

January 13, 2011

Mark A. Elgart, Ed.D
President and CEO
AdvancED
2520 Northwinds Parkway, Suite 600
Alpharetta, GA 30009

**Re: AdvancED's Special Review Team's Investigation of Rev. Barber's
Complaint Against WCPSS**

Dear Dr. Elgart:

We are writing at the direction of the Wake County Board of Education, in the spirit of continued cooperation, to seek clarification and place reasonable conditions on the scope and procedures for your pending review. The Board welcomes your continued role in reviewing and accrediting our schools and does not wish to be put in a position to have to withdraw from the AdvancED review process. However, the Board feels strongly that the process of your review must be fair and directly related to the accreditation of our schools. This response is being submitted consistent with your request that the Board provide you a reply before the end of business today.

The school system enjoys a stellar and longstanding history of accreditation for its high schools dating back well over 70 years. During this time, SACS conducted over 100 individual reviews of our high schools, and no Wake County high school has ever been denied accreditation. The school system has always extended the utmost cooperation during these reviews, having welcomed feedback as a part of its commitment to continuous improvement. These reviews, to the best of the school system's knowledge, have always focused on the academic rigor of the high schools themselves. The reviews have not included mandatory interviews with Board members. The reviews have shown what we all know—that our high schools unquestionably meet the criteria for accreditation.

The hope is that you will take into account this critical background--this reasonable operating understanding--as you consider this letter and the Board's perspective. It is reasonable for the Board to question a review that dramatically departs from this long history and appears to challenge the province of the Board as elected officials to make decisions and to adopt policies it determines to be in the best interest of the students here in Wake County. It is reasonable for the Board to question whether AdvancED will conduct special reviews of any and all aspects of the school system, however unrelated to the quality of its high schools and however entangled in separate legal matters, anytime it receives a complaint. It is reasonable for the Board to question a review process that for the first time mandates interviews with all Board members without the members or staff members having the basic opportunity to have active legal representation. This is especially true when the school system is responding to, in effect, the same complaint now before the Office for Civil Rights, by the same Complainant.

As the Board has faced and made hard decisions, it has afforded the public opportunities to be heard; it has been rigorously reviewed by the media; and it has been subject to legal challenges in court and elsewhere. The Board will continue to address these challenges and to explain its heartfelt and genuine efforts to bring about positive change for the students of Wake County. The Board's perspective, however, is that your review process—which should be about the quality of high schools—is not the appropriate forum for the Board to respond to an outside complaint from an organization that has a clear philosophical disagreement with certain decisions and policies of the Board.

Given the school system's unblemished history with accreditation and the Board's legitimate concerns about the scope and procedures for the pending review, the Board's communication with AdvancED about this review has been extraordinarily cooperative. SACS provided the school system with Rev. Barber's complaint and asked for a response. The school system did not refuse to respond; rather, Dr. Hargens sent a detailed, four page, item-by-item response refuting the complaint and attached numerous supporting exhibits (over two inches of documentation). Instead of withdrawing your review at that point, you sent a letter to Dr. Hargens stating that "a Special Review Team needs to conduct a visit to determine whether the **actions** of the Wake County Public School System are negatively impacting the ability of the schools in Wake County to meet the AdvancED Standards and Policies for accreditation." This letter did not say that you need to review the Board's process for making decisions—but that you need to review the Board's actions. The letter included 12 requests for documents and information. The school system did not refuse to comply, but through counsel sent a letter, complete with additional attachments, raising concerns about the scope of the review and asking basic, reasonable questions, such as: which of Rev. Barber's allegations are unresolved; what allegations are under review; how are your continued information requests connected to the standards for high school accreditation; and how will the special review process be conducted. This letter, dated September 8, 2010, asked questions and sought clarification—it did not threaten to withdraw or refuse anything. Unfortunately, in your response, which once again noted that you were reviewing the actions (not process) of the Board, your legal counsel accused the Board of being "openly defiant." Asking basic and fair questions should never be mistaken as being defiant and uncooperative, and such an accusation was not in keeping with notions of constructive dialogue and collegiality that you have espoused. In the face of this accusation, and in the absence of any constructive response from you responding to the school system's questions, the Board did not withdraw and did not refuse anything, but rather sent another letter through counsel stating the "Board continues to hope for a collegial process and will provide the records that you have requested." The letter continued to note the Board's objections to the scope of the review and reiterated the request for detailed responses from you as to questions about the review. Following this letter, on September 30, 2010, Dr. Hargens provided you another detailed response complete with voluminous attachments (3 inches of documents). This letter refused nothing and was another example of cooperation.

You are fully aware of the subsequent communications—all following this same pattern. You did not respond to the school system's questions and stated that the interviews with staff and the Board members would be done without legal counsel. The school system through counsel specified certain basic conditions for the review. You eventually agreed to allow attorneys to be silent observers but continued to deny Board members the opportunity for active legal representation. You provided a list of topics under review that remain outside the scope of a high school audit. You invited the Board to withdraw its accreditation and criticized the school system for its "attitude and resistance." Further, recall that we have specifically cooperated with regard to your request for interviews. We went as far as having a detailed schedule of interviews for Board members and staff. The Board Chair, Superintendent, and counsel flew to your place of business in an effort to try to come to a reasonable understanding as to the scope and process of this review. All said, the history of communication reflects that the school system has been cooperative and that AdvancED has not. Collegiality is a two-way street, and the school system wants to restore constructive dialogue and good faith to this process.

To achieve the objectives which we hope AdvancED will consider mutually beneficial and appropriate, we desire a specific and detailed agreement on the following:

1. Agreement, in advance of the interviews contemplated, as to the topics to be covered and process to be followed;
2. Agreement that Board and staff members will be allowed to have active assistance of counsel;
3. Agreement on how to handle specific inquiries made during the interviews that relate to matters in litigation and/or that are beyond the agreed upon topics;
4. Advise us in advance of the interviews as to what findings relating to the operation of the Board would lead to some change in accreditation status of any Wake County High School.

If this is truly a collaborative and collegial process, then AdvancED should not have any objections to the foregoing reasonable requests. We are working to have positive dialogue with you on these points.

In the absence of your unequivocal consent to agree to the items described above, we will be left with no choice but to decline to participate in the interviews. Anything less than a positive response to this letter will force the Board to also reconsider its continuing relationship with AdvancED. If, as we hope, you will be agreeable, then a telephone conference between the parties should be able to work through the topics in short order.

We hope you will receive this letter in the spirit of cooperation in which we intend it. We ask you to consider your response carefully as your decision could have ramifications for all of our school children, and possibly for all children in every school you accredit.

Sincerely,

THARRINGTON SMITH, LLP.

Ann Majestic by JAB

Ann Majestic

Jonathan Blumberg

Jonathan Blumberg

cc: Dr. Donna Hargens
Board Members