

COMMENTARY

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CMS superintendent debacle shows need for NC government transparency law

When the Charlotte Mecklenburg Board of Education abruptly suspended Superintendent Crystal Hill back in June and placed her on investigation, the public was given few answers. Even fewer answers were given when the board abruptly fired Hill last week.

The whole ordeal will cost at least \$720,000 and subject a recently stabilized school district to renewed upheaval. But taxpayers who are footing the bill, and the teachers and families who will be affected by the sudden change, still don't know if it was necessary in the first place. That doesn't inspire confidence in CMS or its leaders.

In both instances, board members cited their inability to discuss "personnel matters" as a primary reason why they could not be more forthcoming.

It shouldn't be that way — and it doesn't have to be.

Most states make at least some disciplinary records of public employees — including law enforcement, public school employees and civil servants — available to the public. But North Carolina is not one of them. Currently, state law requires the "general description of the reasons" for a government employee's promotion to be public record, as well as the notice informing an employee of their dismissal. But if that employee is suspended or demoted, the public is not entitled to know why.

John Bussian, who serves as legislative counsel for the N.C. Press Association, said North Carolina is in the bottom five states in the country when it comes to providing this access.

"It really is a huge hole in the public records law in North Carolina," Bussian said.

"If you put it on a scale with all of the other 50 states, there are only a handful of states that bar access like North Carolina does."

That's despite the best efforts of open government advocates, who have years pushing for legislation that would change that. Senate Bill 299, currently languishing in the North Carolina General Assembly, would amend the law to include demotions, transfers, suspensions, separations and dismissals, too. The NCPA is among those who have lobbied in support of the bill.

The push dates back all the way to 1997, when a bill called the "Discipline Disclosure Act" was introduced by former Gov. Roy Cooper, who was then a state senator. Another bill, this time sponsored by Republicans, failed in 2011. Since then, the bill has been introduced nearly every year, only to face opposition from groups like the State Employees Association of North Carolina and the North Carolina Association of Educators, which has made most Democratic lawmakers reluctant to support it. Those groups cite concerns about privacy and due process as the basis of their opposition, fearing that the bill would allow unfair or unjustified accusations against an employee to be made public. The bill's language has been tweaked to address those concerns, but their opposition hasn't waned.

Keeping disciplinary records secret can shield public employees from accountability, even when they are in a position of public trust and taxpayers are paying their salary. In 2020, for example, three police officers in Wilmington were fired after video footage from a patrol car showed them making racist, hateful remarks. It later turned out that two of those officers had been terminated or demoted years before, but the public wasn't allowed to know why.

Changing the law could also ensure that those making the disciplinary decisions are held accountable, as well, especially when those decisions are hugely consequential. When government officials make a major personnel decision but offer little explanation, the public is asked to blindly trust the decision without being given enough information to evaluate it themselves. That's a poor foundation for public confidence.

In the case of CMS, Hill was terminated for convenience, not cause, meaning that the board didn't actually need a reason to fire her. But Hill has suggested that her original suspension and investigation may have stemmed in part from board members wanting to "find a way" to terminate her for cause. Public access to disciplinary records could have forced the school board to be more transparent all along, which might have deterred board members from suspending Hill in the first place if they didn't have an airtight reason to do so. That might have at least saved taxpayers the nearly \$400,000 investigation that concluded Hill had done nothing wrong.

When lawmakers return to Raleigh, they should make Senate Bill 299 a priority. It is long overdue. All employees have a right to privacy, and not every personnel dispute should be litigated in public. But the public, too, has a right to know how our money is spent, and whether those we entrust with government duties are in fact worthy of it. Secrecy breeds mistrust, and that mistrust makes it harder for the government to do its job.

When a school board spends hundreds of thousands of taxpayer dollars on an investigation that finds no wrongdoing by its superintendent, reinstates her because she "remains the best leader for the district" and then fires her weeks later, the public deserves to know the truth. But first they need the law to let them see enough of it.

Deputy Opinion Editor Paige Masten covers politics and the 2026 elections for The Charlotte Observer and The News & Observer.