

STAM LAW FIRM, PLLC
ATTORNEYS AT LAW
510 W. Williams Street – P.O. Box 1600
Apex, North Carolina 27502-1600
Telephone: (919) 642-8971

Paul Stam
Caroline Nickel
Deb Rasmussen

paulstam@stamlawfirm.com
caroline@stamlawfirm.com
deb@stamlawfirm.com

April 17, 2024

Senator Michael Garrett
North Carolina Senate
Raleigh, NC

Re: Your demand letter of April 15, 2024

Senator Garrett,

I represent 16 private schools, one of which is Fayetteville Christian School. Its affiliates have been receiving your letter of April 15. I have advised the school not to respond to your letter.

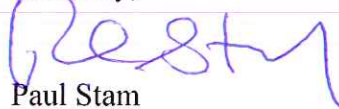
The first and sufficient reason is that no individual member of the Commission has the right to demand anything from anyone, before or after the 2023 amendments to the statute.

I point out that many, if not most, of the requests for information are not cognizable by the Joint Commission.

Finally, your threat of criminal penalties for those not responding might be rethought. If an attorney did that in a demand letter to an opponent it would be actionable. You have some immunity as a Senator. I object to it.

It might occur to you that if each member of the Commission has the right to make this demand, then any other member could make a similar demand to any other entity receiving, directly or indirectly, state funds.

Sincerely,



Paul Stam

Cc: Leader Dan Blue
Leader Robert Reives
Senator Sydney Batch
Senator DeAndrea Salvador
Fayetteville Christian School
Will Futrell, Senate Minority Staff
NC Coalition for Educational Opportunities
Parents for Educational Freedom
Joe Coletti, Senate Majority Staff Director

Letters: Garrett, Michael

Paul Stam



North Carolina General Assembly
Joint Legislative Commission on Governmental Operations

April 15, 2024

Ms. Tammi Peters
Fayetteville Christian School
1422 Ireland Dr
Fayetteville, NC 28304

Dear Ms. Peters:

As a member of the Joint Legislative Commission on Governmental Operations and pursuant to the authority in N.C. Gen. Stat. §120-77, I respectfully request your assistance in a review of the Opportunity Scholarship and its recent expansion. Because our records indicate that your school has received state funds through the Opportunity Scholarship program, I am requesting that you provide answers to the questions posed in the attached information request.

Per N.C. Gen. Stat. §120-75.1(6), the Joint Legislative Commission on Governmental Operations ("Commission") shall have access to "any documents or records related to any contract awarded by a State agency." The Commission may compel "access to any document or system of record" of a non-State entity that receives "directly or indirectly, public funds, to the extent the documents relate to the receipt, purpose, or implementation of a program or service paid for with public funds." N.C. Gen. Stat. §120-77(a)(1)(c).

Additionally, under §120-77(e), "any document or information obtained or produced by Commission staff in furtherance of staff's duties to the Commission is confidential and is not a public record as defined in G.S. 132-1."

Any person who "conceals, falsifies, or refuses to provide" information requested by the Commission "...with the intent to mislead, impede, or interfere with the Commission's discharge of its duties...shall be guilty of a Class 2 misdemeanor." N.C. Gen. Stat. §120-77(g).

We request a full and complete response to our request, including all associated documents, by no later than close of business (5:00 P.M.) Tuesday, April 30, 2024. All responses should be e-mailed to Will Futrell, Minority Staff Director for Governmental Operations, at will.futrell@ncleg.gov. If you are unable to meet this deadline, you may request an extension, the granting of which shall be at the discretion of the undersigned members.

Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Garrett".

Senator Michael Garrett (SD-27)
Member, Joint Legislative Commission on Governmental Operations

CC:

Senator Dan Blue (SD-14)
Senator Sydney Batch (SD-17)
Senator DeAndrea Salvador (SD-39)
Will Futrell, Senate Minority Staff Director, Governmental Operations

School Information Request

I. Background Information

1. When did your school open?
2. How many students total attended your school in the 2022-23 school year?
3. How many teachers do you have?
4. Who is your school's staff member with the highest decision-making authority?
 1. What is that employee's highest educational obtainment?

II. Program Participation

5. When did you start accepting Opportunity Scholarship students?
6. Provide your tuition rates for all academic years that the school accepted Opportunity Scholarship students.
7. How many Opportunity Scholarships have you received each academic year since you began participating in the program?
 - a. Provide demographic data on those students each academic year that includes:
 - i. Age
 - ii. Grade
 - iii. Gender
 - iv. Race
 - v. City and County of residence
 - vi. Household income range
8. Provide all financial reviews as required by N.C. Gen. Stat. § 115C-562.5(a)(6) for each year applicable, if any.
9. Provide all records aggregate testing performance as required by N.C. Gen. Stat. § 115C-562.5(c) for each year applicable, if any.

III. Staff

10. Provide the names and positions of all staff with direct student contact and include:
 - a. Years employed by the school
 - b. Date of most recent background check, if any
 - c. Highest educational obtainment
 - d. Any relevant licenses or certificates
 - e. Average salaries

IV. Policies

11. Provide all documents containing you school's codes of conduct.
 - a. Does your institution require a dress code?
 - i. Are student's families responsible for purchasing uniforms?
 - b. What disciplinary procedures do you follow?

- i. Provide a list of disciplinary actions taken in the past five years broken down by grade, race, and gender.
12. What requirements are in place for applicants to be accepted?
 - a. For students?
 - b. For families?
13. Provide any non-discrimination policies your school follows.
14. Does your school provide student transportation?
 - a. If so, which students qualify?
 - b. How is transportation coordinated?
15. What measures has your school taken towards ADA compliance?
16. What is the percentage of students at your school who have an Individual Education Plan (IEP) or other indication of disability?
 - a. What policies are in place to accommodate those students' needs?
17. What is the number and demographic data of students engaged in Education Student Accounts (ESA+)?
18. Provide a list of all classes and textbooks offered and provided for Opportunity Scholarship students and indicate which are required.
19. Is your school or curriculum accredited?
 - a. If so, when and by whom?
20. Provide a list of standardized tests administered, if any.

V. Affiliations

21. Is your school affiliated with or a part of larger association that operates multiple schools?
 - a. If so, does that larger association operate schools in different states?
 - i. If so, do any school policies differ in NC from schools in other states?
22. Is your school designated as a private church school or religious charter?
 - b. If so,
 - i. Are students required to participate in any religious activities?
 - ii. Are students from other religious backgrounds provided time and space to accommodate their practices?

VI. Expansion

23. How many new applications were from students currently enrolled in your institution?
24. How many new applications were from students currently enrolled in public school?
25. Have you encouraged the families of currently enrolled students to apply for the Opportunity Scholarship program?
 - a. If so, how?