

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
95 CVS 1158

HOKE COUNTY BOARD OF)
EDUCATION, *et al.*,)
)
Plaintiffs,)
)
and)
)
ASHEVILLE CITY BOARD OF)
EDUCATION, *et al.*,)
)
Plaintiff-Intervenors,)
)
v.)
)
STATE OF NORTH)
CAROLINA, *et al.*,)
)
Defendants.)

CONSENT ORDER

FILED
MAR 16 2009
CLERK OF SUPERIOR COURT
WAKE COUNTY, NC

THIS MATTER is before the Court on its Notice of Hearing and Order dated March 16, 2009, wherein the Court found that the majority of students in the Halifax County public schools are not receiving an equal opportunity to obtain a sound basic education and that the State has a constitutional obligation to ensure that "each and every child," in Halifax County have the equal opportunity to obtain a sound basic education. Based upon statements of counsel and evidence presented, and it appearing to the Court that the Halifax County Board of

Education has agreed to a Consent Order and such Order should be entered, the Court makes the following Findings of Fact and enters the following Orders:

FINDINGS OF FACT

1. Seven of the sixteen schools in the Halifax County public school system were designated as low performing for the 2007-08 school year;
2. For the past two years at least 19% of the schools in the Halifax County public school system were designated as continually low performing under N.C. Gen. Stat. § 115C-105.37A;
3. Thirty-four percent of students enrolled in Halifax County public schools in 2007-08 attended a school that was designated as continually low performing under N.C. Gen. Stat. § 115C-105.37A;
4. For the past four years no Halifax County high school has had a performance composite of more than 40%;
5. None of the schools in the Halifax County public school system are making “Adequate Yearly Progress” as required under No Child Left Behind (“NCLB”);
6. The Halifax County public school system as a whole is not making “Adequate Yearly Progress” as required under NCLB;
7. To provide all children in the Halifax County public schools with the equal opportunity to obtain a sound basic education, the State of North Carolina has the

legal authority and duty to intervene in the administration of Halifax County public schools and to take such other measures as are necessary to assure that:

- A. Every classroom be staffed with a competent, certified, well-trained teacher;
 - B. Every school be led by a well-trained competent principal; and
 - C. Every school be provided, in the most cost effective manner, the resources necessary to support the effective instructional program within that school;
8. The State of North Carolina has the legal obligation to assure that Halifax County public schools provide all children with the opportunity to obtain a sound basic education;
9. Many students in Halifax County public schools are not receiving an equal opportunity to obtain a sound basic education;
10. The Halifax County Board of Education could benefit from direction and assistance from the State Board of Education in the exercise of its lawful powers and duties in order to provide adequate educational opportunities for students attending Halifax County public schools;
11. The State, acting through the Department of Public Instruction (DPI) and the State Board of Education ("SBE"), has developed the initial phases of a plan set

forth in Exhibits 1 through 6 (hereinafter the "Plan") to improve educational opportunities provided to children in Halifax County public schools;

12. An effective and efficient means of improving the educational opportunities available to students attending Halifax County public schools is for the Halifax County Board of Education to adopt and implement the Plan;

13. The Halifax County Board of Education adopts the Plan and commits itself and all the administrators, principals, teachers and staff of Halifax County public schools to faithfully implement the Plan in Halifax County public schools.

14. The Halifax County Board of Education consents to the entry of this Order.

IT IS NOW, THEREFORE, ORDERED, ADJUDGED and DECREED that the Halifax County Board of Education shall and is ordered to:

1. Provide the State Board of Education and its employees and agents access, to Halifax County public school facilities, personnel, students and records, including access to all student, personnel and financial records;
2. Schedule meetings of the Halifax County Board of Education when requested by the Chief Executive Officer of the State Board of Education;
3. Provide the State Board of Education and its employees and agents full and adequate opportunity to appear and present evidence, reports and recommendations to the Halifax County Board of Education regarding any issue related to conditions

in Halifax County public schools or proposals for improving educational opportunities in Halifax County public schools;

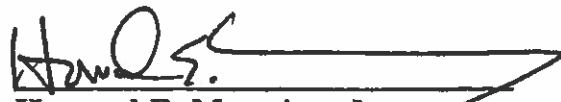
4. Fully cooperate with the State Board of Education and its designees to improve educational opportunities for students enrolled in Halifax County public schools consistent with the Halifax County Board of Education's statutory obligation to provide an adequate school system, provide all Halifax County public school students with the equal opportunity to obtain a sound basic education, and to independently exercise its judicial functions;

5. Appear and testify at any future hearings in this case regarding any member's reasons for not taking action or voting against any proposals endorsed by the State Board of Education or its designees; and

6. Report, as requested by the Chief Executive of the State Board of Education or as directed by the Court, on the actions it has taken to improve educational opportunities for students enrolled in Halifax County public schools;

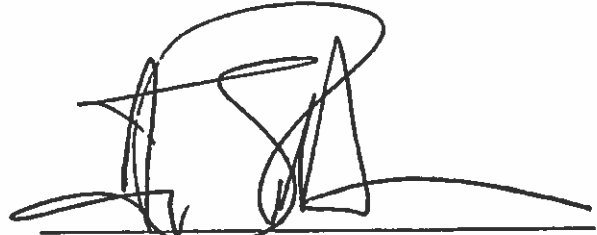
7. Nothing in the Consent Order shall require or obligate any member of the Halifax County Board of Education to violate his or her legal obligations to the students of Halifax County public schools or to violate his or her oath of office.

SO ORDERED, THIS THE 6th DAY OF MAY ~~APRIL~~ 2009. *mm*

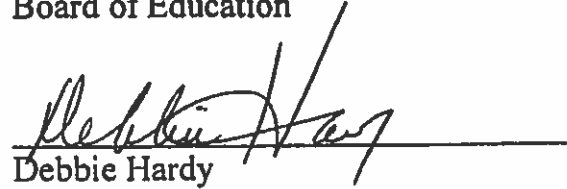

Howard E. Manning, Jr.
Superior Court Judge

In accordance with the forgoing, Halifax County Board of Education does hereby consent to the entry of this Order.

This the ___ day of April 2009.



Tyrone Williams
Chair and Member, Halifax County
Board of Education



Debbie Hardy
Vice Chair and Member,
Halifax County Board of Education



Carolyn Hawkins
Member, Halifax County Board of
Education



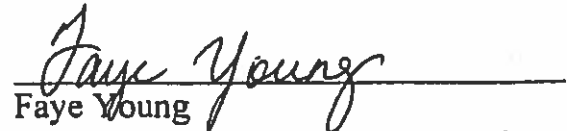
Michael Hawkins
Member, Halifax County Board of
Education



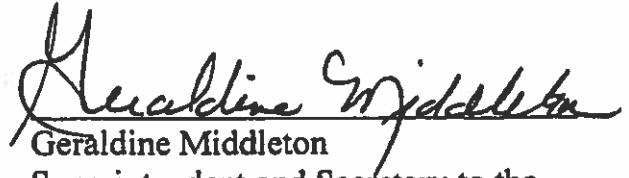
Dr. Donna Hunter
Member, Halifax County Board of
Education



Gladys Walden
Member, Halifax County Board of
Education



Faye Young
Member, Halifax County Board of
Education



Geraldine Middleton
Superintendent and Secretary to the
Halifax
County Board of Education

155 In accordance with the forgoing, the Department of Public Instruction does
156 hereby consent to the entry of this Order.

157 This the 29th day of April 2009.

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163 In accordance with the forgoing, the State Board of Education does hereby
164 consent to the entry of this Order.

165 This the 6th day of May 2009.

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Dr. William C. Harrison
Chief Executive Officer
State Board of Education



Dr. William C. Harrison
Chairman
State Board of Education



Dr. June Atkinson
State Superintendent
of Public Instruction
Secretary to
State Board of Education



PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION | WWW.NCPUBLICSCHOOLS.ORG

William W. Cobey, Jr.
Chairman
At-Large Member

A.L. Collins
Vice Chairman
District 5

Dan Forest
Lt. Governor

Janet Crowell
State Treasurer

Rebecca Taylor
District 1

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Olivia Oxendine
District 4

John Tate
District 6

Gregory Alcorn
District 7

Wayne McDevitt
District 8

Tricia Willoughby
At-Large Member

Marcella Savage
At-Large Member

SBE Office:
Martez Hill
Executive Director

October 7, 2013

Halifax Board of Education
9525 Highway 301 South
Halifax, NC 27839

Dear Chairperson Hunter and Halifax County School Board Members:

The State Board of Education (SBE) has instructed me to write you this letter to express grave concerns about issues that have been recently brought to our attention. As you are aware, in 2009, after years of poor academic performance reports in Halifax County Schools (HCS), the HCS Board of Education agreed to comply with a Court Order in which you would:

Fully cooperate with the State Board of Education and its designees to improve educational opportunities for students enrolled in Halifax County public schools consistent with the Halifax County Board of Education's statutory obligation to provide an adequate school system, provide all Halifax County public school students with the equal opportunity to obtain a sound basic education, and to independently exercise its judicial functions; [and appear] and testify at any future hearings in this case regarding any member's reasons for not taking action or voting against any proposals endorsed by the State Board of Education or its designees[.]

Consent Order, Hoke County Board of Education et. al. v. State of North Carolina and the State Board of Education, 95 CVS 1158, April 29, 2009. This Court Order was designed to enable HCS to implement a comprehensive, SBE-approved Plan to increase student performance. Under the Court Order, the SBE has authorized financial assistance, extensive professional development opportunities, instructional coaching for teachers and administrators, remediation for students and numerous other efforts to increase academic achievement. The SBE has entrusted only the most capable and experienced staff to assist HCS under the Court Order. When we make recommendations and provide you with advice, it is in the best interests of the success for the children of HCS.

The SBE is aware some members of the HCS board have been disruptive, uncooperative and obstructionist in their interactions with SBE designees and certain HCS staff. These members have created an environment that is not conducive to delivering quality instruction and negatively impacts increased student achievement in contravention of the Court's Order. In particular, it is reported that individual HCS Board members are: (1) driving away effective administrators and teachers; (2) attempting to suspend the HCS Superintendent's power to transfer within the district independent of board approval; (3)

NORTH CAROLINA STATE BOARD OF EDUCATION

William W. Cobey Jr., *Chairman* | william.cobey@dpi.nc.gov

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

requesting monthly the resignation of the Board Chair and Superintendent; (4) pressuring to rehire former principals as principal or assistant principal who were non-renewed for low performance; (5) threatening or bullying district and building administrators to influence personnel actions; (6) proposing illegal and discriminatory personnel actions; (7) assuming inappropriate roles in organizing employee groups; and (8) revisiting issues after the HCS Board vote has been taken, impeding progress. In addition, it is reported that the HCS Board rehired a continually low performing principal in a central office role against recommendation of the SBE designee and the HCS Superintendent who counseled the HCS Board to eliminate the position due to budget constraints. It is clear that these actions have undermined the SBE efforts to assist you in providing every child in your district the opportunity for a sound, basic education in North Carolina.

Further, the SBE is concerned that a majority of the HCS Board is inclined to reject specific directives that disregard recommendations by the HCS Superintendent and the SBE's designees regarding the length of employment for teacher assistants. The SBE was informed that the HCS Board intends to consider extending fulltime employment for all teacher assistants. That action is against recommendations of the SBE designees working in HCS as well as the HCS Superintendent. Even more troubling is that this action is being considered after having been explicitly admonished by Dr. June Atkinson not to do so in her letter to you dated 30 September 2013. The SBE reiterates that the actions the HCS Board contemplates clearly jeopardize its financial status after only recently recovering from its indebtedness. Once again, the HCS Board is explicitly advised not to take such action. A failure to heed this advice suggests a desire by your board not to cooperate with the SBE and will be reported to the Court consistent with the Court Order.

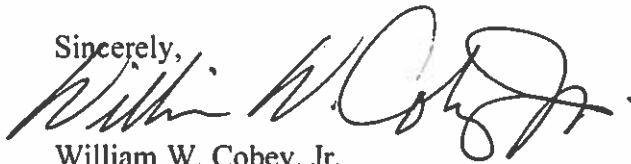
It has been suggested that some members of the HCS Board might feel that the current SBE members are not committed to fulfilling its obligations under the Court Order. Let me assure you that notion is absolutely false. To further illustrate our resolve, the SBE has instructed the Board's legal counsel to begin the process of evidence gathering in anticipation of requesting the intervention of the courts should it become necessary. This includes the compilation of the requisite documents, including affidavits, depositions and other records supporting any interference with or resistance to the cooperation that is expected of you under the Court Order. We have also instructed our legal counsel to work with staff of both boards to be prepared to fully respond to the specifics in the Court's 16 September 2013 Notice of Hearing in the matter. If necessary, the SBE intends to direct its legal counsel to move the Court to broaden the authority of the SBE under the Court Order to ensure the desired educational outcomes for your students despite actions to the contrary.

Consistent with our duties under the Court Order and in order to ensure accurate accounts of discussions among your board members during deliberations on matters coming before it, we are directing your board to begin audio recording your meetings, both open and closed sessions. For tonight's meeting we have secured the services of a court reporter to perform these recordings, but expect the HCS board to handle this in the future.

The SBE is not interested in continuing to have to admonish the HCS board to conduct

their business in the best interests of the children in HCS. We trust that this message is clear and received in the spirit with which it is intended.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Cobey, Jr.", written in a cursive style.

William W. Cobey, Jr.
Chairman, NC State Board of Education

CC: Honorable Howard E. Manning, Jr., Wake County Superior Court
Members of the State Board of Education
June Atkinson, State Superintendent of Public Instruction
Larry Armstrong, Halifax County Schools Board Attorney
Laura E. Crumpler, Special Deputy Attorney General
Dr. Pat Ashley, NC DPI Director of District and School Transformation
Vanessa Jeter, NC DPI Director of Communications