

**MINUTES
DURHAM PUBLIC SCHOOLS
BOARD OF EDUCATION
November 21, 2019**

Durham Public Schools Board of Education held its regular monthly Board of Education Meeting on Thursday, November 21, 2019, at approximately 6:33 p.m. in Room 307 at 511 Cleveland Street, Durham, NC.

Board Members Present: Mike Lee (Chair), Bettina Umstead (Vice Chair), Steven Unruhe, Xavier Cason, Matt Sears, Minnie Forte-Brown, and Natalie Beyer

Administration Present: Pascal Mubenga (Superintendent), Dr. Nakia Hardy (Deputy Superintendent of Academic Services), Julius Monk (Chief Operating Officer), and William “Chip” Sudderth III (Chief Communications Officer).

Attorney Present: Rod Malone

Recorder: Nicole Smith, Board of Education Executive Assistant

Call to Order: Chair Mike Lee called the meeting to order then asked for a moment of silence.

Spanish Translator Present:

The interpreters were Martha Gensemer-Ramirez and Martha Romo-Urgiles. Ms. Gensemer-Ramirez is an ESL teacher at Jordan High School and Durham School of the Arts. Ms. Romo-Urgiles is also a Durham Public Schools ESL teacher and has a Masters in TESOL. She has 35 years of experience that includes 17 years of teaching and interpreting in the United States.

Be Our Guest Dinner Invitees

- **The Be Our Guest invitees for November 21, 2019:**
 - To meet the goals set forth by the Strategic Plan and to align the Be Our Guest Dinner to the mission and vision of Durham Public Schools, this dinner provides an opportunity for internal and external stakeholders to meet with the Board of Education members. They meet in a small group, casual setting to discuss how Durham Public Schools and the community can work together to ignite the limitless potential of our schools, staff, and students.

We recognized the following parents representing a variety of schools:

- Deborah Adams, W.G. Pearson Elementary School
- Evelyn Parker, Carrington Middle School
- Jen and Ian Meldrum, Jordan High School
- Teaura Parker, Eno Valley Elementary School
- Tiffany Foster, Holt Elementary School
- Audra Simpson, Durham Council of PTAs
- Crystal Reed, W.G Pearson Elementary School
- Taquoia Street, W.G. Pearson Elementary School
- Christine Smith Taylor, Southwest Elementary School

3. Celebrations

- **Students of the Month for October:**

- Samia Powell is a sophomore at Hillside New Tech High School.

- **Special Recognition to finalist for Durham Public Schools Principal of the Year and the winner for 2020.**

- Recognized 2020 Principal of the Year finalists:
 - Dr. Sheldon Lanier, Brogden Middle
 - James Hopkins, Lakewood Elementary
 - Dr. Gloria Woods-Weeks, J.D. Clement Early College High

Dr. Nakia Hardy, Deputy Superintendent of Academic Services, announced Dr. Jackie Tobias, City of Medicine Academy, as the 2020 Principal of the Year. She has led her school to six year in a row of 100 percent graduation rates and continuous double-digit academic growth. The school's theme for this year is "Education is Personal at CMA". Dr. Tobias received the district's gratitude and a token of appreciation.

- **Special Recognition to Durham Public Schools Arts Department:**

- Dr. Debbie Pittman, Associate Superintendent of Specialized Services, recognized Joseph Walker, Art Teacher at Durham School of the Arts for being named the North Carolina Eastern Regional Orchestra Teacher of the Year by the North Carolina Music Educators Association. Mr. Walker is in his first year serving as an Orchestra Director at Durham School of the Arts, but has taught orchestra for 10 years in Onslow County at Southwest Middle School and Southwest High School.

- **Special Recognition to Sandra Clemons-White, Former Executive Assistant to the Board of Education:**

- Mike Lee, Board Chair, presented flowers and Spark pin to Sandra Clemons-White thanking her for her service and support to the Board of Education for the past few years.

- **Special Recognition to Spark pin recipients:**

The DPS Office of Public Affairs launched a recognition PINNING initiative to acknowledge both internal and external stakeholders who exhibit the Spark-like characteristics. This group of people are influencing, marketing, and engaging our community and schools to "Ignite the Limitless Potential of DPS".

Spark Advocates

- Carolyn Kreuger, Kids Voting of Durham County
- Jessica Perrin, Durham County Soil and Water Conservation District

Spark Supporters

- Kyle Yearby, IT
- Gavin Bell, IT
- Erik Clark, Lakewood Montessori Middle

4. Superintendent's Update

Dr. Pascal Mubenga acknowledged he's been Superintendent for two years and is grateful for the opportunity to be here and is excited to see the work that is being done come into fruition. He reported that Governor Roy Cooper visited Brogden Middle School. He engaged with the staff, mainly teachers, to ask what's to their liking and anything needed to conduct their jobs effectively. Pictures taken during the visit are on social media.

In addition, he advised that work is being done on the local level to provide teachers and classified staff with a small increase before the holiday break. There is a plan in motion that will be communicated with the staff in the very near future.

His final update included information from the Joint Board of County Commissioners and Board of Education meeting held on November 12, 2019. The district has grown over 500 students and more are expected in the future. Additional schools are needed to support this growth and the Board of County Commissioners have committed to building a new Northern High and Elementary School C. Elementary School F will continue to be discussed in the next meeting. We are moving forward with building the new Northern High School and Elementary School C. He then wished everyone a Happy Thanksgiving.

5. Agenda Review and Approval

Steve Unruhe asked to have a brief conversation regarding the December meeting schedule. Natalie Beyer asked about adding the Resolution from NCSBA but there were no copies included in the meeting packet. Mike Lee and Steve Unruhe agreed to talk about the December meeting schedule (item 9.5) before the closed session. Copies of the Resolution were made and distributed and the board agreed to add it the agenda (item 9.4) before discussing the December meeting schedule. Natalie moved that the Agenda Review be approved as amended. Bettina Umstead seconded. The amended Agenda Review passed unanimously.

6. Board of Education Meeting Minutes dated October 24, 2019

Xavier Cason moved to approve the minutes dated October 24, 2019. Steve Unruhe seconded, and the motion passed unanimously.

7. General Public Comment

Four people signed up for General Public Comment. Mike Lee advised each speaker has three minutes. There are more speakers signed up for the other agenda topics.

- 1. Floyd Borden (Parent) presented concerns with an issue he's encountered with sports at the base schools not accommodating female athletes due to low interest numbers. He's spoken with the Athletic Director as well as a representative from the State. He would like to know what the next steps are because his daughter would like to play a sport that is not offered at her school. He feels as though he is not getting any answers to help alleviate the problem and is asking to have a conversation with the board as suggested by David Hackney, District Director of Athletics, in an attempt to work through a solution.*

Mike Lee asked the parent to speak with Dr. Debbie Pittman to initiate the conversation towards a solution.

- 2. Vontonya Borden (Parent) shared many of the same sentiments as her husband. She added that being a woman with a daughter who is not allowed to play her favorite sport, lacrosse, because her base school doesn't offer it is unheard of. Most children are not afforded the financial advantage to play sports in a club and rely on participation in school athletics with the hopes of advancing to the college level. Not offering some sports can hinder students from being awarded sports scholarships. She asked that the guidelines be reviewed so changes can be made for female athletes wanting to play a desired sport.*
- 3. Yasha Kulkarni (Duke's C.S. By Us Team) is member of this organization commissioned by NCDPI to create the first computer science curriculum for North Carolina schools all over the state. Their goal is to gain community feedback before implementing the curriculum (students, faculty and parents) in order to determine what will work in the best interest of the students. They have been piloting some lesson plans in afterschool programs like the Boys and Girls Club with 5th graders. Their goal is to expand the pilot introduction in schools all over the state. She encouraged meeting attendees to provide feedback and visit their website, www.csbyus.org.*
- 4. Brian Calloway (Former DPS Employee) shared his concerns regarding a \$100,000 overpayment to the custodial contract. He previously requested an investigation and feels as though the employees were not receiving raises or retroactive pay for the past three months and some were paid as low as \$8.00 per hour. He also stated once he made his supervisors aware of the overpayment, he was told it was "out of his area". He expressed his disapproval regarding a couple of board member's actions.*

8. Consent Items

- a) Agreement to Grant Duke Energy Access to R.N. Harris Elementary to Upgrade Utility Infrastructure Servicing Durham Tech Campus
 - b) New Policy 6560 – Disposal of Surplus Property
- There was one speaker signed up for comment.

- 1. Brian Calloway (Former DPS Employee) shared administration allegedly received a free set of tires put on a vehicle that was purchased from surplus and subsequently admitted at a later time. He expressed his concern about creating a good policy and ensuring implementation. However, he is in support of this new policy.*

Bettina Umstead moved to accept the two consent items on the agenda. Minnie Forte-Brown seconded, and the motion passed unanimously.

9. Operational Services

- a) Update on Unbudgeted County Appropriation for Capital Improvement and Deferred Maintenance Projects

Julius Monk (Chief Operating Officer) provided an update firstly stating that during the September 12 meeting the board approved \$6.5 million and authorized staff to receive that

funding from the County with a list of projects after discussion with the County and its bond council, several projects totaling \$989, 626 did not meet the qualifications for limited obligation bonds so additional projects totaling \$989, 626 had to be identified. Staff is requesting authorization to revisit the County with the new list of projects (2019-2020 Supplemental Capital Improvement Projects List).

Natalie Beyer advised she and Xavier Cason had the opportunity to review the list and have a concern regarding not yet identifying a funding source for the initially presented projects that did not meet the qualifications. She feels as though the projects are still needed, specifically the playground work. It highlights the need for maintenance and new construction money.

Bettina Umstead moved to approve the request for authorization to revisit the County with the new list of projects (Supplemental Capital Improvement Projects List). Xavier Cason seconded and the motion passed unanimously.

- b) Transfer of 2016 Bond Funds from New Northern High School Project Ordinance to Create New Elementary School C Project Ordinance

Julius Monk stated that during the Joint Board of County Commissioners and Board of Education Meeting on Tuesday, November 12, 2019, the board reached agreement to move forward with construction of Elementary School C using 2016 bonds funds currently designated for the New Northern High School Project. Therefore \$39,611,923 will need to be transferred from the New Northern High School Project Ordinance to the Elementary School C Project Ordinance. The remaining balance for the New Northern High School Project Ordinance will be \$4,968,149. We are in possession of 100 percent construction drawing for the New Elementary School C Project and the site plan approved by Durham City-County Planning Department as of December 2018 (remains valid for 5 years). Davis Kane architects will complete their review of existing construction documents using the 2018 building code in January 2020. We will be able to begin the bid process in March 2020 anticipating construction in May 2020 and opening to student in August 2022.

Staff recommendation is to approve transferring \$39,611,923 from the New Northern High School Project Ordinance to a New Elementary School C Project Ordinance and authorize the staff to request the Board of County Commissioners to establish a project ordinance for the New Elementary School C using 2016 bond funds from the New Northern High School Project Ordinance.

Mike Lee stated that Northern families (him included) should be reassured that this action does not slow down any construction for the new building. He referred back to the Joint Board of County Commissioners and Board of Education Meeting on November 12 stating that the funds asking to be transferred will be replaced/replenished. Performing this action allows the district to begin construction of the New Elementary School C building. The County has added the construction of the new Northern High School into their capital improvement plan which was voted on in June 2019. The funds are there and will be allocated

to proceed with constructing the new building very soon.

Natalie Beyer appreciated the clarification and the advocacy that was brought resulting in constructive work. She would like, if possible, for a document to be drafted and signed by each county commissioner reflecting that commitment as reassurance. Mike Lee agreed and contact Wendy Jacobs, Chair of the Board of County Commissioners, in an attempt get that process started. Minnie Forte-Brown asked that Julius Monk draft the document specifying/detailing what we need then get the proper signatures from the county.

Xavier Cason added that the children who will attend the new Elementary School C or the new Northern High School are not just our children. He is proud the two boards really made a commitment to work together for the good of our children and schools.

Steve Unruhe expressed concern and asked Julius Monk to review the reasons why we need an Elementary School F and maintenance funds prior to 2022. Julius Monk explained that elementary school enrollment numbers have increased dramatically, especially in the southern part of the county. DPS already owns property in that area and the prime location is advantageous to relieve some of the pressure present in seven of the elementary schools in that area. Additional maintenance funds are needed because capital improvement monies are typically used to build new additions and make renovations. Monies are not used to change oil in HVAC units, change filters, etc. There will be major wear and tear on existing building and the requested funds will go towards addressing the necessary renovations to prevent property depreciation. It also places the district in a precarious position when deferred maintenance planning is not in place.

Natalie Beyer asked for clarity regarding where Elementary School C and F are located. Julius Monk stated site C is on Scott King Road and site F is at the corner of Roxboro Street and Martin Luther King Parkway.

Mike Lee then asked for a motion to approve. Matt Sears moved to approve the transfer of 2016 bond funds from the New Northern High School Project Ordinance to create New Elementary School C Project Ordinance. Minnie Forte-Brown seconded and the motion passed unanimously.

c) Review of DPS Staff Recommendations for Fall 2020 DPS Elementary and Middle School Boundary Adjustments

There is was one speaker signed up for comment.

1. *Warren Kinghorn (Parent): His children attend Githens Middle School and Forestview Elementary School. They live west of Cornwallis Road and west of 15-501. He appreciates the hard work being done on the project. He is pleading with the board not to split his family off from the nearest neighbors during the zoning process. He referred to a map (distributed to the panel by him) showing his residence. He stated to his knowledge they are the only family that sends their kids to a DPS school. He then referred to printed tables (distributed to the panel by him) showing school level enrollment and capacity utilization and student-level diversity implications in an effort to dispel the notion that moving the boundary will make a difference.*

Julius Monk stated DPS administrations presented adjustments for Creekside and Parkwood Elementary as well as Githens and Brogden Middle Schools boundaries on October 24. The recommendations will take effect during the 2020-2021 school year. Additional boundary scenarios were requested in the last meeting with focus on operation impacts particularly transportation. During the November 7 public hearing, he stated that there were parents who expressed with the proposed boundary adjustments. He asked Matt Palmer to review the recommendations done so far, responses to the public hearing and state the recommendations for approval.

Matt Palmer stated there have been many hours spent in efforts to reflect fairness and commitment in moving forward with the boundary adjustment. He added, by looking at growth and equity in DPS, the planned approach is respectful engagement, listening to understand, building trust in the planning process and igniting hope in Durham's shared future. He shared the dates of the public forums and when DPS staff made recommendations as well when the public was afforded the opportunity to share their concerns. He then provided data to support the administration's recommendation to either of the following scenarios. Scenario 1 is the 751 boundary and west of 15-501. Scenario 2 being a natural boundary following Cornwallis Road.

Chair Mike Lee expressed that this was not an easy decision, but has confidence in the board members. He asked for a motion to proceed. Steve Unruhe made a motion to accept the administration recommendation of scenario 1 which is the student reassignment plan for Githens Middle School and Creekside Elementary School which is the 751 boundary and west of 15-501. Natalie Beyer seconded the motion and Chair Mike Lee opened the floor for board discussion.

Following board discussion, the motion passed 4 to 3 (Mike Lee, Bettina Umstead and Minnie Forte-Brown voted against the motion).

9.4. Resolution: Fines and Forfeitures

Board members took turns reading the following resolution.

Resolution Urging the State to Take Action to Remit Civil Penalties Unconstitutionally Withheld from North Carolina's Public Schools

Whereas, the North Carolina Supreme Court ruled that under Article IX, Section 7 of the NC Constitution that the public schools are entitled to the clear proceeds of specific civil penalties collected by various state agencies, including the Department of Revenue (DOR), Department of Transportation (DOT), the campuses of the University of North Carolina (UNC), the Department of Commerce (DOC), the Employment Security Commission (ESC), state owned psychiatric institutions in the Department of Health and Human Services (DHHS), and the Department of Environment and Natural Resources (DENR, now DEQ); and

Whereas, in 1997, the General Assembly created the Civil Penalty and Forfeiture Fund in G.S. 115C-457.1 and provided that the clear proceeds of all civil penalties collected by state agencies should be paid into the fund; and

Whereas, in 2008, the NC Superior Court upon remand from the NC Supreme Court ruled that state agencies were in clear violation of the State Constitution by improperly withholding \$747,883,074 that should have been paid to the Civil Penalty and Forfeiture Fund from January 1996 through June 2005; and

Whereas, the 2008 court order lists the amount to be paid by each state agency to public schools: DOR \$583,340,162; DOT \$104,071,323; UNC \$42,368,982; ESC \$18,017,467; DHHS \$53,955; DOC \$10,404; DENR/DEQ \$20,781; and

Whereas, the legislature declared that such funds should be used exclusively for school technology and appropriated to the individual public-school units on a per pupil basis; and

Whereas, public school units are in dire need of additional technology funding; and

Whereas, according to the Department of Public Instruction (DPI), only 38% of North Carolina's 115 local school districts in 2018-19 reported having achieved the State's 4-year replacement goal for student devices (Chromebook, iPad, laptop, etc.); and

Whereas, more than 30% of school districts in 2018-19 reported having no resources budgeted for replacement devices; and

Whereas, investing in current technology is necessary to achieve a 21st century education that utilizes innovative, collaborative, and learner centered experiences; and

Whereas, since 2008, the public schools have received only \$18.1 million, approximately 2.5% of the total amount owed; and

Whereas, the defendants have not fulfilled their constitutional obligation to make up for the remaining \$729,699,823 that was diverted from public schools; and

Whereas, based on an initially allotted ADM by DPI, \$15,242,973 is the amount that DPS would generate as its portion of the remaining \$729,699,823, and

Whereas, on March 6, 2019, a consent order was entered to extend the enforceability of the existing unpaid 2008 judgement to prevent it from expiring; and

Whereas, the plaintiffs have tried to work with state leaders for almost fifteen years to find an amicable resolution to this matter; and

Whereas, the plaintiffs continue to seek a win/win outcome and remain willing and ready to work on a mutually beneficial resolution.

Therefore, be it resolved that Durham Public Schools Board of Education respectfully requests the General Assembly to approve during its January 2020 session a multiyear plan to pay the remaining \$729.7 million judgment for civil penalties that should have gone to public school units for school technology but were diverted to other purposes in violation of the North Carolina Constitution.

Minnie Forte-Brown encouraged the public to make calls and send letters to the legislatures regarding the \$15 million owed to DPS.

Steve Unruhe made a motion to approve the Fines and Forfeitures Resolution. Natalie Beyer seconded and it passed unanimously.

9.5. December Board Meeting Schedule

Steve Unruhe expressed concern regarding asking staff to come to a meeting on December 19 as it is too close to the holiday. He suggested canceling the December 5 and 19 meeting and only having one meeting that month on December 12. Matt Sears motioned to support Steve Unruhe's suggestion. Natalie Beyer seconded and it passed unanimously.

11. Closed Session

At approximately 8:45 p.m., Bettina Umstead moved to go into Closed Session for the reasons stated on the agenda. Natalie Beyer seconded, and the motion passed unanimously.

Reconvened Open Session

The open session reconvened at approximately 9:17 p.m.

Dr. Pascal Mubenga stated he is seeking approval for Personnel Reports as discussed in closed session.

Natalie Beyer moved approval of the Personnel Reports for November 21, 2019. Minnie Forte-Brown seconded, and the motion passed unanimously.

12. Adjournment

Having no further business, the meeting adjourned at approximately 9:18 p.m.



Mike Lee, Chair
Board of Education



Pascal Mubenga, PhD
Superintendent