing more? Dr. Gorman said staff is reviewing the use of other numbers or factors to be used as a proxy in place of FRL. Another factor can only be used in reporting certain data because there are areas that can not be changed such as the formula for the achievement gap. CMS cannot choose the gap determinate for Adequate Yearly Progress (AYP) as school districts are mandated to use FRL enrollments. Mr. Gjertsen said the USDA laws changed in 2002 and 2006 which allowed school districts to decide whether to do more. In the interim, a number of other programs said use the FRL enrollments. He encouraged staff to do more. Dr. Gorman said staff is reviewing other proxy options for determinates and this may require additional resources in other areas. Dr. Gorman does not believe there is 60% wrong in the whole program and that should not be the only number used. Staff is reviewing other proxy determinates that



may be more accurate such as students below grade level, the USDA process, and best practices with other school districts. Mr. Gjertsen is concerned about using FRL as a proxy for poverty and the assumption that FRL correlates with lower student achievement. He believes student achievement has a perfect correlation with student achievement and that would be a better number to use for those allocations. Dr. Gorman said at this time we do not have a replacement for FRL due to its linkage but staff is reviewing other options.

- Ms. Leake asked how many CMS staff members qualify for the FRL Program? Dr. Gorman said dependents are calculated in the eligibility and CMS would definitely have staff that would qualify for the FRL Program and the Reduced Program. Ms. Leake believes because many CMS employees have low incomes, they should also qualify for the Free and Reduced Lunch Program. Dr. Gorman said the program prohibits adults from participating in the program. Ms. Leake expressed concern that the income of many CMS employees puts them in the poverty level.
- Mr. Dunlap asked clarifying questions regarding conducting the sample and Mr. Chamberlain responded. Mr. Dunlap asked if a different sample was chosen would the results have reflected something other than 62%? Mr. Chamberlain said, yes. Mr. Dunlap expressed concern that based upon the sampling selected the 62% may not be an accurate number. Mr. Chamberlain said the USDA encourages the use of a sampling in which we are likely to find error to maximize the number for verification and that is why it is the error prone application. Mr. Dunlap is concerned that the FRL number is used as a qualifier for other programs but he understands that the federal government requires that it be used. Dr. Gorman said it is required to be used for the achievement gap but Mr. Gjertsen's point was that it is not required to be used for some of the other programs that CMS uses it for in resource allocation or qualification. Mr. Dunlap said in that regard, he agreed with the concerns but he does not know how that can be fixed. He said because that number is error prone, he is not sure if that is a fair process because CMS could be under or over reporting. He encouraged staff to develop a measure to provide a more accurate picture of the achievement gap and the other areas in which that number is used.
- Mr. Merchant agreed with Mr. Gjertsen's logic because it seems quixotic to use a predictor of achievement and allocate funds based upon the predictor when CMS already has an inordinate amount of testing data. He said CMS has plenty of data that shows who is achieving and not achieving. Mr. Merchant is concerned that based on the self-verification application, an unethical person could show \$101.00 below the income threshold and never be questioned. He does not believe there is wide-spread fraud but this issue is concerning. He asked what is the sanction for someone who is caught with a mistake in their application? Dr. Gorman said lost of the lunch program because the student would not qualify. CMS has never prosecuted anyone with errors in their application. Mr. Merchant expressed concern that there is nothing in place to prevent every family in CMS from falsifying their application. He believes in honesty and integrity but he is concerned because many of the funding decisions are based upon a formula that allocates based upon FRL enrollment. He said there are many support groups and non-profit agencies that are banking their success on the use of that same number. He believes the aggregation of poverty does have an adverse affect on achievement but achievement has a more direct relationship to poor achievement. He has no faith in the integrity of the FRL numbers. He has stated that aggregation of poverty matters but it is

now hard for him to have statistical evidence to support that assumption. He said there is antidotal evidence and he does not believe there is wide-spread fraud. He encouraged staff to make this a top priority.

- Ms. Griffin asked how many applications were within the \$100.00 threshold? Mr. Chamberlain said he did not have that number with him and would provide that information at a later time. Ms. Griffin asked is the definition of error prone the federal definition? Mr. Chamberlain said error prone is defined in the USDA manual and it includes the less than \$100.00. Ms. Griffin asked for clarification regarding the 3% limit for conducting an audit? Mr. Chamberlain said the USDA manual is very emphatic and in bold letters it states that school districts shall not verify 100%. He believes the intent is that they shall not verify 100% and then report all that information to the USDA. In the regulations it stipulates that districts can do 100% for cause. The districts are directed to conduct a no more than 3% audit which would be the maximum. The audit by CMS was approximately 3%. Ms. Griffin asked Mr. Gjertsen to explain his idea that CMS could do more. Mr. Gjertsen said he believes CMS could do more but not necessarily from the view point of verification to eliminate people from the program. He believes CMS could do more to have a better understanding of that number. Ms. Griffin said she now better understands that Mr. Gjertsen referenced that we could do more for other purposes and not for reporting to USDA.
- Mr. Gauvreau said this is wide-spread fraud and it is everywhere. He opened this discussion several years ago and it was dismissed. The problem is no one wants to attack it because it is the Free and Reduced Lunch students. He is concerned because the Board is creating education around this fraud. CMS owes it to the taxpayers to monitor this better because there is no doubt that there are thousands of students who are not entitled to this government benefit. He said Commissioner James also addressed this issue and plans to bring it before the Board of County Commissioners.
- Mr. Tate is concerned regarding the direction of this discussion. He believes it is unlikely that there are thousands of students fraudulently reporting. He believes there may be hundreds of families who would qualify but do not apply for this benefit because they are too proud or they do not want their children labeled. He encouraged CMS to try to find those families as well. It is important to ensure all students are properly fed because research shows that helps to enhance student learning. The business of CMS is to properly educate all students. If the FRL enrollment is not what we are reporting it to be then perhaps the problem is not concentration of poverty. Research indicates that schools with 80% or more FRL students are the schools with the greatest issues. CMS has schools with 80% or more FRL and they are the schools in which we have the biggest issues with educating students. If those issues are not poverty related, it is something else. What is that other factor? He believes CMS should continue to use the FRL numbers. He believes auditing the families closest to the threshold would generate the largest discrepancy for error. He expressed concerns that this conversation has referenced that there are thousands of people lying. He would like to know the other proxy options because national and international studies indicate that concentration of poverty is a major component in the difficulty of educating students.
- Ms. McGarry said the FRL enrollments are used for other reporting. The integrity of that number is significant and it must be questioned. She believes students in school that are hungry should be fed. She believes in honesty but anything is possible. FRL is an

important number and CMS must justify how it is being used especially in relation to student achievement.

- Chairperson White also believes that if a student is hungry they should be fed. He said this is a tough issue that needs to be discussed. He expressed concern for the families who are a few dollars over the thresholds (such as the criteria for \$48,000.00 for a family of four) and cannot apply for the program because they may also be dealing with financial challenges.
- Mr. Gauvreau said he does not doubt that the vast majority of the FRL students in CMS qualify for the program. He does believe there could be thousands of students that do not qualify but he does not have information to support that number. He has read where the fraud in some school districts was actually coming from within the district itself. Staff was filling out the applications for students because they wanted to get the additional funding for FRL. He said that it is a stretch to say that is occurring within CMS but unless these questions are answered that can not be ruled out. He shared allegations that a former Board member did consultant work with the TANF Program which is associated with this program. He said the school district is so institutional and large that the Board should not naively say this is not occurring in the district. He does not doubt there are many students in CMS who require a free and reduced lunch service. He encouraged staff to review the FRL applications because it could result in CMS receiving millions of additional dollars.
- Ms. Leake was offended by Mr. Gauvreau's reference to a former Board member. Chairperson White asked Board members to not attack people who are not present to defend themselves. Ms. Leake expressed concern that many people believe that students of poverty cannot learn. She believes CMS should provide every means necessary to feed students. She knows of students who refused to apply for the FRL Program because they did not want to be labeled as a FRL student. She expressed concern that many people do not question big corporations when they steal from the federal government because of their unethical business practices. She does not believe CMS or the Board has tried to deceive anyone. She does not believe the fraud in CMS would amount to much because poor people do not know how to steal from the federal government.
- Mr. Merchant said his main concern is not that a family may be getting away with fraud because that is on their conscious. Unfortunately, fraud is also in the wallets of the taxpayers and the Board must be responsible in that regard. His main concern is that the FRL number is a paradigm for strategic, critical, operational, and funding decisions. He wants to ensure there are not questions associated with that number every time the Board must make a decision. He encouraged staff to develop a different data set such as testing. The Board's mission is not about poverty. It is about student achievement and that is because ultimately achievement is the great social equalizer regardless of your background. He encouraged staff to make decisions using other reporting data collected by CMS. He said it is hard to argue that those who are not achieving need more resources to achieve. He believes if the paradigm for funding was switched to base the CMS funding purely on student achievement and not on FRL, the dollars would not change much but that would remove the questions about the process. He encouraged staff to move towards data that is more defensible.

Dr. Gorman said the three main topics for staff to review are the integrity of the FRL Program; resources and classification (establishing a best proxy for student achievement); and providing

resources for the schools with a high percentage of students that qualify for the FRL Program because everyone of those students have the ability to achieve and they need support.

C. Report on Scopes at Four 2007 Bond Program Projects

Chairperson White called upon Dr. Gorman to introduce the report. Dr. Gorman called upon Guy Chamberlain, Associate Superintendent for Auxiliary Services, to present the report on Scopes at Four 2007 Bond Program Projects. Mr. Chamberlain said several months ago, staff presented to the Board an option to replace rather than renovate McClintock Middle School as that option resulted in significant cost savings. At that time, Dr. Gorman asked staff to review the other renovation projects included in the 2007 Bond Referendum for cost saving considerations. This report reviews the results of that evaluation and staff's recommendation for the revised scope of some of those projects. At the August 26<sup>th</sup> Board meeting, staff will recommend architecture appointments on the Consent Agenda to carry forth for Board approval for this recommendation. The recommendations are as follows:

- Revise the location of a Pre-K addition that was originally to be built at J. W. Grier Academy to Robinson Church Road Elementary School (EO7-05).
- Build a new Bain Elementary School as a replacement school.
- Build a new Pineville Elementary School to replace the old existing Pineville Elementary School.

The primary purpose of the Pre-K addition was not to provide relief at J. W. Grier Academy but to strategically place Pre-K classrooms in that area of the county. The original cost of the project was \$4.5 million. Staff recommends incorporating the Pre-K addition into the new Robinson Church Road Elementary School. Property for this project has been acquired and the project is scheduled to begin soon. The Pre-K component will be a one-story, twelve classroom addition that is a clone of the Croft Community School. This proposal would eliminate a significant amount of disruption on the J. W. Grier campus because its original design incorporated changes to the pick up and drop off locations, and placed the students in a construction zone. Relocating the Pre-K to Robinson Church Road incorporates the construction into an existing construction site; eliminates students being exposed to a construction zone; and it is in the same area of the county serving the same students. The estimated cost savings for this recommendation is \$600,000.00. The comprehensive renovation and addition project at Bain Elementary School is estimated to cost \$14.3 million. To build a new facility on the existing campus will cost approximately an additional \$280,000.00. The recommendation also completes the entire project one-year ahead of schedule. It does not expose the campus to several different phases of the project in which students will be moved around and eliminates students being exposed to a construction zone for up to thirty months. Most of the existing school will not be demolished and can be retained for future growth. Future growth projections for Bain Elementary School indicate the need for up to fifteen mobile classrooms in the next five years. Maintaining parts of the existing building for future use will eliminate moving mobile classrooms which could result in hidden cost savings of up to \$1 million. Staff is meeting with the Town of Mint Hill to discuss a joint-use renovation project regarding the theater/performing arts building at Bain Elementary School which would be a win-win proposal. The new campus would be located on what is now the back side of the campus and tie into parking that would serve the new school and the

existing school. The comprehensive renovation and addition project at Pineville Elementary School is estimated to cost \$13.3 million. To build a new facility on the existing campus would require a \$1.2 million increase in budget. CMS has had fairly good savings in the bids of projects over the past year. These include cost savings of \$4 million at Ridge Road Middle School and \$4 million at Belmeade Middle School, and these savings could be applied to this proposal. This project will also be completed ahead of schedule and does not subject the students to multiple phases of construction. In this case, the existing building will be demolished and the athletic fields will be restored. The facility will be a two-story building similar to the facility being built on North Tryon.

Board members were invited to ask questions and make comments.

- Mr. Dunlap expressed concern that several years ago the Board decided to not renovate Druid Hills and Oaklawn Language Academy but to demolish them and build them new. Some Board members felt that was a tremendous waste of money. Lincoln Heights Elementary School is another example. He said his concern was not that it was a waste of money but the location of the schools. Tonight, the recommendation is to demolish Pineville and Bain elementary schools and build them new. He expressed concern that those same Board members do not believe it is a tremendous waste of money. He asked to be provided a list of schools and the year they were built. He wants to understand the number of schools built prior to Bain and Pineville elementary schools that have not been demolished and rebuilt. Dr. Gorman said he would provide this information prior to the next Board meeting.
- Mr. Gjertsen is pleased to see this recommendation. He asked about this option during the 2007 Bond issue because the existing facility at Pineville Elementary School had the worst plumbing and air conditioning system in CMS, and the renovation cost were close to the cost for a new facility. He said the original completion date for this project was January 2012 and he is pleased it will be one-year ahead of schedule.

D. Report on Gangs as requested by Kaye McGarry, Member At-Large

Chairperson White called upon Dr. Gorman to introduce the report. Dr. Gorman said the report on Gangs was requested by Ms. McGarry. He called upon Bud Cesena, Director of School Law Enforcement, and Dr. Ralph Taylor, Executive Director of Alternative Education and Safe Schools, to present the report. Mr. Cesena reviewed the current legislation that had recently passed through the senate and the enforcement activities by CMS and the other jurisdictions throughout the county. The Gang Legislation passed this year includes nine statutory sections. The four statutes that will have the most impact on CMS regard soliciting or encouraging the participation in a gang; soliciting or encouraging the participation of a minor in a gang; threats to deter from gang withdrawal; and threats of punishment or retaliation. The new statutes are felonies and carry significant penal sentences. The effective date of this new legislation is December 1, 2008. Mr. Cesena said the Charlotte Mecklenburg Police Department has traditionally tackled the gang issues from the Criminal Intelligence Division but have now separated the Prevention and Intervention Strategies and Enforcement Strategies. CMS staff has a good working relationship with these divisions and community organizations, and will continue to work closely to address gang strategies. Mr. Cesena reviewed statistical information regarding gang activity in Mecklenburg County.

- 2,000 names in the Mecklenburg County gang registry
- 576 names were students enrolled in CMS for the 2007-2008 school year
- 376 of those students have withdrawn from CMS for various reasons
- 250 students remain enrolled in CMS for the 2008-2009 school year.

Dr. Taylor reviewed Rule 30 of the CMS Student's Rights and Responsibility Handbook related to gang activity; the CMS definition of gangs; and identifying gang activity and symbols. Dr. Taylor said the majority of the gang violations in CMS over the years include wearing clothing, symbols, signs, and physical tattoos that are affiliated with gangs. Dr. Taylor said of all the rule violations (incident reports) reported over the past five years, less than 1% was related to gang affiliated activities. Dr. Taylor said CMS does have gang related issues but he would question the magnitude of the gang related activities. Dr. Gorman said this is a topic that is on everyone's mind. The community is facing gang related issues and they carryover into our schools. It is important that CMS not under estimate the role of gang activity in our community and we must effectively deal with those issues.

- Ms. McGarry expressed concern that this agenda item included a forty-page report and little of that information was shared. Dr. Taylor said he would be glad to discuss any of the information provided to the Board. Ms. McGarry asked if this was the first report on gangs within CMS? Dr. Taylor said this is the first comprehensive report to the Board. Ms. McGarry noted that the report mentioned 160 gang names in Mecklenburg County but only approximately 60 gangs were in CMS schools. She asked for this report to understand the impact that area gangs have on Charlotte-Mecklenburg schools from a disciplinary standpoint. The report referenced gang information dating back to 2003 and staff was aware of gang activity in our schools at that time. She said the community has expressed concern that CMS does not acknowledge that they have a gang problem. She believes this report clarifies that CMS does have a gang problem and that is a first step in taking action. She encouraged CMS to acknowledge a gang problem, confront it, and act to address the issues. She said the incident reports, gang related or not gang related, include loaded guns and assaults on staff. CMS must do more to eliminate those behaviors and ensure consequences for those behaviors to allow the 99% of our students who are good students to have a safe learning environment. She wants to ensure that all gang related threats to students are properly handled by staff and these problems do not interrupt school work. She said this is a community issue and CMS should enforce the policies currently in place. Dr. Taylor said it was not that long ago when CMS could not refer to gangs as gangs. They had to be referred to in the Rights and Responsibility Handbook as organized groups. CMS has moved forward in dealing with gang related issues and the Rights and Responsibility Handbook includes a Threat and Intimidation Form for parents and students to complete. Mr. Cesena said some parents report an incident to the school but fail to report the crime to the police. He encouraged parents and students to also report criminal activity to the police. He said prevention and intervention are as important as enforcement. Ms. McGarry discussed the criminal activity of gangs and encouraged CMS to curb that behavior. She believes it is important to create awareness, to enforce Board policy, and to treat these incidences as real. Ms. McGarry encouraged parents to report all incidents to CMS staff and the police.
- Ms. Leake thanked the community for participating in meetings to discuss gang related issues. She expressed concern that the definition of gangs includes three or more persons

and that is also a concern to the community. She said CMS has disciplinary problems in the schools whether they are gang related or children not behaving properly. She wants to ensure fairness in the disciplinary process and that parents are held accountable for the behavior of their children. She expressed concern that some teachers are ignoring the behavior in the classroom and teachers and principals must be held responsible for the safety of students in the school. She commended Dr. Taylor for being responsive to the needs of schools, staff, and students. She also wants to ensure that all students are treated fairly in the disciplinary process and the behavior consequences are the same in each of the Learning Communities.

- Mr. Dunlap said there is nothing new in this information other than the number of incidents reported that may not be gang related. He said if kids are a member of a gang in the community, they are a member of a gang when they enter our schools. Mr. Dunlap said the report noted that less than 1% of the reported incidents were gang related and that is relatively low for a district of 135,000 students. He said no one has denied that gangs exist in CMS and in the community. If there are guns in the community, there will be guns in our schools. He expressed concern that this report was requested in an untimely manner and created a burden on staff. He expressed concern that the report was an attempt to reflect a negative image of our students and schools. He said the focus should be on educating students.
- Mr. Gauvreau said he remembers the era of denial because he was previously criticized for calling kids thugs and gangs. It is now okay to be associated with gang prevention which is a good thing. He believes CMS is in denial and he does not need to see new reports because there is nothing new in this report. More importantly, there is no action with the removal of students. North Carolina Statute allows students to be expelled and that will help to stop the problem. He encouraged the Board to take action by expelling the students who have been identified to be in gangs.
- Mr. Merchant said he does not fully understand gangs and the solutions for dealing with gangs are not simple. Gangs are formed in reaction to environmental causes whether in the home, neighborhood, local economy, or nationally. Mr. Merchant shared antidotal evidence regarding gang activity and many students join gangs because they have not gotten the tools they need at home or in school to be successful. These students are not finding relevance in their school or neighborhood, and turn to other means. They tend to be aggressive and more interested in confrontation and winning short-term battles rather than long-term success because they do not see a future. He expressed concern that some Board members have these same behaviors. He encouraged the Board to think about how they conduct themselves in important discussions.
- Ms. Leake believes supervisors should be held accountable for their departments and be experts in their reporting areas.
- Mr. Tate said the conclusion of this report includes, based upon the data, gangs has a low impact on discipline in CMS schools. Dr. Taylor said the report indicates that CMS does have some gang activity and its impact on discipline is low. Mr. Tate said the report also indicates that while some people did not think the DARE Program was effective as it should have been as a drug deterrent program, it did leave a vacuum when it was eliminated that may have allowed some gang activity to creep into our schools. Dr. Taylor said many of the students who are currently associated with gang activity would have been in the DARE Program. Mr. Tate said currently, there is limited but some effect

of gang activity in CMS. He asked what can CMS and the Board do to ensure continuation of the limited gang activity and not become like some of the other schools districts that have heavy gang activity? Mr. Cesena said the new legislation and revising Rule 30 in the Student's Rights and Responsibility Handbook will provide CMS more tools to deal with gang involvement. Educating CMS staff, students, and parents as well as the increased focus by the Charlotte-Mecklenburg Police Department will help to minimize gang activity and create awareness. CMS is focused on working with the police agencies within the county and being proactive in the intervention and prevention efforts. The statutes will help to impact decreasing gang recruitment and offer assistance to students who wish to get out of gangs. Mr. Tate commended CMS for being proactive in dealing with gangs. He asked does staff need changes to Board policy or other measure from the Board to effectively deal with gang activity? Dr. Gorman said he would think about this and let the Board know at a later time.

- Chairperson White said the school system, the community, and this county should be concerned about this issue. There is not a panacea for what can be done to control gang activity. He has study the history of gang activity and history has proven that measures that have been taken did not work. The country tried deporting the leaders but that did not work and they only got stronger. The country tried incarceration but history shows that some gangs are run by people in prison and that did not work. Some people would like to get them out of CMS and put them on the street but that would allow them the entire day and night to concentrate on gang activity and get stronger. Chairperson White believes a panacea for combating this issue is education because that will help them feel they are contributing to society. The challenge facing the entire country is how to get these people interested in getting educated because these students do not go away but only multiply.
- Ms. McGarry believes it is important to create awareness of this issue in CMS as well as being honest and transparent. She believes CMS can educate students more successfully in a safe environment. Gang activity is a major concern in safety. She encouraged CMS to ensure that schools are drug free and gang free. She encouraged CMS and the Board to enforce policy by expelling students involved in criminal activity. Mr. Cesena said regarding enforcement, staff will be working with the departments within the county, identifying threats to students, and taking the appropriate action including placing them under arrest as needed. Staff with the various police agencies will enforce Board policy and statute. Staff is working hard to keep our students safe everyday and action will be taken with the people that violate policy and the law. Ms. McGarry requested a copy of incident reports regarding gang related activity; assaults on teachers and staff; and loaded guns in the schools on an on-going basis.
- Ms. Leake discussed the importance of supervisors and principals being the lead person and having knowledge of this issue; safety in our schools; and parental involvement. She would like a report on the fairness and equity of issuing discipline by school, by race, and by gender.

## **VI. REPORT FROM SUPERINTENDENT**

Dr. Gorman said over 1,000 community members participated in the Community Meetings to discuss changes to the Magnet Programs and Graduation Requirements. Staff will compile that information and provide a report to the Board. He encouraged the Board to consider an all-day Work Session to discuss Magnet Programs including recommendations and the



community feedback in early September.

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

Vilma Leake thanked CMS staff members who have helped to support the students and families living in the west side of Charlotte. She enjoyed attending twelve high school graduations and the High School Summer School graduations. She encouraged all students to stay in school. She would like a report of the number of students who started in 9<sup>th</sup> grade and graduated in four years by school, by race, and by gender. She encouraged that strong leaders be placed at all schools.

Kaye McGarry said research states that a safe environment for teaching and learning is the number one concern of teachers, staff, and students. She encouraged CMS to enforce consequences and expel criminals from the school system.

Chairperson White said the Board will now return to the recessed Closed Session meeting in Room CH-14 to discuss a personnel matter. He said the Board would return to the Open Session following the close of the Closed Session meeting to vote on any action items and to adjourn the Regular Board meeting.

**Mr. Tate moved, seconded by Ms. Griffin, that the Board recess the August 12, 2008 Regular Board meeting, and there was no objection from the Board.**

The Board recessed the Regular Board meeting at 9:12 p.m.

The Board reconvened the Regular Board Meeting at 9:55 p.m. in the Meeting Chamber of the Government Center. All Board members were present. Also present at the request of the Board were Dr. Peter Gorman, Superintendent, and Regina H. Bartholomew, General Counsel. Ms. Griffin served as Clerk to the Board.

**Ms. McGarry moved, seconded by Mr. Merchant, that the Board of Education hereby modify the contract of Regina Bartholomew in the following manner: to change the date that appears in Section 2, entitled "Licensure" from September 30, 2008 to April 30, 2009, and the Board voted 8-1 in support of the motion. Chairperson White, Ms. Griffin, Ms. McGarry, Mr. Merchant, Ms. Leake, Mr. Dunlap, Mr. Tate, and Mr. Gjertsen voted in support of the motion. Mr. Gauvreau voted against the motion.**

**Ms. McGarry made a substitute motion that the Board approve to provide Regina Bartholomew a 5% of base salary (or \$7,000.00) discretionary performance compensation bonus contingent upon and delayed until successful passing of the North Carolina Bar Examination on or before May 12, 2009, seconded by Ms. Leake, and the Board voted 8-1 in support of the motion. Chairperson White, Ms. Griffin, Ms. McGarry, Mr. Merchant, Ms. Leake, Mr. Dunlap, Mr. Tate, and Mr. Gjertsen voted in support of the motion. Mr. Gauvreau voted against the motion.**

**ADJOURNMENT**

**By consensus, the Board agreed to adjourn the meeting.**

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

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Joe I. White, Jr., Chairperson

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Nancy Daughtride, Clerk to the Board