

March 23, 2010

Dear Chairman Margiotta:

On behalf of a coalition of civil rights organizations and advocates statewide concerned with the Wake County School Board's continuing disregard for its own policies and procedures, we strongly encourage you to reconsider your last minute changes to the procedures for the Wake County Board of Education and the Board's Committee of the Whole meetings on Tuesday, March 23, 2010. These changes will unfairly prevent many parents and other members of the public from attending the meetings and violates the spirit and the letter of the North Carolina Open Meetings Law, N.C.G.S. 143-318.10(a).

As a political subdivision of the state of North Carolina, the Board exists solely to conduct the people's business, and, as current chairman of the Board, you have a duty to ensure that all hearings, deliberations, and actions of the Board be conducted openly.

The Open Meetings Law states that "each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting." Excluding members of the public from the Committee of the Whole meeting violates the letter of the law. The proposed procedural changes for Tuesday's general meeting (including issuing tickets for admission to the Board's general meeting, limiting time for public comments to 2 minutes per speaker, requiring ticket holders to remain in the building for hours on length to avoid forfeiting their tickets) violate the Open Meetings Law. The Board provided minimal and ambiguous public notice of these changes less than 24 hours prior to the beginning of these meetings, clearly in violation of the 48 hour good faith notice provision under state law. Furthermore, as you are certainly aware of the tremendous groundswell of interest in attending these meetings, it is unconscionable that the Board would erect these boundaries to prevent and curtail the full democratic participation of the engaged voters of Wake County.

If, as the News and Observer reported this morning, "barriers will be erected around the dais where board members sit to prevent the public from walking up to them," this is yet another example of the Board's unwillingness to conduct its business in public. Debra Goldman said the barriers will help protect "confidential paperwork" on members' desks. Unless the board is dealing with a student discipline matter or the like, there is no such "confidential paperwork" in an open meeting of a public body that a member would have on his or her desk.

Under state law, a public body may move a meeting to an alternate site if members of the news media request larger accommodations to facilitate news coverage. Following the sizeable turnout for the March 2nd Board meeting, the Board was on notice of the interest in this issue and should have taken measures to be good stewards of the democratic engagement of the public and relocated today's meeting to one of the ample alternative venues available in Wake County (e.g. any high school gym or auditorium in Wake County). The Board has an obligation under the Open Meetings Law to take reasonable steps to attempt to make the meeting "public" to everyone who wants to attend. Your failure to take such measures is yet another violation of the public's trust and of your own policies and procedures, as well as the procedural rules governing North Carolina's public bodies and elected officials that you and many of your fellow Board members have been committing since December 1, 2009.

Finally, was there any discussion about moving today's meetings to a larger venue in order to accommodate the public's right and desire to attend their own government meetings? Why can't the work session simply be moved into the Board room? Please advise.

We strongly urge you to relocate today's meetings to a larger venue in order to accommodate the members of the public who wish to attend.

Respectfully,

Julius L. Chambers, Director
Mark Dorosin, Senior Managing Attorney
Benita Jones, Education Fellow
UNC Center for Civil Rights

Al McSurely, Esq.
Irv Joyner, Esq.
NAACP North Carolina State Conference

Dhamian Blue, Volunteer Attorney, Raleigh-Apex NAACP

Katy Parker, Legal Director
ACLU of North Carolina

Lewis Pitts, Managing Attorney
Advocates for Children's Services, Legal Aid of North Carolina

Bill Rowe, General Counsel/Director of Advocacy
NC Justice Center

Anita Earls, Executive Director
Allison Riggs, Staff Attorney
Southern Coalition for Social Justice