



# WAKE COUNTY BOARD OF EDUCATION

## MEETING MINUTES

January 6, 2009

<b><u>Board Members Present</u></b>	<b><u>Staff Members Present</u></b>	
Rosa Gill, Chair	Superintendent Del Burns	David Holdzkorn
Kevin L. Hill, Vice Chair	Terri Cobb	Ann Hooker
Beverley Clark	Danny Barnes	Julye Mizelle
Eleanor Goettee	Stephen Gainey	Cathy Moore
Patti Head	Kathy Chontos	David Neter
Anne McLaurin	Marvin Connelly	Andre Smith
Ron Margiotta	Chuck Dulaney	Bev White
Lori Millberg	Lloyd Gardner	Mark Winters
Horace Tart	Donna Hargens	<b>Board Attorney Present</b>
	Don Haydon	Ann Majestic

Chair Rosa Gill called the meeting to order at 3:06 p.m. Everyone recited the Pledge of Allegiance.

### Chair's Comments

- Ms. Gill welcomed everyone to the first Board meeting of 2009. She also shared that on Monday, January 5, the Board held their first of five Public Hearings related to reassignment. The first hearing went well and additional meetings are scheduled for January 8 at Southeast Raleigh High School, January 12 at Millbrook High School, January 14 at Fuquay-Varina High School, and January 15 at East Wake High School.
- Beginning the week of January 12, the Board will begin Committee Meetings under a revised schedule. Facilities and Operations Committee will meet on January 13 at 9:00 a.m., Student Achievement will meet at 11:30 a.m., and Policy Committee will meet at 2:00 p.m. On January 14, Human Resources Committee will meet at 9:00 and Finance Committee will meet at 11:00.
- Ms. Gill announced that the first Joint Meeting with the County Commissioners is scheduled for January 21, at 337 S. Salisbury Street, however, it has not been finalized.
- On January 22, the Board will hold a work session at Wake Forest Road to discuss the Student Assignment Plan.
- Ms. Gill encouraged Board members to attend Pieces of Gold 2009 being held on Wednesday, March 4, at 7:00 p.m.

### Superintendent's Comments

- Dr. Burns welcome everyone back from the Winter Break and shared charitable endeavors sponsored by schools during the month of December.
- Dr. Burns shared that Wake Forest-Rolesville freshman Holden McLemore has been invited to the Presidential Youth Inaugural Conference during the month of January which will include attendance at the inauguration of President-elect Barack Obama. Holden has attended the Junior National Young Leaders Conference and is very active in both leadership and politics. Holden will be in Washington, D.C. the week of January 17-21 to attend seminars and meet government leaders.

- On January 3, the halftime show of the U.S. Army All-American Bowl featured Sanderson student, Phillip Knorr, and Athens Drive High School students Nicole Wright and Kerry Martin. The particular event showcases the nation's top 97 high school senior marching musicians. The event was held in the Alamodome in San Antonio, Texas.
- Dr. Burns congratulated Millbrook High School junior, Wesley Odom, who spent a week in Southern California over the holiday break. Wesley was selected to perform with the Band of America- National Honor Band at the Tournament of Roses Parade. The 300 piece select band performed at the Tournament of Roses Bandfest, Disneyland, and marched in the famous Tournament of Roses Parade.
- Wake Forest-Rolesville Middle School's Yearbook, "Great Expectations at Wake Forest-Rolesville Middle School" won 3<sup>rd</sup> place in a national yearbook competition. The yearbook won best in creativity in North Carolina and was submitted with over 1,000 of the best yearbooks from across the nation. Dr. Burns congratulated the yearbook advisor, Choral Stevens, and the students at Wake Forest-Rolesville Middle for their hard work, dedication, and creativity.
- Dr. Burns congratulated the Davis Drive Middle School Honors String Quartet who recently performed as part of the Ovations Series sponsored by the North Carolina Symphony. Eighth graders Amy Guo, Stephanie Chien, Amber Wang, and Chelsey Lin performed in the lobby of Meymandi Hall prior to the N.C. Symphony Concert.
- Dr. Burns congratulated Martin Middle School 8<sup>th</sup> grader, Emily Muth, for being chosen as Honorable Mention by People to People International Global Youth Murals project in the Middle School division for 2008. Emily's artwork, entitled, "*Revolution*", was submitted by her science teacher, Mrs. Gibson, and was judged against thousands of entries across the country. After January, it will be displayed on the People to People website.
- Two Wake County administrators have recently published research books. Dr. James Hedrick, principal at Green Hope High School, published "A Case Study: High School Desegregation", which chronicles the integration of Danville, Virginia's two high schools in the 1970-71 school year. Dr. Camille H. Hedrick, assistant principal at Lufkin Road Middle School, published, "Retaining Career Switchers", which focuses on the impact of school culture and teacher retention.
- The Lateral Entry Job Fair is scheduled for Thursday, January 15, at Wake Tech from 4:00 p.m. until 6:00 p.m. Dr. Burns thanked the Human Resources staff for making the opportunity possible.

### **Board Members' Comments**

- Ms. Head shared that the District 7 Board Advisory Council Meeting was rescheduled from January 12, 2009 to January 13, 2009 at 5:30 p.m. at Jeffreys Grove Elementary School due to the Public Hearings.

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

Ms. Gill added an Action Item to the agenda, Student Achievement- Second Month K-3 Individual Class Size Waiver Requests and Third Month K-3 Individual Class Size Waiver Requests. Ms. Millberg requested to strike "Waiver of Second Reading" from the Student Achievement Policies- Curriculum Management Policy 5100 Revisions and Program

Evaluation Policy 5600 under the Action Agenda. Mr. Margiotta requested that Item 2 under the Consent Agenda for Finance- Change Order 5: L-3 EITS Service Agreement be moved to the Action Agenda.

Patti Head made a motion to approve the amended Meeting Agenda, seconded by Lori Millberg. The motion was unanimously approved.

## **INFORMATION ITEMS**

### **1. SUPERINTENDENT'S MID-TERM REPORT**

The work to align and initiate efforts in support of the superintendent's vision and strategic directives, as well as future direction for the school system, will be presented to the Board of Education. Fiscal Implications: To be determined. Recommendation for Action: This item is being presented for information.

*Dr. Burns reported that "He was speaking during a time of economic uncertainty, but that there were many things that we can be certain about: We continue to be one of the strongest large school systems in the nation. Our teachers, staff, and administrators care deeply for, and effectively serve the children of Wake County. Parents, community leaders, business leaders, and other volunteers—who expect much of our schools—have given and continue to give much to support them.*

*In other words, we face our challenges—and I'll detail them from a position of strength, thanks to a legacy of excellence dating back to 1976 and continues to this day. I am proud to stand here before a school board and an entire community which has vowed that we will not "write off" any child... that holds to a vision that every student shall graduate on time, prepared for the future...and that believes that every child has the right to—and we have the responsibility to provide—an outstanding learning experience. Backing away from that responsibility is not an option.*

*By all indicators, we are experiencing a very serious recession. But our students' needs do not change in the middle of a stormy economy. In fact, our students' success becomes all the more critical. For years we have talked about preparing our students for a globally competitive economy, and now we can see more clearly than ever the consequences if they are not prepared to weather the storms. Our students must think critically, adapt skillfully, and learn to work together if they are to graduate on time, prepared for this uncertain future. And so must we, as educators and community leaders. We must also think critically, adapt skillfully, and work together, with our eyes on the horizon, knowing that there is much more beyond that horizon we can see.*

*Let me briefly highlight the main challenges the Wake County Public School System faces in 2009. Community expectations continue to rise. Our community believes that every child must graduate ready for a world that we can barely imagine today—one that will demand problem-solving ability and lifelong learning skills in order to be successful. Our current rate of steady performance isn't good enough, especially in light of these heightened expectations.*

*We are a high performing school system when compared with other large school districts, and I am proud of the work we have accomplished thus far. But too many of our students still are not yet in a position to graduate on time. And beyond that, state and national expectations continue to rise. Our state's reading standards have become more stringent, and because of that we have seen a decline in test scores comparable to those when math scores were re-normed two years ago. After many years of rapid climbing, in the last few*

*years we have plateaued, though at a high level compared to our peer districts. We can and we must constantly reevaluate the best approaches for helping all students reach their potential.*

*We must eliminate achievement gaps. Our efforts from the late '90s to the early 2000s narrowed the gap for thousands of students, but those farthest behind are still struggling. At this time last year, I spoke to you about some of my visits in faith communities of Wake County, sharing student performance data that revealed the persistent gaps between groups of our students. And I can tell you that even as those communities have mobilized to provide additional support for students, they also expect more of us.*

*The current economic environment means we must make hard choices. Our economy may not be growing, but our student enrollment, our need for a stronger curriculum, and the stakes for our students are growing. I know the phrase, "You must do more with less", is a cliché. But in our case it is literally true, because we in truth must be working much more effectively to better serve many more students.*

*You met the challenge of reducing our budget by over \$11 million for this year, as required by the state and requested by the county. This means we must have an even greater focus on fiscal accountability-and this also means we must identify priorities and efficiencies- which you did. I extend my appreciation to the Wake County Board of Commissioners and county manager David Cooke for working with us and identifying sufficient resources in this tough economy to maintain our building program in the short term. We are diligently moving forward together and providing our students with adequate facilities.*

*We face a stormy economic climate. That said, we know we can do anything, but we cannot do everything. That's the essence of setting priorities and remaining focused on our core business of learning and teaching.*

*When I think about our vision that every child graduates on time, prepared for the future, then I must think about the research that shows us the two vital behaviors that a student must demonstrate to achieve that vision. A child must attend school and learn the North Carolina Standard Course of Study. It seems that these are very simple behaviors, when in fact they involve complex systems of support. If we are truly committed to our vision, we must act with purpose and conviction to make these behaviors our schools' most important priority. And as I just shared, that's simple and complex at the same time. Two vital behaviors are easy to focus on; but we have more than 138,000 students with distinct individual needs and limited resources with which to meet them. The question then becomes, "how do we change our school systems' culture to promote these behaviors and achieve our vision?"*

*Why change our culture? Because we have such a diverse community, and so many individual students with distinct needs, there is no silver bullet for school improvement. Programs do not solve problems; people solve problems. We have the right people doing the right things and it is our task to influence change and remove their barriers to success. Our school system under your leadership is people-powered and purpose-driven. That is why our school system's hard work of the last thirty months on processes, relationships, and results matters so much for our students, our schools, and our community. Our goal is not uniformity or consistency; we must improve instruction in all schools, in all classrooms, for all children. The improvements we have made are not flashy and I doubt they will ever garner many headlines, but they are well grounded in research and provide the foundation for change. How we implement them as a system will ultimately determine the success that our children achieve.*

*I want to briefly share examples from this year of those types of changes and how they impact the culture of the Wake County Public School System. We are implementing team-based approaches to address learning for every child. We are bringing our employees together, sharing ideas and information as professionals to reach*

*out to children who are either striding ahead of their classmates or struggling to keep up. We are finding ways to meet our higher standards by breaking down barriers to effective learning and teaching. We are improving continuity and consistency across the school system, including Central Services. Our students and schools deserve the same quality program and the same attention to detail regardless of their location in Wake County. We are a school system, not a system of schools. As one example, we are following the Curriculum Management Audit's lead and providing more resources for new as well as veteran teachers to support their teaching of our curriculum. We want to retain and support the creative spark that our teachers provide in the teaching process, while ensuring that all students learn the standard curriculum with their teachers having the best tools we can offer them. Our central services staff continues to work as a learning team in order to support schools. Training and skill-building for our central services administrators are important aspects of our work.*

*We are bringing together disparate groups of people to share perspectives and develop common solutions. We began the process at the district level early on, when we brought parents, support staff, teachers, school administrators, and business volunteers together for purpose-driven summits. We set problems before them and found solutions that were much more elegant and effective than if those groups had worked separately.*

*We are asking administrators and teachers to accept and embrace shared leadership. In doing so, we have established significant training and support for this important organizational change, the resulting changes in the way we do business, and the impact on the culture of the Wake County Public School System.*

*New programs would not do that hard work for us, even if we had the funding to pay for them. It's up to us to provide our people with the opportunities to effect this change, build their capacity as professionals, and give them the tools to hold themselves and their teammates accountable for student success, because our people will provide the solutions. This is essential. Wake County is a strong community, and we have strong schools. But with that comes a tendency to take that achievement as a given. It requires sustained effort and purposeful action to extend our success to all students.*

*On December 2, 2008, this school board took a courageous and important step in announcing to our community that "good enough" simply isn't anymore. You adopted a comprehensive academic goal that touches our schools and students at every level, putting our vision in concrete terms and holding our entire school system accountable for fulfilling that vision. Your goal states: WCPSS students will demonstrate high academic growth; by 2014, all students will graduate on time prepared to compete globally. We are held accountable for all students, from all subgroups, achieving high academic growth. We are to bring our on-time graduation rate up to 90 percent by 2010, to 95 percent by 2012, and to 100 percent—consistent with the No Child Left Behind Act—by 2014.*

*I will report to you every year on the status of a number of leading indicators for each grade span that will let you and our community know exactly how we are progressing toward this goal. Our school system has never had such an aggressive academic goal. It will take much hard work, much rethinking of what we do, and the cultural change I've described, to achieve this goal. And I couldn't be happier and prouder that you as a Board of Education took this extremely bold step. I've been asked, "doesn't this place unreasonable pressure on teachers, principals, or the superintendent who has to answer for our progress toward this goal?" And my answer is: not at all.*

*This goal, so central to our vision of a successful school system, is a call for our entire community to come together and take responsibility for reaching it. Everyone in Wake County must be seriously engaged in this task, because as we have seen in recent months our children's futures literally depend on it. We are their*

*future, and they are ours. Our cooling economy affects all of us in Wake County—families, school, and business alike. My message to our community is this: our economy offers us no excuses for our schools' academic performance and we won't make them. We are making a significant effort to realign and overcome this challenge.*

*The 2009-2010 Superintendent's Plan for Student Success will recognize our current economic conditions. Schools, divisions, and departments will be required to prioritize and repurpose. We will concentrate our efforts to support the vital behaviors of school attendance and learning the Standard Course of Study. Meanwhile, we welcome and embrace the new academic goal reflecting our community's higher standards and expectations. We as educators will continue to learn, maximizing our use of learning teams and collaboration. Particularly at the district level, but also in our schools, we will increase our focus on cost containment and customer service. All these steps are to assure you, our community and ourselves, that we are in fact doing what we say we are doing and that we are remaining true to our vision in all our teaching and working.*

*There is no question that additional resources would accelerate our students' success. But we will move forward with the resources we are provided, and accept no excuses for results. We also know that our economy runs in cycles. Now is exactly the right time for our community to begin a serious conversation, beginning with these questions: "What do we want the Wake County Public School System to be in 2014? How do we make attainment of the Board of Education's goal for our students a community-wide focus? How will each of you help us achieve it?" And that is a conversation in which I am eager to participate.*

*I come to you each year with these midterm reports because I value accountability. I am accountable to you and our community. As a system, we are all accountable to our students and their families. We embrace accountability because our children are at the center of everything we do.*

*In 2007 the focus of my midterm report was on teaching and learning—highlighting the importance of teachers, calling for professional learning communities, and asking you for a curriculum management audit. We focused on significant, sustained improvement in our core business—in our schools, our central services departments, and our system. We focused on the critical need to retain and recruit high quality teachers-and the recently released teacher turnover report from DPI shows our rate as among the best in the state-both the one year and the five year average.*

*In 2008 we moved forward with a shift to "learning and teaching," and signaled our renewed emphasis on outcomes-based decision-making. This year, 2009, we will be building from that with a focus on leadership—for school executives and the most important leaders of all, our classroom teachers. Good teaching is good leadership, after all.*

*This focus clearly aligns with the State Board of Education's recently adopted standards for teachers, principals, and superintendents, and the evaluation instruments to follow. We will benchmark our impact on those two vital behaviors—attending school and learning the Standard Course of Study. We will continue to hold to the vision that every child graduates on time, prepared for the future, measured by your goal. We will not take that responsibility for granted. It's our community's expectation of us, and it is our expectation of our students.*

Dr. Burns thanked the Board for their dedication to learning for all students and for their commitment and encouragement to the 17,000 employees who work hard every day teaching

or supporting those who teach the 138,000 students. Dr. Burns also thanked the Board for their service to the community as elected leaders of the school system.

## **2. NAME FOR NEW ELEMENTARY SCHOOL IN RALEIGH (E-21)**

On or about October 1, 2008, the Board of Education acquired approximately 19.774 acres for use as an elementary school in the E-21 target area, with a school scheduled to open in 2011. Naming of the new elementary school facility is now requested. The following names are proposed for consideration (1) Southeast Raleigh Elementary, (2) Walnut Creek Elementary, and (3) Sunnybrook Road Elementary. Southeast Raleigh Elementary is proposed as it identifies the area of the town within which the school site is located, will help to identify the location of the site, and will help to establish a community identity for the facility. Walnut Creek Elementary is proposed because of the site's proximity to Walnut Creek, into which water from the site drains, and which is the nearest notable geographic or natural feature. Sunnybrook Road Elementary is proposed as it identifies the road from which the school will be accessed and will help to specifically identify the location of the site. Fiscal implications: None. Recommendation for action: None, as this item is presented for information only and Board approval will be requested at the second presentation to the Board.

Betty Parker presented the item to the Board. The Board made clarifying comments regarding the location of the site. Staff shared that Board approval for the name of the new elementary school would be requested at the second presentation to the Board.

Ron Margiotta made a motion to amend the Meeting Agenda to add to consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege as provided in G.S. 143-318.11(a) (3). The motion was seconded by Kevin L. Hill.

## **CLOSED SESSION**

Patti Head made a motion to go into Closed Session to consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege in G.S. 143-318.11(a)(3), to consider confidential personnel information protected under G.S. 143-318.11(a)(6) and 115C-319, to consider confidential student information protected under G.S. 115C-402 and the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g, and to establish or give instructions concerning the Board's negotiating position related to a potential acquisition of real property, as provided in G.S. 143-318.11 (a)(5). The motion was seconded by Lori Millberg. The motion was unanimously approved.

## **PUBLIC COMMENT – 4 P.M.**

*Citizens who signed up to address the board during public comment will be called on in priority order first for items on the agenda and then for items not on the agenda. Each individual speaker will be allowed three minutes for remarks. Issues or concerns involving personnel matters are not appropriate for this public comment setting. Public hearings have been scheduled for January 8, 12, 14, and 25 in order for citizens to address the Board of Education regarding student assignment matters. After 30 minutes of public comment, any speakers remaining will be recognized at the end of the agenda for their comments.*

**William Scanlon (PTA President at Bugg Elementary School)-** Mr. Scanlon spoke to the Board regarding the magnet draw area for Bugg Elementary and the addition of the Wendell School for Creative Arts and Science Magnet Program. Mr. Scanlon stated that this

issue was not a part of the reassignment plan and there was a limited opportunity for review or input from parents. Mr. Scanlon also stated that WCPSS is severely underestimating the impact that this change will have on the families at Bugg Elementary. Mr. Scanlon requested that Board instruct the Growth Management staff to revisit the draw areas and extend them further into Eastern Wake County and that the Board remove the restrictions on parents that already attend the school.

### **CONSENT ITEMS**

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

### **APPROVAL OF MEETING MINUTES**

November 18, 2008 - Board of Education Meeting Minutes  
December 16, 2008 - Committee of the Whole Meeting Minutes

### **FINANCE**

#### **1. GIFTS TO THE SYSTEM**

Forty-seven gifts have been donated to the Wake County Public School System. The approximate value of the gifts is \$29,900.00. Fiscal Implications: Not applicable.  
Recommendation for Action: No action is required.

### **STUDENT ACHIEVEMENT**

#### **1. GRANT PROPOSALS**

- Collaborative (#004309): National Science Foundation, Discovery Research K-12 / Brentwood Elementary School with NC State University, College of Engineering serving as fiscal agent.

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

### **HUMAN RESOURCES**

#### **1. RECOMMENDATIONS FOR EMPLOYMENT**

- a. Professional
- b. Support

### **BOARD ADVISORY COUNCIL NOMINATIONS**

This represents new nominations to the Board Advisory Councils. The nomination forms are attached for the Board's review and consideration. Fiscal Implications: None.  
Recommendation for Action: Board approval is requested.

### **ACTION ITEMS**

### **STUDENT ACHIEVEMENT**

#### **1. CURRICULUM MANAGEMENT POLICY 5100 REVISIONS**

The revisions to the policy address the requirement to assess students for mastery of learning objectives using both formative and summative assessment. Modifications indicate the need to assess the effectiveness of the curriculum offered through district summative assessments. Finally, the modifications indicate the need for schools to analyze

student data as part of the school improvement process. Fiscal Implications: None. Recommendation for Action: Staff is requesting approval of first reading waiver of second reading, and approval of the policy.

Marvin Connelly presented information to the Board for first reading. Mr. Connelly stated that initially 5100.5(d) adds the requirement for area superintendents to ensure that schools conduct analysis of student achievement as part of the school improvement process.

With no questions from the Board, Patti Head made a motion to approve, seconded by Ron Margiotta. The motion was unanimously approved.

## **2. PROGRAM EVALUATION POLICY 5600**

### *First Reading: Request Waiver of Second Reading*

In accordance with the Recommendation 5 of the Curriculum Management Audit, revisions to Policy 5600 (Program Evaluation) have been prepared. These have been discussed with the Student Achievement Committee of the Board and the Committee of the Whole.

The revised policy identifies specific actions that the Superintendent and the Evaluation & Research Department must carry out to ensure that programs provided to students are effective and efficient. By using a variety of procedures for conducting evaluations, including various benefit-cost analyses, the Board and the district's administration will be able to ensure that students' needs are met and that resources are being well expended. Fiscal Implication: None. Recommendation for Action: Staff is requesting approval of first reading, waiver of second reading, and approval of the policy.

David Holdzkom presented information to the Board for first reading. Mr. Holdzkom shared that in addition to the policies staff also included the R&P which includes definition of important terms as well as assignment of responsibilities to various role groups.

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

## **FINANCE**

### **1. CHANGE ORDER 5: L-3 EITS SERVICE AGREEMENT**

L-3 was chosen through an RFP process in 2005 to provide WAN/LAN network support services. An agreement was initially executed July 1, 2005. Due to unique circumstances, a change order was used to extend these services for a fourth year through June 30, 2009. An RFP will be released prior to the new expiration date in order to determine a service provider beginning July 2009. Funding was increased \$636,480.00 through operating budget to cover network support services in 2008-09. L-3 is now being asked to provide personnel to help complete network infrastructure installation and upgrade projects in order to avoid further delays in the overall schedule. Current man power provided through a separate vendor is not sufficient. \$250,000 in bond funds will be encumbered to cover anticipated invoiced amounts for these additional services. Fiscal Implications: Total amount of change order is \$250,000.00. Funding for contracted services was

planned for in the Technology Services portion of the CIP 2006 bond funds.

Recommendation for Action: Staff is requesting Board approval of change order. Bev White and Keith Cooper answered clarifying questions from the Board regarding \$250,000 was being paid from bond funds. Mr. Cooper responded that the \$250,000 from bond funds was originally set aside for network upgrades at school sites. Mr. Cooper clarified that the installations include both new sites and renovations.

With no further comments or questions from the Board, Eleanor Goettee made a motion to approve, seconded by Ron Margiotta. The motion was unanimously approved.

### **ACTION ITEMS – Cont'd**

#### **HUMAN RESOURCES**

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

Eleanor Goettee made a motion to approve the following Administrative Appointment(s):

- (1) Karen Summers, Assistant Principal at Mills Park Elementary School, to Principal at Davis Drive Middle School, effective date January 12, 2009. (Permanent position)
- The motion was seconded by Kevin L. Hill. The motion was unanimously approved.

#### **FACILITIES AND OPERATIONS**

##### **1. AGREEMENT WITH WAKE COUNTY BOARD OF COMMISSIONERS REGARDING CONSTRUCTION OF NEW SCHOOLS AND MAJOR RENOVATION OF EXISTING SCHOOLS: SECOND ADDENDUM TO SALES TAX AGREEMENT REGARDING LEASE CONVEYANCES**

Wake County Public School System (WCPSS) and Wake County staffs have reached an agreement to modify the method by which the real property interests are transferred by the Board to the County for the duration of construction projects so that the County can claim sales tax refunds from the State. This agreement is supplemental to the original Sales Tax Agreement, entered by the Board of Education and the Board of Commissioner on March 20, 2007, with the primary change being the method of title transfer being accomplished by lease rather than by deed. The lease method of transfer has been approved as effective in a ruling from NC Department of Revenue (NCDOR) staff as evidenced in communications received by Board counsel, upon which both Board and County rely. This modification to the Sales Tax Agreement will enable the Board's utilization of the master lease method of transfer to convey a leasehold interest of all Board-owned properties to the County to maximize sales tax recoupment opportunities. The County Attorney and Board Counsel have reviewed and approved a Second Addendum to the Sales Tax Agreement with respect to form and content. Upon approval of the Second Addendum by the Board of Education, the staff will bring it forward for the Board of Commissioners' consideration. A copy of the proposed Second Addendum is attached. Fiscal implications: The fiscal benefits from a change to the lease method of property interest transfer include: 1) maximized sales tax recovery of all properties, regardless of the size of the capital project; 2) savings of WCPSS staff time to generate accurate property descriptions to support deed recordation and time required for changing construction related documents; 3) efficiency and staff time savings for WCPSS finance department by having all properties treated in the same manner for sales tax

purpose; and 4) related efficiency and staff time savings for County staff.  
Recommendation for action: Staff requests Board approval.

Betty Parker presented information to the Board. Ms. Parker shared that she would reference the lease as well during her presentation. Ms. Parker shared that she received a call from the county staff prior to her arrival at the Board meeting and found that there is one last section that is being finalized and anticipate having a resolution by the end of the week. Staff respectfully requests approval of the two items subject to finalization and approval of the documents by Board counsel.

Ms. Parker stated that revisions were encapsulated in one area, Section IV (Tenant's Covenant). Under the lease agreement, the county becomes the tenant of the school Board. The county wants to be assured that the section on Tenant's Covenant as closely as possible to what is actually happening rather than leaving the standard language. There is a substantial clause in the commercial lease regarding indemnity. The county's position is that statutorily they can not agree to indemnification, and reciprocally the Board's indemnity language will be removed.

Ms. Parker clarified that all of the properties previously transferred under the Sales Tax Agreement will return to the Board of Education contemporaneously with the execution of the lease.

With no further comments or questions, Patti Head made a motion to approve subject to finalization and approval of the addendum by Board counsel. The motion was seconded by Kevin L. Hill. The motion was unanimously approved.

## **2. AGREEMENT WITH WAKE COUNTY BOARD OF COMMISSIONERS REGARDING CONSTRUCTION OF NEW SCHOOL AND MAJOR RENOVATION OF EXISTING SCHOOLS: APPROVAL OF MASTER LEASE CONVEYANCES METHOD**

Wake County Public School System (WCPSS) and Wake County staffs have reached an agreement to modify the method by which the real property interests are transferred by the Board to the County for the duration of construction projects so that the County can claim sales tax refunds from the State. This agreement is supplemental to the original Sales Tax Agreement, entered by the Board of Education and the Board of Commissioner on March 20, 2007, with the primary change being the method of title transfer being accomplished by lease rather than by deed. The lease method of transfer has been approved as effective in a ruling from NC Department of Revenue staff as evidenced in communications received by Board counsel, upon which both Board and County rely. The County Attorney and Board Counsel has reviewed and approved a master lease with respect to form and content. This master lease will convey a leasehold interest of all Board-owned properties to the County. Simultaneously, with the conveyance of the master lease, the County will reconvey, by special warranty deed, all real property previously conveyed to it pursuant to the Sales Tax Agreement. Fee simple title will thereafter be held by the Board, subject to the leasehold interest conveyed to the County by the master lease as is necessary for sales tax recoupment claims. Upon approval of the lease by the Board of Education, the staff will bring it forward for the Board of Commissioners' consideration. A copy of the proposed master lease is attached. Fiscal

Implications: The fiscal benefits from a change to the lease method of property interest transfer include: 1) maximized sales tax recovery of all properties, regardless of the size of the capital project; 2) savings of WCPSS staff time to generate accurate property descriptions to support deed recordation and time required for changing construction related documents; 3) efficiency and staff time savings for WCPSS finance department by having all properties treated in the same manner for sales tax purpose; and 4) related efficiency and staff time savings for County staff. Recommendation for Action: Staff requests Board approval.

After a clarifying question from the Board regarding the indemnity issues related to the Master Lease, Patti Head made a motion to approve subject to finalization approval of the Master Lease by board counsel. The motion was seconded by Kevin L. Hill. The motion was unanimously approved.

## **STUDENT ACHIEVEMENT**

### **1. SECOND MONTH K-3 INDIVIDUAL CLASS SIZE WAIVER REQUESTS**

Chapter 4, section III B of The School Attendance & Student Accounting Manual states in part

- Local boards of education are responsible for assuring the class size and teacher daily load requirements set forth in G.S. 115C-301 are met.
- The superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he/she shall make a report to the next local board of education meeting.
- The local board of education shall take action to meet the requirements of the statute (*area superintendents have worked with individual schools to correct all overages to the extent possible*). If the local board cannot organizationally correct the exception and if any of the conditions set out below are met; it shall immediately apply to the State Board of Education for additional personnel or waiver from the standards set above.
- Within 45 days of receipt of the request, the State Board, within funds available, may allot additional positions or grant waivers for the excess class size or daily load if the exception resulted from exceptional circumstances, emergencies, or act of God; large changes in student population; organizational problems caused by remote geographic location; or classes organized for a solitary curricular area and if the local board cannot organizationally correct the exception. Fiscal Implications: None. Recommendation for Action: Board approval is requested to submit K-3 class size waivers to the State Board of Education.

Danny Barnes presented information to the Board. Mr. Barnes shared several reminders with the Board that area superintendents work with school principals to the extent possible to correct any overages however, by the end of the second month of school when the first waivers are due it is difficult to redistribute students and create new classrooms. Other factors that are considered are restrictions that can posed on the year round calendar such as keeping students on the same track as their siblings; and sometimes the inability to adjust class sizes across tracks.

After following a procedure that was put in place in March 2008 with the Department of Public Instruction (DPI), staff was advised by DPI in December 2008 that the previous resolution had expired and that DPI did not recognize the report in place of a request for an individual class size waiver. Staff was advised to go back and submit the waivers to the Board of Education for approval so that staff could submit the waivers to the State Board of Education for their consideration.

After several clarifying comments and suggestions, Beverley Clark made a motion to approve, seconded by Eleanor Goettee. The motion was unanimously approved.

Beverley Clark made a motion to authorize staff to send a letter requesting that the operative procedures of the prior year be applicable in the current year. The motion was seconded by Patti Head. The motion was unanimously approved.

## **2. THIRD MONTH K-3 INDIVIDUAL CLASS SIZE WAIVER REQUESTS**

Chapter 4, section III B of The School Attendance & Student Accounting Manual states in part

- Local boards of education are responsible for assuring the class size and teacher daily local requirements set forth in G.S. 115C-301 are met.
- The superintendent shall immediately determine whether the requirements have in fact not been met. If the superintendent determines the requirements have not been met, he/she shall make a report to the next local board of education meeting.
- The local board of education shall take action to meet the requirements of the statute (*area superintendents have worked with individual schools to correct all overages to the extent possible*). If the local board cannot organizationally correct the exception and if any of the conditions set out below are met; it shall immediately apply to the State Board of Education for additional personnel or waiver from the standards set above.
- Within 45 days of receipt of the request, the State Board, within funds available, may allot additional positions or grant waivers for the excess class size or daily load if the exception resulted from exceptional circumstances, emergencies, or act of God; large changes in student population; organizational problems caused by remote geographic location; or classes organized for a solitary curricular area and if the local board cannot organizationally correct the exception. Fiscal Implications: None.  
Recommendation for Action: Board approval is requested to submit K-3 class size waivers to the State Board of Education.

With no questions from the Board, Beverley Clark made a motion to approve, seconded by Eleanor Goettee. The motion was unanimously approved.

The Board recessed into Closed Session at 4:39 p.m.

### **RECOGNITION- 6 P.M.**

#### **SPOTLIGHT ON STUDENTS**

Twenty-one students will be recognized as Spotlight on Students award winners.

Eric Sparks presented each student for recognition. Ms. Gill thanked the students and their supporters for sharing in the special occasion. The students were commended because they make a difference in their school and community. Ms. Gill congratulated the students and thanked them for serving as a role model in their school community.

Patti Head made a motion to offer to purchase and contract David M. Mattis and Margaret A. Mattis for E-24, seconded by Lori Millberg. Ron Margiotta stated his objection to the purchase due to the price. The board voted 6 to 2 with Horace Tart, Patti Head, Lori Millberg, Kevin L. Hill, Eleanor Goettee, and Anne McLaurin voting “yes”, and Ron Margiotta and Beverley Clark voting “no”. The motion passed.

### **ADJOURNMENT**

With no further business coming before the Board, Patti Head made a motion to adjourn, seconded by Lori Millberg. The meeting adjourned at 6:28 p.m.

Respectfully submitted,

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Rosa U. Gill, Chair, Wake County Board of Education

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Del Burns, Superintendent, WCPSS

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Melissa R. Christmas, Recording Secretary