



10850 East Woodmen Road • Falcon, CO 80831
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Mission Statement

To prepare students, in a safe and caring environment, to be successful, competent and productive citizens in a global society.

AGENDA REGULAR BOARD OF EDUCATION MEETING December 10, 2009 6:30 P.M.

Central Administration – Board Room

- 1.00 Call to Order and Roll Call**
- 2.00 Welcome and Pledge of Allegiance**
- 3.00 Approval of Agenda**
- 4.00 Consent Agenda**
 - 4.01 Approval of November Monthly Financial Update
 - 4.02 Approval of Matters Relating to Licensed Personnel
 - 4.03 Approval of Matters Relating to Educational Support Personnel
 - 4.04 Approval of Minutes for November 12, 2009 Regular BOE meeting
 - 4.05 Approval of Minutes for November 23, 2009 Special BOE meeting
- 5.00 Board/Superintendent Update**
- 6.00 Open Forum**
- 7:00 Action Items**
 - 7.01 Approval of Revision and/or Adoption of Board of Education Policy DN – School Property Disposition, DN-R – School Property Disposition Regulation and DN-E – School Property Disposition Exhibit
 - 7.02 Approval of New Board of Education Policy DLB -Tax Sheltered Annuities and Salary Deferrals and DLB-R – Tax Sheltered Annuities and Salary Deferrals Regulation
 - 7.03 Approval of Revision of Board of Education Policy DKB, Salary Deductions
 - 7.04 Approval of Revision to Board of Education Policy GBGD – Workers Compensation and Board of Education Policy Regulation GBGD-R – Workers’ Compensation Regulation
 - 7.05 Approval of Instructional Staff Evaluation Handbook and revision to Board of Education Policy GCOA – Instructional Staff Evaluations GCOA-R – Instructional Staff Evaluations - Regulation
 - 7.06 Approval of Service Providers for E-Rate Eligible Services
 - 7.07 Approval of Contract Addendum #10 – Wells & West General Contractors
 - 7.08 Approval of Contract Addendum #11 – Wells & West General Contractors
 - 7.09 Approval of Request for Qualifications (RFQ) for Architects and Engineers
 - 7.10 Approval of 2009 Mill Levy Rates
 - 7.11 Appointment of Executive Administrative Assistant to the Board and Assistant Treasurer to the Board of Education

- 8:00 Information Items**
8.01 Student Field Trips
8.02 Expulsion/ Suspension Information
- 9.00 Discussion Items**
9.01 Review for Revision and/or Adoption of Board of Education Policy KD – Public Information and Communication; KDB – Public’s Right to Know/Access Information; KDB-R –Public’s Right to Know/Access Information Regulation; KHC – Distribution/Posting of Noncurricular Materials; KHC-R – Distribution of Noncurricular Materials Regulation.
9.02 Review for Revision or Adoption Policy DA
9.03 Review or Revision to Board of Education Policies: Policy GCQE Retirement of Professional Staff, Policy GCQEA Transitional Retirement Plan and Policy Regulation GCQEA-R Guidelines for Transitional Retirement Plan
9.04 Review or Revision to Board of Education Policies: CBA/CBC – Qualifications/Powers and Responsibilities of Superintendent, Policy CBB – Recruitment of Superintendent, Policy CBD – Superintendent’s Contract, Policy CBF – Superintendent’s Conduct, Policy CBI – Evaluation of Superintendent, CBI-R – Evaluation of Superintendent Regulation, Policy CC – Administrative Organization, Policy CF – School Building Administration, Policy CH Policy Implementation, CHB – Board Review of Regulations
9.05 Review for Revision of Policy JB, Equal Educational Opportunities/Non-Discrimination/Non-Harassment of Students and new Regulation JB-R
9.06 Review for Revision to Board of Education Policy BEDB - Agenda
- 10.00 Open Forum**
- 11.00 Other Business**
- 12.00 Adjournment**

DATE OF POSTING: December 7, 2009

Loretta Branham, BOE Executive Assistant



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**REGULAR
BOARD OF EDUCATION MEETING
December 10, 2009
6:30 p.m.**

**EDUCATION SERVICE CENTER —
BOARD ROOM**

Call to Order and Roll Call

1.00

Welcome and Pledge of Allegiance

2.00

Approval of Agenda

3.00

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DATE OF POSTING: December 7, 2009

Loretta Branham, BOE Executive Assistant

Consent Agenda

4.00



BOARD OF EDUCATION AGENDA ITEM 4.01

BOARD MEETING OF: December 10, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: November 2009 Monthly Financial Update

ACTION/INFORMATION/DISCUSSION: Consent Agenda - Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

Report to the Board of Education the performance of actual revenues and expenditures versus budgeted revenues and expenditures in all funds with comparison to prior year. Reference the attached spreadsheet: the first column is the list of each fund the District has. The 2009-2010 columns start with the approved budget for the whole year compared to revenues and expenditures through November. Percentages over 100% on a revenue line are good in that we received more revenue than was anticipated. If any of the expenditure lines were higher than the percentage of year concluded, that fund could be an area of possible concern depending upon why it was high.

The 2009-2010 year-end fund balance columns are required by statute. This is showing you the budgeted and anticipated end-of-year fund balance. The 2008-2009 columns are the prior year's total budget and the actual through November 2009. These amounts are provided for comparison to the current year amounts.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

None

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve the November 2009 monthly financial update of all funds as presented.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009



BOARD OF EDUCATION AGENDA ITEM 4.02

BOARD MEETING OF: December 10, 2009

PREPARED BY: Mark McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Approval of Matters Relating to Licensed Personnel

ACTION/INFORMATION/DISCUSSION: Consent-Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

- To gain Board of Education approval for personnel changes.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pros – None
Cons – None
Alternatives – None

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve the recommendation of the administration for personnel changes listed on the attached sheet.

APPROVED BY: Mary E. Guinn, Ed. D., Deputy Superintendent **DATE:** November 24, 2009



BOARD OF EDUCATION AGENDA ITEM 4.03

BOARD MEETING OF: December 10, 2009

PREPARED BY: Mark McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Approval of Matters Relating to Educational Support Personnel

ACTION/INFORMATION/DISCUSSION: Consent - Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

To Gain Board Approval for Personnel Changes

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

By addressing this action item, the Board allows the district to continue its function of hiring, and other personnel actions.

By not addressing this action item, it would create problems with contracts and service being rendered.

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve the recommendation of the administration for personnel changes for these persons listed on the attached sheet.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009

Consent Agenda

Items

4.04 & 4.05

Minutes from the Regular
BOE meeting November 12

and the

Special BOE meeting
November 23 will be posted
on the district web site after
approval.

Board –
Superintendent
Update
5.00

Open Forum
6.00

Action Items
7.00



BOARD OF EDUCATION AGENDA ITEM 7.01

BOARD MEETING OF: November 12, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: Review for Revision and/or Adoption of Board of Education Policy DN – School Property Disposition, DN-R – School Property Disposition Regulation and DN-E – School Property Disposition Exhibit.

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

This policy needed to be updated to allow for the separation of policy from regulation, as well as update the form (exhibit) to include new information not requested on the current form (i.e., whether the equipment was purchased with grant funding). Current policy is outdated and lists a very low dollar threshold (\$200) in today's dollars. It also does not take into account all current methods of advertising available to the District (e.g., online).

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro: The revised policy and regulation give clear instructions and guidelines for the staff to allow the legitimate disposal of obsolete or damaged items in our District where space is at a premium.
Con:

COST OR COST ESTIMATION:

No additional costs.

MOTION REQUESTED:

I move to approve the revision to Board of Education Policy DN – School Property Disposition, the adoption of Board of Education Policy Regulation DN-R – School Property Disposition Regulation and the revision to DN-E – School Property Disposition Exhibit.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 13, 2009

School Properties Disposition

It shall be the policy of Falcon School District to dispose of surplus, worn-out, and unusable school property. Board policy encourages competitive bidding for surplus or obsolete property at public sales whenever possible.

Books, supplies, and materials

Any district administrator may declare books, supplies and/or materials as obsolete. The obsolete articles shall be offered to all other administrators. If no administrator wishes to use the obsolete articles for district educational purposes, the administrator shall attempt to sell the articles. If sale of the obsolete articles is not possible, the obsolete articles shall be offered to nonprofit organizations and/or district students. Any remaining articles shall be destroyed.

Obsolete or worn-out equipment equal to or in excess of \$200.00 salvage value shall be sold or otherwise disposed of only upon approval of the Board of Education. Equipment with replacement value of less than \$200.00 may be sold or otherwise disposed of upon approval of the superintendent.

District encourages the "trading in" of obsolete or worn-out equipment in contrast to outright sale whenever feasible.

Real property and equipment

After the Board had declared real property as surplus, notice of the surplus real property shall be posted in order to notify the public that the property will be sold. Notice shall be by legal advertisement in a local newspaper and shall include the general details of the sale. Adjacent property owners shall be notified by regular mail of the proposed sale.

After the Board has declared equipment to be surplus, the surplus shall be sold by formal bid, informal bid or any other method determined by the Board. A record of all bidders and prices submitted shall be included with the receipt of funds record and shall be maintained with the financial records of the district.

Land and buildings shall be sold only upon approval of the Board of Education under such terms and conditions as the Board may direct. The Board has the authority to sell any district property which may not be needed in the foreseeable future upon such terms and conditions as it may approve. If the property is sold to a state agency or political subdivision of the state or if the Board anticipates that the district will become the tenant of the property under a lease, with or without an option to purchase, it shall not be necessary to find that the property may not be needed.

Administrators must declare books, supplies, materials, and equipment as obsolete on the appropriate form (File: DN-E).

The Board has the authority to sell or lease any district property, which may not be needed in the foreseeable future upon such terms and conditions as it may approve. The superintendent or designee shall follow the guidelines in the accompany procedure (DN-R) for disposal of obsolete equipment and/or materials including books.

The Board may determine that certain buildings and/or land may no longer be needed and direct the administration to present a plan for disposition.

Adopted: July 19, 1984.

Revised: December 21, 1989.

Revised: November 4, 1999.

Revised:

Cross Refs: DN-R (School Properties Disposition),
DN-E (Equipment Relocation/Disposal Request Form)

LEGAL REFS.: C.R.S. 22-32-110 (1)(e)
C.R.S. 24-18-202

School Properties Disposition - Regulation

1. Equipment

- a. No district employee may dispose of any district property without prior approval of the superintendent or designee.
- b. A district employee who feels there is a district property to be disposed of shall contact his/her supervisor in writing using the district's "Equipment Relocation/Disposal Request Form."
- c. The supervisor shall review the list of items. If he/she feels that the item will not be needed in the foreseeable future, the form will be signed and forwarded to the district purchasing department.
- d. The Purchasing Agent will make the list of items available known to all other district facilities at least annually.
 - i. However, equipment can be declared obsolete without advertising the item to other District facilities if there are District standards for that type of item in place where the item in question does not meet those current District minimum standards.
- e. If no other unit expresses an interest in the item, the superintendent or designee shall declare the item as surplus.
- f. Items not dispersed may be advertised for competitive bid or may be sold at an advertised public auction conducted by the district or taken to a local auction house. An internal notice of the proposed sale by bid or district auction shall be prepared and distributed to the superintendent and a copy posted in each district facility and posted on the district's website for at least one week prior to the sale or disposal of such property. All notices shall specify the date and time of bid opening or auction.
- g. Items remaining unsold after advertisement for sale or auction may be declared non-salvageable by the Financial Services Department, which shall determine the most advantageous method of disposal.
- h. Items shall first be offered to at least two salvage dealers in an attempt to derive some monetary gain for the District. If salvage dealers will not accept the property, the items may be taken to a refuse fill or given to a public tax exempt agency.

2. Textbooks/Library Books/Instructional Materials

- a. When deemed appropriate by the superintendent's designee for Learning Services, books may be sold to companies who purchase used books.

b. Items which have not been disposed of may be advertised to be given away free to district patrons by following the procedure listed here.

- i. Create a list of items**
- ii. Cross-out or remove District 49 property stamp**
- iii. Box items up and tape shut. Label the box with the word "Discard"**
- iv. Attach a copy of the contents to the box**
- v. Contact the warehouse for the pick-up of these boxes**
- iv. Send a copy of the list of discarded items to Learning Services and Financial Services**

Such items will not be sold for profit by the recipient. These materials will be picked up at a storage area and are to be removed from the storage area without liability to the District.

c. Any items remaining after advertisement and in storage for a period of 30 days or more will be sold for scrap or destroyed.

- 3. Items purchased with grant funding may need special treatment, including approval by the Board to dispose of such items. The source of this grant revenue may be either local, state or federal.**
 - a. If the Principal or Administrator who is requesting disposal of an item is aware of whether or not an item was purchased with grant funding, it must be so noted on the "Equipment Relocation/ Disposal Request Form" (DN-E).**
 - b. If this information is unknown to the principal or administrator submitting the "Equipment Relocation/ Disposal Request Form," it falls upon the purchasing department to determine whether or not the item was purchased with grant revenue.**
 - c. If an item is found to have been purchased with grant revenue, the finance department must follow the granting agency's regulations governing the disposal of that equipment and gain Board approval in order to move ahead with the disposal of that item.**
- 4. Any deviation from the approved procedures must be submitted to the superintendent or designee.**

Adopted:



BOARD OF EDUCATION AGENDA ITEM 7.02

BOARD MEETING OF: December 10, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: New Board of Education Policy DLB -Tax Sheltered Annuities and Salary Deferrals and DLB-R – Tax Sheltered Annuities and Salary Deferrals Regulation

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

This is a new policy and regulation addressing tax-sheltered annuities (TSA). Although the District has made these investments available to its employees through a payroll deduction, it did not have a policy or regulation addressing them. This policy makes clear the District's responsibilities as well as the employee's responsibility when choosing a TSA as part of a salary deferral. The regulation clarifies the District's relationship with vendors by providing a list of criteria and procedures to be followed when offering a 403(b) investment option. The regulation supports the District's 403(b) plan and is consistent with the requirements of Section 403(b) of the Internal Revenue Code.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro: This new policy and regulation support the implementation of the 403(b) administration plan as well make clear the responsibilities of the employee, the District, and the vendors involved in tax-sheltered annuities.

COST OR COST ESTIMATION:

No additional costs.

MOTION REQUESTED:

I move to approve Board of Education Policy DLB -Tax Sheltered Annuities and Salary Deferrals and DLB-R – Tax Sheltered Annuities and Salary Deferrals Regulation as presented.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 13, 2009
Tax Sheltered Annuities and Salary Deferrals

Tax Sheltered Annuities and Salary Deferrals

The District may make tax-sheltered annuity and deferred compensation programs available to employees. All employees are entitled to take advantage of the provision of Section 403(b), 457 AND 401(K) of the Internal Revenue Code. Any such programs shall meet the requirements of the Internal Revenue Code, and the State of Colorado. The District assumes no responsibility for the viability, safety, financial stability or performance of any tax-sheltered annuity program and has not performed an investigation as to any such matters. The District will not provide investment performance analysis or advice to employees. Employees are encouraged to conduct their own investigation of tax-sheltered annuities and vendors.

Adopted:

Cross Refs: DLB-R (Tax-Sheltered Annuities)

Tax Sheltered Annuities - Regulation

Selection of Vendors and other procedures:

The following is a list of criteria and procedures to be followed in selecting and working with vendors who offer tax-sheltered annuity investment options:

- 1. Vendors may offer either fixed or variable contracts to the extent that Section 403(b) of the Internal Revenue Service regulations permit making a change from one contract to another without tax penalties.**
- 2. The contract must be flexible in allowing increases or decreases in contributions. Contributions are subject to the maximum allowed per Section 403(b) of the Internal Revenue Code.**
- 3. Vendors will offer tax-sheltered annuity programs to employees, and will only offer these via payroll deductions. Life insurance and other products cannot be added to or sold in conjunction with tax-sheltered annuities.**
- 4. Vendors will submit to the school district the names of not more than two representatives who are authorized to sell the tax-sheltered annuity investment options to employees of the district. One such representative is to be designated as the official representative for all communications with the district on tax-sheltered annuity matters.**
- 5. Persons employed by the school district who have had a payroll deducted tax-sheltered annuity investment option with a previous employer may be allowed to transfer the investment into the District plan using one of the authorized vendors.**
- 6. Prior to becoming an authorized vendor, the vendor must have twenty-five (25) signed applications for a tax sheltered annuity investment option from district employees before the company will be permitted to be a participating vendor in the school district plan. If the quota is not reached, the vendor is obligated to notify the individuals who have signed and the school district that the vendor has not qualified to participate as an authorized vendor of the District plan. If at any time a vendor falls below the twenty-five (25) participant threshold it may be deselected from the District authorized vendor list.**
- 7. All tax-sheltered annuity contracts, changes and terminations are to be dated as of the first day of the month in which they are to become effective.**
- 8. Any employee who is enrolled in a tax-sheltered annuity investment option may change or terminate contribution to the investment option by notifying the district payroll office and the vendor in writing by the 5th calendar day of any month in which he/she wishes such change or termination to become effective.**

9. There shall be no conducting of tax-sheltered annuity business with district employees during the working day on district premises. The district will not provide a directory of district employees to companies. Mass telephone solicitation is not to be practiced. Vendors may request authorization from the district to distribute advertising materials through the district mail service in March and September of each year.
10. An authorized official of a participating vendor shall acknowledge in writing that the vendor agrees to meet and follow the criteria established in a procedure and contained in the Investment Provider Service Agreement through the signing of the agreement.
11. A proven violation of the procedural criteria contained in this regulation and in the above noted Investment Provider Service Agreement shall be cause for discontinuing a vendor from further writing of tax-sheltered annuity investment options in the district.
12. All Tax-Sheltered Annuity Program Vendors must have signed the Investment Provider Service Agreement with the school district prior to conducting business and must agree to abide by such agreements for the duration of the agreement.
13. All Tax-Sheltered Annuity Program Vendors and employees participating in Tax-Sheltered Annuities will comply with the District's Plan Document and compliance programs.
14. The District has full authority and complete discretion to construe, interpret and apply any provision of these regulations, to determine the eligibility of any employee or Tax-Sheltered Annuity Program Vendor to participate in the plan, to determine allowable amount of salary reduction contributions and determine any issue of compliance with the requirement of Section 403(B) of the Internal Revenue Code. The district's determination of any issue that may arise under these regulations or the plan shall be final and binding on the employee and/or the employee's Tax-Sheltered Annuity Program Vendor.

The regulations and/or the plan may be amended or modified in whole or in part or terminated by action of the District at any time in a manner which is consistent with the requirement of Section 403(b) of the Internal Revenue Code.

Adopted:

Cross Refs: DLB (Tax-Sheltered Annuities and Salary Deferrals)



BOARD OF EDUCATION AGENDA ITEM 7.03

BOARD MEETING OF: December 10, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: Revision of Board of Education Policy DKB, Salary Deductions

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

Revisions have been made in order to address tax-sheltered annuity (TSA) deductions in conjunction with new policy DLB and regulation DLB-R.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro: These revisions support the implementation of the 403(b) administration plan as well as update the old policy with minor revisions.

Con:

COST OR COST ESTIMATION:

No additional costs.

MOTION REQUESTED:

I move to approve the revision of Board of Education Policy DKB, Salary Deductions as presented.

APPROVED BY: Brad J. Schoeppey, Ed. D., Superintendent **DATE:** November 13, 2009

Salary Deductions

Deductions shall be made from the paychecks of all employees for retirement; **and** federal and state income tax and any other legally required purpose in keeping with federal and state requirements; and Medicare tax if applicable. **In addition court ordered deductions (i.e. wage garnishments, court-ordered child support, etc.) will be withheld from employees salaries and remitted to the appropriate recipient according to the order received.**

Salary deductions shall be made for absences not covered by leave policies adopted by the Board of Education. Such deductions shall be calculated **at the employee's current per diem rate based** on the basis of the employee's **current** work year **calendar**.

Employees may elect to have amounts withheld from their paychecks to be used by the district to pay a third party. Examples of such deductions include health insurance and tax-deferred annuities.

All employees are entitled to take advantage of the provisions of Section 403(b) of the Internal Revenue code of 1954, as amended, whereby a public school employee may have his pay reduced by an amount which is credited to his/her account with a firm which will establish this sum as an annuity account. The superintendent shall be authorized to issue written regulations covering the acceptance of Tax Shelter Annuity Companies to assure an orderly processing of the employee's fund. The district does not endorse any tax shelter company. It shall be the employee's responsibility to select the company that best meets his/her needs, provided such company has made the necessary arrangement with the district Finance Office.

All employees are entitled to take advantage of the provisions of Section 401(k) of the Internal Revenue code. The only 401(k) program authorized by the district is the program operated by the Colorado Public Employees Retirement Association (Colorado PERA).

All voluntary deductions shall require an approved authorization form signed by the employee stating the amount, third party, and name of employee. Voluntary deductions shall be offered to district employees when ten 25 or more employees submit authorization forms.

All other types of deductions shall require Board approval and permission of the employee.

Adopted: September 1, 1977.

Revised: July 19, 1984.

Revised: November 4, 1999.

Revised:



BOARD OF EDUCATION AGENDA ITEM 7.04

BOARD MEETING OF: December 10, 2009

PRESENTED BY: Mark A. McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Revision to Board of Education Policy GBGD - Workers' Compensation and GBGD – R Workers' Compensation Regulation

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

Workman's Compensation state legislative regulations now require two providers for emergency care instead of a sole source to provide a choice for care to employees. This revision annotates the available sources of care and delete's resources that no longer exist.

ALTERNATIVE COURSES OF ACTION:

None

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve the revision to Board of Education Policy GBGD - Workers' Compensation and GBGD – R Workers' Compensation Regulation as presented.

APPROVED BY: Mary E. Guinn, Ed. D. Deputy Superintendant **DATE:** November 13, 2009

Workers' Compensation

An employee is eligible for workers' compensation leave from the district during the period of time he/she is temporarily disabled as a direct result of injury arising out of and in the course of his/her employment which qualifies for an indemnity payment from the workers' compensation division of the Colorado Department of Labor and Employment.

Workers' compensation leave shall be available only to those persons who sustain a temporary total disability or a temporary partial disability and are unable to perform all or part of their regularly assigned duties.

The source of compensation for an employee on workers' compensation leave shall be the indemnity payment from the workers' compensation section of the division of the Colorado Department of Labor and Employment. The rate of compensation will be 66 and 2/3% of his/her average weekly wage.

The employee is required to use three days of sick leave after the disability occurs. After that point, the employee will receive compensation from the workers' compensation section of the Colorado Department of Labor and Employment. During the period of compensated leave, the district shall not charge any time from vacation, sick, or personal leave. Likewise, the employee will have no access to vacation, sick, Catastrophic leave bank, or personal leave while he/she is eligible for workers' compensation leave.

The district may, at their discretion, place the employee in a "modified duty - return to work" program (). The employee may not refuse the "modified duty." The employee will receive their rate of pay for the time worked, any hours less than their regular assignment will be compensated by the Colorado Department of Labor and Employment at a rate of 66 and 2/3% of his/her average weekly wage.

Employees shall continue to have school district insurance while the employee is under a temporary total or partial disability. The employee shall be responsible for their share of the monthly premium if applicable.

Adopted: March 4, 1993.

Reviewed: May 11, 2000.

Revised: January 11, 2001.

LEGAL REFS.: C.R.S. 8-42-101 *et seq.* (*Worker's Compensation of Colorado*)
C.R.S. 8-42-105

CROSS REFS.: GCCAA, Instructional Staff Sick Leave
GCCBA, Administrative Sick Leave
GCD, Professional Staff Vacations and Holidays
GDCA, Support Staff Sick Leave
GDD, Support Staff Vacations and Holidays

Workers' Compensation

Medical provider

The school district will select a medical provider **at least two medical providers** authorized to perform worker's compensation evaluations. This provider **These providers** must be acceptable to the insurance carrier for which the district contracts for services.

Emergency after hours care is available through the Penrose St. Francis Health Care Group at either Penrose Community Hospital or Penrose Main at their Emergency entrance **Memorial or St. Francis Hospital**

Incident Review

All accidents should be reported on a first report of injury form. A follow-up investigation will be done. If the investigation shows a need for action, appropriate steps will be taken by the executive director of human resources.

At a safety committee meeting, the incident will be reviewed and action taken will be discussed. The role of the safety committee is to be proactive in eliminating unsafe conditions.

The safety committee will be chaired by the Executive Director of Human Resources **District Safety & Emergency Coordinator**.

Adopted: April 18, 1985.

Revised: March 2, 1989.

Revised to conform with practice: date of manual revision.

Reviewed: May 11, 2000.

Revised: January 11, 2001.

Revised:



BOARD OF EDUCATION AGENDA ITEM 7.05

BOARD MEETING OF: December 10, 2009

PREPARED BY: Amber Whetstine, Elementary Specialist

TITLE OF AGENDA ITEM: Instructional Staff Evaluation Handbook and revision to Board of Education Policy GCOA – Instructional Staff Evaluations
GCOA-R – Instructional Staff Evaluations - Regulation

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

In an effort to continually improve instruction and student learning, the Falcon School District 49 Personnel Performance Committee has worked diligently to revise the current teacher and instructional staff evaluation handbook including performance standards for all instructional staff evaluations. The committee gathered input from administrators and instructional staff (teachers, counselors, librarians, nurses, special education providers) in evaluating the fairness, effectiveness, credibility and professional quality of the instructional staff performance evaluation system.

The evaluation handbook including Board of Education policies GCOA and GCOA-R, were reviewed for high standards and accountability for quality instruction and staff performance. The committee proposes changing the current evaluation cycle to require at least one formal evaluation observation for every instructional staff member each year. Currently, non-probationary staff are evaluated with a formal observation every other year. In addition, the committee recommends the requirement of two informal observations for all instructional staff each year.

Other revisions to policies GCOA and GCOA-R are proposed to align with the Colorado Association of School Boards and to make clearer the expectations for performance evaluation processes of instructional staff.

It is proposed that changes to the evaluation cycle take place at the commence of the 2010-2011 school year, and that the newly revised evaluation handbook and performance standards be implemented immediately.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pros – Revising policies GCOA and GCOA –R will change the current evaluation cycle for instructional staff, providing more frequent and thorough feedback for teachers to improve instructional practices. Policies GCOA and GCOA-R were last updated in May 2003, and the proposed revisions will update policy in alignment with the Colorado Association of School Boards and make clearer evaluation processes. Implementing the revised performance indicators for instructional staff evaluations will provide more consistency in the performance expectations of staff district wide and more specific feedback to staff on their instruction and performance.

Cons – Falcon School District administrators and staff will need training on the implementation of the revised handbook, performance indicators and policy. Changing policy during the evaluation cycle will require some flexibility during the 2009-2010 school year.

Alternatives – Do not revise policies GCOA and GCOA-R and continue with the evaluation cycle and procedures currently in place.

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve the Instructional Staff Evaluation Handbook and revision to Board of Education Policy GCOA – Instructional Staff Evaluations GCOA-R – Instructional Staff Evaluations - Regulation as presented.

APPROVED BY: Mary E. Guinn, Ed. D., Deputy Superintendent **DATE:** November 13, 2009

Evaluation of Instructional Staff

The Board of Education recognizes ~~that the teaching process is extremely complex and that appraisal of the process is a difficult function.~~ It also recognizes that sound appraisal of teaching **instructional staff** performance is critical in achieving the educational goals of the school system.

The Board expects its supervisory and administrative staffs to exert **every reasonable** efforts to help and encourage staff members to develop their teaching personalities and instructional abilities to an optimum degree to improve student performance.

In keeping with state law, the Board shall approve a performance evaluation system which shall serve as a basis for the improvement of instruction, enhance the implementation of curricular programs, and measure professional growth and development of licensed personnel. The evaluation system also shall serve as the measurement of satisfactory performance and documentation for dismissal for unsatisfactory performance.

The Board shall consult with district administrators, teachers, parents, and the ~~teacher evaluation~~ **Performance Evaluation** Committee in developing the evaluation system. A process shall be developed to conduct an on-going review of the evaluation system.

The basic requirements of the evaluation system shall be:

1. The Board shall require regular evaluation of all full-time and part-time ~~teachers and licensed support staff~~ **instructional staff** by administrators/supervisors. These evaluators must have a principal or administrator license and education and training in evaluation skills to enable them to make fair, professional, and credible evaluations of the personnel ~~who~~ they are responsible for evaluating.
2. Evaluations shall be conducted in a fair and professional manner and shall be based on written criteria which pertain to good teaching **instruction** and the staff member's particular position.
3. Standards for satisfactory performance of ~~licensed personnel~~ **instructional staff** and criteria, which can be used to determine whether performance meets such standards, shall be developed. One of the standards for measuring ~~teacher~~ **instructional staff** performance shall be directly related to ~~classroom~~ instruction and shall include multiple measures of student performance. The district ~~teacher~~ **Performance Evaluation** Committee shall be an active participant in the development of standards and performance.

4. The system shall identify the various methods which will be used for information collection during the evaluation process such as direct and informal observation and peer, parent, or student input obtained from standardized surveys. All data on which an evaluation judgment is based will be documented to the extent possible and be available for the ~~teacher's~~ **evaluated staff member's** review. All evaluation standards and criteria shall be given in writing to all licensed personnel and shall be communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

5. The evaluation system shall specify the frequency and duration of the evaluation process, which shall be on a regular basis to ensure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn. Probationary ~~teachers~~ **staff** shall receive at least two formal observations **evaluations**, and two ~~audits~~ **informal observation evaluations** and one ~~written summative evaluation~~ every year. Non-probationary ~~teachers~~ **staff** shall receive at least one formal observation **evaluation** every ~~other~~ year and two ~~audits~~ informal observation evaluations on ~~alternating~~ each years. All ~~teachers~~ **instructional staff** shall have a written summative evaluation each year.

6. All written summative evaluations shall be specific as to performance strengths and weaknesses, specifically identify when a direct observation was made, identify data sources, and contain a professional growth plan. A professional growth plan shall be specific as to what improvements, if any, are needed in performance.

The staff member concerned shall have an opportunity to review the document with the supervisor who makes the evaluation, and both shall sign it. The summative evaluation document shall be reviewed by a supervisor of the evaluator whose signature also shall appear on it.

If the evaluatee disagrees with any of the conclusions or recommendations made in the evaluation report, he or she may attach any written explanation or other relevant documentation.

7. The system shall contain a process which shall be followed when an ~~teacher's~~ **instructional staff member's** performance is deemed unsatisfactory. In accordance with state law, this process shall provide for a notice of deficiencies, a ~~remediation plan~~, and an opportunity to correct the deficiencies, **and a remediation plan (if applicable)**.

The school district shall conduct all evaluations so as to observe the legal and constitutional rights of ~~licensed personnel~~ **instructional staff**. No informality in any evaluation or in the manner of making or recording any evaluation shall

invalidate the evaluation. No minor deviation in the evaluation procedures shall invalidate the process or the evaluation report.

Nothing in this policy shall be construed to imply in any manner the establishment of any property rights or expectancy or entitlement to continued employment not explicitly established by statute, Board policy, or contract. Neither shall this policy be deemed or construed to establish any conditions prerequisite relative to renewal of contracts, transfer, assignment, dismissal, or other employment decisions relating to school personnel. Unless an evaluator acts in bad faith or maliciously with respect to the application of a procedure associated with the evaluation process, any misapplication of a procedure, failure to apply a procedure, or adhere to a prescribed timeline shall not be an impediment to or prevent the Board from modifying an employee's contract status or assignment under the terms of the employment contract and state law. The content of the evaluation, the ratings given, and any improvement or remediation plan shall not be grievable under the district's formal grievance process.

All employment decisions remain within the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by Colorado law.

Adopted: April 21, 1977.

Revised: August 18, 1977.

Revised: April 20, 1978.

Revised to conform with practice: date of manual adoption.

Revised: December 15, 1983.

Revised: February 27, 1986.

Revised: June 4, 1992.

Revised: June 18, 1998.

Revised: October 1, 1998.

Revised: August 10, 2000.

Revised: May 1, 2003.

Revised:

LEGAL REFS.: C.R.S. 22-9-101 *et seq.* (*Certificated Personnel Performance Evaluation Act*)

C.R.S. 22-63-301

C.R.S. 22-63-302(8)

CROSS REFS.: BDFA, District Personnel Performance Evaluation Council
CFBA, Evaluation of Evaluators
GCQF, Discipline, Suspension, and Dismissal of Professional Staff
(and Contract Nonrenewal)

Evaluation of Instructional Staff - Regulation

Evaluations will be conducted in accordance with state law and Board policy to improve instruction, enhance the implementation of programs in the curriculum, and measure the professional growth and development of personnel and level of performance of each ~~licensed employee~~ **instructional staff member**.

Evaluations also will serve as the measurement of satisfactory performance for ~~teachers~~ **instructional staff** and documentation for dismissal for unsatisfactory performance.

Therefore, even though the evaluation process is designed to encourage and assist ~~licensed employees~~ **instructional staff** to perform at a level consistent with the district's standards, the evaluator or the superintendent may recommend to the Board of Education that changes be considered in contract status or assignment.

The procedures necessary to administer and implement the district's evaluation policy are as follows:

Initial requirements

All ~~licensed personnel~~ **instructional staff** will be evaluated, including part-time ~~teachers~~ **instructional staff**. An organization chart or comparable document will be prepared to identify the evaluator by title or position for each licensed employee. The chart will indicate which position(s) each evaluator will evaluate and which administrator is responsible for evaluating the evaluator.

In most situations, the administrator who directly supervises the ~~licensed employee~~ **instructional staff member** to be evaluated will make evaluations.

A job description will be developed for each ~~licensed employee~~ **instructional staff member**, which sets forth expectations from the school district for the position. Similar job descriptions will be used for all employees with similar staff assignments.

Written standards for satisfactory performance will be developed as well as criteria to be used to determine whether a ~~teacher's~~ performance meets district standards. One of the standards for measuring ~~teacher~~ performance shall be directly related to ~~classroom~~ instruction and shall include multiple measures of student performance. The district ~~personnel~~ Performance Evaluation ~~council~~ **Committee** will actively participate in the development of the standards.

Other criteria will be developed for evaluation of each position prior to the evaluation. The criteria will relate to the particular position as set forth in the individual's job description and any outcomes which are expected from the position. Information will be made available to each evaluatee about the

evaluation system, the evaluation policy and procedures, and the responsibilities of the evaluator and evaluatee. In addition, all evaluation standards and criteria shall be given in writing to all licensed personnel and shall be communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

Information collection

The evaluator will directly observe the evaluatee as well as compile other data in accordance with the district's evaluation system. Peer, parent, or student input may be obtained from standardized surveys.

No evaluation information will be gathered by electronic devices without the consent of the evaluatee. The evaluator will identify and document to the extent possible all relevant sources of data used as the basis for any evaluation judgment.

Frequency and duration

Probationary ~~teachers~~ **staff** will be observed at least four times each year (two formals and two ~~audits-informals~~). Other licensed personnel will be formally observed once every other year and receive at least two ~~audits informal observations on the alternating~~ **each year. Probationary staff in their third year of employment in Falcon School District, who exhibited performance which consistently met expectations for performance during their first two years in the district, may, at the discretion of the evaluator, be evaluated according to the non-probationary staff evaluation cycle.** All ~~teachers~~ **instructional staff** must have an end of the year summative evaluation. ~~Probationary teachers coming to the district with prior documented satisfactory teaching evaluations and receiving satisfactory or better evaluations during their first two years in Falcon School District #49 may, at the principal's discretion, have their evaluation reduced to one formal and two audits during their third probationary year.~~

Variations will be permitted in this evaluation schedule, whether requested by the evaluator or evaluatee, only when the evaluatee is notified by the evaluator that an additional evaluation report is necessary for reasons consistent with one or more purposes of the evaluation system, and the evaluatee has an opportunity to meet with the evaluator.

The district's summative evaluation system specifies ~~one or two~~ formal observations **be** a minimum of 40 minutes **each** when required (~~audits and informals~~ of 15 minutes **each**) be completed before the summative evaluation report is written. Minor adjustments and variations will be allowed in order to ensure that the evaluation process is thorough and that sufficient data is collected from which reliable findings and conclusions may be drawn. All

~~teachers~~ **instructional staff** will receive a summative evaluation by no later than May 15.

~~A report shall not be written until the required documented observations and data collection are completed. Minor adjustments and variations in the process will be allowed in order to ensure that the evaluation process is thorough and that sufficient data is collected from which reliable findings and conclusions may be drawn.~~

When two formal observations are required, the first will be completed by the end of first semester and the second completed in such time that a post-observation conference be conducted by May 15. The evaluator will discuss results with the evaluatee within thirty days of observation.

Additional informal evaluations or observations may be made whenever appropriate.

Documentation

The evaluator will prepare a written summative evaluation at the conclusion of the evaluation process, which will include the following:

1. A professional growth plan which is specific as to what improvements, if any, need to be made, in the performance of the ~~teacher~~ **instructional staff member** and which clearly sets forth recommendations for improvements including recommendations for additional education and training during the ~~teacher's~~ **staff member's** recertification process.
2. Specific information about the strengths and weaknesses in the performance of the evaluatee.
3. Documentation identifying when a direct observation was made.
4. Identification of all data sources.

Both formal observations and summative evaluations will be discussed with the evaluatee. Both the evaluator and the evaluatee will sign the report, and each will receive a copy. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. If the evaluatee disagrees with any of the conclusions or recommendations made in the evaluation report, he or she may attach any written explanation or other relevant documentation.

The evaluatee may attach any written comments to the evaluation report before it is reviewed by the supervisor of the evaluator. Each report will be reviewed and signed by a supervisor of the evaluator.

The evaluator will maintain a cumulative file of all pertinent data relating to each ~~teacher's~~ **instructional staff member's** evaluation, including the summative evaluation report. This file will be available for the ~~teacher's~~ **instructional staff member's** review and will include any written comments signed and submitted by the ~~teacher~~ **staff member**.

Unacceptable performance of a ~~probationary teacher~~ / instructional staff

1. An ~~teacher~~ **instructional staff member** whose evaluation indicates performance is unsatisfactory or in need of improvement will be so informed by the principal or primary evaluator.
2. The ~~teacher~~ **staff member** will receive written suggestions for ways ~~the teacher can~~ **to** improve.
3. If the ~~teacher's~~ next formal evaluations ~~and/or audits~~ informal evaluation indicates the ~~teacher~~ **instructional staff member** is still not performing satisfactorily, the evaluator may make recommendations for nonrenewal of the ~~teacher's~~ **employee's** contract.

Unacceptable performance of a non-probationary ~~teacher~~ instructional staff

1. A ~~teacher~~ **Instructional staff** whose evaluation indicates performance is unsatisfactory or in need of improvement will be given a notice of deficiencies.
2. A remediation plan to correct deficiencies will be developed by the evaluator and the ~~teacher~~ **instructional staff member**.
3. ~~The teacher will be given~~ A reasonable period of time to correct the deficiencies and a statement of resources and assistance available to improve performance **will be given**.
4. Further evaluations of an ~~teacher~~ **instructional staff member** on a remediation plan will occur on a different cycle than the annual evaluation, if necessary.
5. If the ~~teacher's~~ next evaluation shows the ~~teacher~~ **instructional staff member** is performing satisfactorily, no further action will be taken.
6. If the ~~teacher's~~ next evaluation indicates the ~~teacher~~ **still is not performing satisfactorily**, **performance is still not satisfactory**, the evaluator either will make additional recommendations for improvement or take any necessary steps to recommend dismissal.

Appeal

The conclusions of the evaluator will not be subject to further review except as otherwise provided in these procedures.

The evaluatee may appeal the application of the evaluation procedures by submitting a request for review to the supervisor of the evaluator to determine if the procedures were followed during the evaluation.

~~Some flexibility is necessary for proper administration of the evaluation system. Minor deviations or variances in the procedures will be allowed as long as the variances do not result in significant hardship for or malicious treatment of the evaluatee.~~

~~Informal evaluations or observations may be made whenever appropriate.~~

Adopted: October 10, 1979.

Revised to conform with practice: date of manual adoption.

Revised: February 27, 1986.

Revised: June 4, 1992.

Revised: June 18, 1998.

Revised: October 1, 1998.

Revised: August 10, 2000.

Revised: May 1, 2003.

Revised:



BOARD OF EDUCATION AGENDA ITEM 7.06

BOARD MEETING OF: December 10, 2009

PRESENTED BY: David Bond, Chief Information Officer

TITLE OF AGENDA ITEM: Approval of Service Providers for E-Rate Eligible Services

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

Each year, the District is required to submit, within a specified timeframe, a request to the Universal Services Administration Corporation for E-Rate discounts for eligible services the District intends to acquire the next fiscal year. The application must specify the anticipated dollar value of the services and what service providers will provide the services. This year we must submit the application by Feb 15, 2010. In the current fiscal year, we are acquiring voice circuits, long distance service, internet access circuits, wide area network services, managed telephone service, and cellular voice and data services with an E-Rate discount. We recommend acquiring the same range of services next fiscal year. As we made major adjustments in recent fiscal years to achieve significant cost savings, have been satisfied with our services, and are in multi-year contracts with several of our providers, we recommend continuing to obtain service from all our current service providers.

<u>Service</u>	<u>Provider</u> <u>Provider</u>	<u>Service</u>
Voice Circuits	Microtech-Tel Trillion	Wide Area Network Service
Long Distance Service	Microtech-Tel Trillion	Managed Telephone Service
Internet Access Circuits	Microtech-Tel Sprint	Cellular Services

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Maintaining the current service providers gives the best overall value. We could seek other service providers for the services for which we do not have a multi-year contract. However, because we already undertook significant cost-savings measures in the recent past, any additional cost savings that might be realized would be very unlikely to outweigh the transition costs involved.

COST OR COST ESTIMATION:

The estimated cost to the district of all referenced services for next fiscal year will be approximately \$470,000 after the E-Rate discount is applied. This amount is approximately equal to what is currently budgeted for and what we anticipate spending on these services in the current fiscal year.

MOTION REQUESTED:

I move to approve the selection of the service providers listed above for the respective E-Rate eligible service for 2010-2011 District fiscal year and to authorize the District's Chief Information Officer, David Bond, to execute any associated contracts or services agreements on behalf of the District.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009



BOARD OF EDUCATION AGENDA ITEM 7.07

BOARD MEETING OF: December 10, 2009
PRESENTED BY: Jim Walsh, Construction Manager
TITLE OF AGENDA ITEM: Approval of Contract Addendum #10 – Wells & West General Contractors
ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

Subsequent to commencing construction of the CMU remediation project, it was discovered that certain existing features require specialized flashing to prevent water intrusion.

COR #37	Wells & West	Z-flashing on FMS roof	\$ 396.87
COR #39R	Wells & West	Sill caps on 32 MES windows	\$ 2,502.58
COR #40	Wells & West	Z-flashing on OES roof	\$ 980.49
Total:			\$ 3,879.94

ALTERNATIVE COURSES OF ACTION

The Board could choose not to approve this amendment, in which case the window sills will appear unfinished, and the roof walls will be subject to water intrusion.

COST OR COST ESTIMATION:

Firm Quotes have been received and are detailed above. The total cost change is \$3,879.94 to be paid from project contingency funds.

MOTION REQUESTED:

Approve Contract Addendum #10 with Wells & West General Contractors for the CMU Remediation Project in the amount of \$3,879.94.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009



BOARD OF EDUCATION AGENDA ITEM 7.08

BOARD MEETING OF: December 10, 2009
PREPARED BY: Jim Walsh, Construction Manager
TITLE OF AGENDA ITEM: Approval of Contract Addendum #11 – Wells & West General Contractors
ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

Subsequent to commencing construction of the CMU remediation project, it was discovered that roof drainage discharge at FMS in the back courtyard was inadequate, and resulted in flooding of the area. The proposed changes will capture the water and deliver it into an existing storm drain located in the courtyard.

COR #36	Wells & West	FMS courtyard drainage	\$ 1,996.00
Total:			\$ 1,996.00

ALTERNATIVE COURSES OF ACTION

The Board could choose not to approve this amendment, in which case the drainage issues will remain unresolved

COST OR COST ESTIMATION:

Firm Quotes have been received and are detailed above. The total cost change is \$1,996.00 to be paid from capital contingency funds.

MOTION REQUESTED:

I move to approve Contract Addendum #11 with Wells & West General Contractors for the CMU Remediation Project in the amount of \$1,996.00

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009



BOARD OF EDUCATION AGENDA ITEM 7.09

BOARD MEETING OF: December 10, 2009

PREPARED BY: Celina Thrutchley, Secretary

TITLE OF AGENDA ITEM: Request for Qualifications (RFQ) for Architects and Engineers

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

The Planning and Construction Department with the permission of the Superintendent, posted a Request for Qualifications (RFQ) for Architects and Engineers. This form was compiled by using documents from other districts throughout the State of Colorado, reviewed by individuals from several departments (Planning and Construction Department, Maintenance and Facilities and Purchasing Department), and then reviewed by the district's legal counsel. The RFQ was used to assist with the process of qualifying architects and engineers, in making sure that the firms met the standards set forth by the District. The selected architects and engineers will be asked to bid on the educational specifications and technical specifications, and to provide estimates on the remaining projects at Vista Ridge High School. They will also be asked to bid on the additions, remodels and new schools (elementary, middle, & high) that will be included in a future bond package.

The RFQ was posted on the district website on November 9, 2009, and was also advertised in the Denver Post and Gazette Newspapers. The Architects and Engineers were given until November 30th to complete the RFQ and return the required documentation. On December 2, 2009, a committee consisting of individuals from several departments (Planning and Construction Department, Maintenance and Facilities and the Purchasing Department), met and went over the RFQ's. They then compiled a list of semi-finalists, and scheduled tours to look over facilities that have been completed by each of the firms. When the tours were completed, the committee reconvened to make their final selections.

Here is a list of the firms that the committee has selected based upon their documentation and the design of past facilities:

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pros – with the selection of qualified architects and engineers, estimates and bids will be easier to obtain in a more efficient manner.

Cons – if the architectural and engineering firms are not approved, this could cause a delay in getting estimates and bids for the remaining projects at Vista Ridge High School, and for the future bond package.

COST OR COST ESTIMATION:

There are no costs at this time.

MOTION REQUESTED:

I recommend that the architectural and engineering firms listed above, be approved for district use on current and future projects.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** December 1, 2009



BOARD OF EDUCATION AGENDA ITEM 7.10

BOARD MEETING OF: December 10, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: Approval of 2009 Mill Levy Rate

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

By December 15th the Board of Education must certify to El Paso County Commissioners the property tax mill levy. The General Fund mill is set by the Colorado Department of Education so the District stays in compliance with TABOR. The General Fund property tax is used to reduce the amount of per pupil funding the State sends to the District. The General Fund mill will remain as it was the prior year except the abatement mill (a mill levy used to recover the cost of property taxes the county abated during the year) is set at .101 mills. The mill on the override will stay the same as the prior year, 9.80 mills, which keeps the cost per \$100,000 of home market value at \$6.50 per month. The bond fund levy will be reduced to 9.5 mills, a reduction of 1.712 mills. The total decrease will be 1.814 mills. Assessed value in the District went up 6.56%, or \$43,085,670. The increase in assessed value added \$10,771,417 to the District's bonding capacity, which stands at \$174,902,645, of which \$126,967,645 is available.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

The Board is required by state statute to pass the certification. If the Board does not pass the certification the county may only collect 90% of last year's taxes.

COST OR COST ESTIMATION: None

MOTION REQUESTED:

I move to certify to the Board of County Commissioners the General Fund mill levy of 34.360 mills and the Bond Redemption Fund mill levy of 9.5 mills based upon the current assessed valuation.

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** December 1, 2009



BOARD OF EDUCATION AGENDA ITEM 7.11

BOARD MEETING OF: December 10, 2009

PREPARED BY: Loretta Branham, Executive Administrative Assistant BOE

TITLE OF AGENDA ITEM: Appointment of Executive Administrative Assistant to the Board and Assistant Treasurer to the Board of Education

ACTION/INFORMATION/DISCUSSION: Action

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

- In following Board of Education Policy BDA – after the organizational meeting of the Board the Executive Administrative Assistant to the Board of Education and the Assistant Treasurer is to be appointed.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

None

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to appoint _____ as the Assistant to the Board and Joleen Schaake the District Chief Financial Officer as Assistant Treasurer to the Board of Education.

APPROVED BY: Danielle Lindorf, Board of Education President **DATE:** December 4, 2009

Informational Items

8.00

Information Item for Falcon School District 49 Board of Education

Travel Study Trip request:

Woodmen Hills Elementary School

WHES Washington DC Trip (this year's 4th & 5th grade students)

Departing 10/11/10 Returning 10/14/10

Number of students attending will be determined.

Cost of trip per student \$1495 (transportation, meals, lodging and insurance are included).

This trip will provide students an opportunity to visit historical sites. Registration for the trip will be made available to students who are going into 5th and 6th grade during the 2010-2011 academic school year. Students will visit historical sites, meeting 5th grade standards in History and Geography.

Fundraising will help defray the cost of this trip.

Travel Study Trip request:

Sand Creek High School Wrestling Team

Wrestling Tournament in Albuquerque, NM

Departing 12/3/09 Returning 12/5/09

17 Students will attend this trip.

Cost of trip-transportation will be paid for out of the activities budget. Meal & lodging will be paid for out of the wrestling account.

The goal of this trip is to provide a premier experience for the SCHS wrestling team.

This will provide the top notch competition our athletes need to develop a clear sense of what athletics are like at the next level.

Fundraising will help defray the cost of this trip.

Travel Study Trip request:

Sand Creek High School Wrestling Team

Wrestling Tournament in Garden City, KS

Departing 1/29/10 Returning 1/30/10

18 Students will attend this trip.

Cost of trip-transportation will be paid for out of the activities budget. Meal & lodging will be paid for out of the wrestling account.

The goal of this trip is to provide a premier experience for the SCHS wrestling team.

This will provide the top notch competition our athletes need to develop a clear sense of what athletics are like at the next level.

Fundraising will help defray the cost of this trip.

Discussion Items

9.00



BOARD OF EDUCATION AGENDA ITEM 9.01

BOARD MEETING OF: December 10, 2009

PREPARED BY: Stephanie Meredith, Communications Specialist

TITLE OF AGENDA ITEM: Review for Revision and/or Adoption of Board of Education Policy

KD – Public Information and Communication; KDB – Public’s Right to Know/Access Information;

KDB-R –Public’s Right to Know/Access Information Regulation; KHC – Distribution/Posting of Noncurricular Materials; KHC-R – Distribution of Noncurricular Materials Regulation.

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

- Cabinet members reviewed all the policies and found no need to modify KD or KDB. Those policies seem to effectively serve their purpose.
- KDB-R included price amounts for copies and materials requested by the public. State law changed and the current policy became outdated. We clarified the wording on the cost per page and the amount to align with state regulations: 25 cents per page. We also took out the per-hour fee in order to allow for that determination on a case-by-case basis, depending on what work is involved with providing requested information.
- The Board did not have a KHC regulation, but we felt it was necessary to set standards for what content can be distributed and advertised in our schools.
- The regulation lays out the guidelines for how materials will be posted or distributed as well as a process for appealing if material is not accepted for distribution. We did not previously have this regulation and thought it would be beneficial to give specifics on this issue.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pros – These revisions tighten up our policy and ensure the board, district and public are on the same page when it comes to access to information and material acceptable in schools.

Cons –

Alternatives –

COST OR COST ESTIMATION: No additional cost.

MOTION REQUESTED: None

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30,2009

Public Information and Communications

The residents of this district are interested in their schools as an extension of their homes, an extension which exists to perform a special function in the development of their children. Therefore, the Board shall make every attempt to:

1. Keep the public informed about policies, administrative operations, and educational programs of the schools.
2. Provide the means for furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of school plans and programs.

In meeting these goals, the Board shall place great importance upon the role of the teacher as communicator and interpreter of the school program to parents and the general public. Further, it recognizes that there are times when direct communication between school officials and the community is necessary. At such times, the Board shall encourage and provide these opportunities.

The superintendent shall develop procedures and techniques for insuring a continuous and free-flowing line of communication between the staff and the district's residents.

Adopted: September 19, 1996.

Reviewed:

LEGAL REF.: C.R.S. 22-2-117
C.R.S. 22-7-104(2)
C.R.S. 22-35-109
C.R.S. 22-53-207(5)

CROSS REFS.: AEC, Accomplishment Reporting to Public
BEC, Executive Sessions/Open Meetings

Public's Right to Know/Access to Information

The Board is a public servant, and its meetings and records shall be matters of public information, subject to such restrictions as are set by federal law or regulation, by state statute, or by pertinent court rulings.

The Board wishes to support the right of the people to know about the programs and services of their schools and shall make every effort to disseminate information which federal or state law permits to be disseminated. Each principal is authorized to use all reasonable means available to keep parents and others of his particular school's community informed about his school's programs and activities.

The official minutes of the Board, its written policies and its financial records shall be open for inspection at the office of the superintendent by any citizen desiring to examine them during hours when the office of the superintendent is open. However, no records shall be released for inspection by the public or any authorized persons, either by the superintendent or any other person designated as custodian for school district records if such disclosure would be contrary to the public interest or is not permitted to be released as described in state or federal law.

The superintendent or designee shall be responsible for reviewing requests for information and filling or rejecting them in accordance with the accompanying regulations and pertinent state and federal laws. In addition, the district may charge reasonable fees for furnishing copies of such public records in accordance with the accompanying regulations.

Adopted: September 19, 1996.

Revised: July 12, 2005.

Revised:

LEGAL REFS.: C.R.S. 22-9-109
C.R.S. 22-32-109
C.R.S. 24-72-201
C.R.S. 24-72-205

CROSS REFS.: BEDA, Notification of Board Meetings
BEDG, Minutes
CBIA, Public Inspection of Superintendent's Evaluation
GBJ, Personnel Records and Files
JRA/JRC, Student Records/Release of Information on Students

Public's Right to Know/Access to Information

The intent of this regulation is to provide access to the public records held by the district to the extent permitted by the Colorado Public (Open) Records Act. The guidelines for responding to requests from members of the public for information or specific data apply only to printed material released by the district in response to a written request. It is not intended to apply to inquiries where an oral response is appropriate and satisfactory to the requestor.

Request for records

1. All requests for public records (except those documents produced primarily to be distributed to the public, such as pamphlets, program descriptions, etc.) will be made in writing, using the approved form. If a request is received via the telephone, the one making the request will be asked to submit the request in writing on the approved form.
2. All requests for public records must be forwarded immediately to the superintendent or designee review and approval.
3. The district has no obligation to create records in response to a request that are not in existence at the time a request is made. It may, however, choose to do so. If, in response to a specific request, the district has performed a manipulation of data so as to generate a record in a form not used by the district, a reasonable fee may be charged to the person making the request. Such fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. "Actual cost" shall include administrative time spent on manipulating the data.

Access to records

1. All public records subject to review under the Colorado Public (Open) Records Act, shall be open for inspection in the office of the records custodian during regular business hours. Upon written request of the applicant specifying which documents are being requested and subsequent approval by the superintendent or designee, the records custodian shall, if feasible, reply to the request immediately. If immediate reply cannot be made, the custodian shall set a date and time when the records will be available for inspection.
2. Consistent with the Colorado Public (Open) Records Act, requests for public records must be processed within three business days unless extenuating circumstances exist. A finding that extenuating circumstances exist may be made only by the administrator in charge of the department or building possessing the records or the superintendent or designee. If extenuating

circumstances exist, written notice must be given to the requestor within three working days of the request first being made that the response will be delayed. The time for reply may be extended up to four business days to a total of seven days from the time the request was made.

3. Reasons for denial of access to public records shall be promptly given in writing, if requested by the applicant. The law or regulation denying such access shall be cited.
4. The public will not be allowed to directly use either its own or the data processing equipment of the school district in inspecting or copying public records. In every instance, the manual or electronic functions necessary to extract, collate, organize, retrieve, copy, or otherwise manipulate the information and data necessary to produce the record or allow for its inspection shall be performed by school district personnel.
5. When a person has the right to inspect a public record, he or she also has the right to a photocopy of such a record upon payment of any applicable fee. Generally, the applicant may choose between receiving a paper copy of a record and inspecting the record. In some cases, however, the requestor may not have the option of choosing between a copy of the record and inspection of the record, but shall be required to receive a copy. The custodian shall have the discretion to make a decision about the form in which the information contained in the public record will be provided, taking into account any dangers of record alteration/obliteration and the efficient operation of the office involved.
6. In most cases, data should not be provided verbally with the assurance that it is correct. However, where in the opinion of the custodian it is necessary to respond verbally, the custodian is authorized to do so.
7. Some examples of public records open to inspection and copying include:
 - a) Minutes of meetings of the Board of Education
 - b) Resolutions
 - c) Finalized agreements
 - d) Financial records
 - e) Enrollment records
 - f) Group scholastic achievement data from which individuals cannot be identified.
 - g) Correspondence of members of the Board of Education.
Correspondence of members is not open to public inspection where it:
 - is "work product
 - has no demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds

- is a communication from a constituent to a member that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from a member in response to such a communication from a constituent

Limitations on access to records

1. The Colorado Public (Open) Records Act governs the circumstances under which the school district must or may deny access to public records. The Open Records Act, and federal law in some cases, requires that some records not be disclosed.

The following list includes some of the documents to which access by members of the general public will be restricted. In most cases, the person who is the subject of the record, or the parent/guardian of a minor child who is the subject of the record, shall have access to the record.

- a) Student records
- b) Litigation files
- c) Communications protected by a legal privilege, including the attorney-client privilege.
- d) Real estate appraisals made on behalf of the district relating to the acquisition of an interest in property, until such time as title to the property to the property has passed to the district, and only in such cases where disclosure would, in the opinion of the records custodian, be contrary to the public interest.
- e) Medical, psychological, sociological, or scholastic achievement data relating to individuals.
- f) Personnel files, except by the employee and those employees and members of the Board supervising the employee's work.
- g) Performance evaluations, except that such documents shall be available to those supervising such employees. Certain aspects of the evaluation of the superintendent may be open to public inspection according to C.R.S. 22-9-109.
- h) Letters of reference relating to prospective employees or those who may supply goods or services to the district.
- i) Test questions, scoring keys, and other exam data pertaining to the administration of an academic or employment examination where disclosure would, in the opinion of the records custodian, be contrary to the public interest.
- j) Confidential data of the following types: commercial data, including trade secrets; financial data; geological data; or geophysical data.
- k) Copyrighted documents except where such access would fall within 'fair use' under the federal copyright law, generally applicable only to photocopies and not access.

- l) Records of investigations of alleged misconduct by students or employees.
 - m) Work product of members of the Board or assembled for such members.
 - n) Addresses, phone numbers, and personal financial information of past or present users of district facilities, except to police officers who show the information is reasonably related to the performance of their duties.
 - o) Application materials submitted by a prospective employee for a nonclassified position who is not a finalist for the position and asks at the time of submission of the materials that the materials remain confidential. Letters of reference or medical, psychological, and sociological data concerning any candidate, including a finalist, are not subject to public disclosure.
 - p) Other information required by either state or federal law or regulation to be held in confidence.
 - q) Where disclosure would be contrary to the order of a court of competent jurisdiction.
2. The district is generally required to disclose the records listed above in response to a subpoena or other order from a court of competent jurisdiction.
 3. Under the Colorado Public (Open) Records Act, the district is not required to create a new record in response to a records request but only to supply records already in existence. For this reason, where a record contains both confidential data and data that is open to public disclosure, ordinarily the district will not delete confidential information and produce the document.
 4. There may be cases where even though a record might otherwise be available for public inspection, in the opinion of the records custodian, disclosure of its contents would do substantial injury to the public interest. In such cases, and only with the consent of the superintendent of schools, the records may deny access to the public record.
 5. Where the requestor is a party to litigation against the district (or its employees where the suit relates to acts or omissions of employees while on the job) or is acting on behalf of such a party, legal counsel shall be contacted before proceeding.

Computer and e-mail records

1. Pursuant to Colorado law, if a requested record is a result of computer output other than word processing, the fee for a copy will be based on recovery of the actual costs of providing the electronic service and product together with a reasonable portion of the costs associated with building and maintaining the information system.

2. If the district, in response to a specific request, manipulates data to generate a record in a form not used by the district, it will charge a fee which is based on the actual incremental costs of providing the services and generating the record. "Actual incremental costs" shall include administrative time for an employee(s) to find the data and manipulate it. Fulfilling such a request will be at the discretion of the superintendent or designee.
3. Consistent with federal regulations, no fees may be charged to a parent/guardian or eligible student for searching for or retrieval of student records. However, charges may be assessed for the actual copying of such documents.

Fees

The fee will be ~~\$1.25~~ **\$0.25** a page for copies of paper documents and for information which is printed from the product of word processing.

The charge will be \$30 an hour **The district may charge a reasonable fee, not to exceed the actually cost**, for retrieving data resulting from computer output and producing a record that requires the manipulation of data.

The superintendent or designee may reduce or waive any fee for copies or services where:

- a) a person demonstrates that he or she is indigent
- b) the record is being provided to another governmental agency, including a school

Adopted: July 12, 2005.

Revised:

LEGAL REFS.: C.R.S. 22-9-109
C.R.S. 22-32-109
C.R.S. 24-72-201, *et seq.*
C.R.S. 24-72-205

CROSS REFS.: CBIA, Public Inspection of Superintendent's Evaluation
GBJ, Personnel Records and Files
JRA/JRC, Student Records/Release of Information on Students

Distribution/Posting of Noncurricular Materials

Requests from the general public to distribute printed noncurricular materials in the Falcon School District 49 public schools shall be allowed subject to the following policy and accompanying regulations unless the material is "unacceptable" as described below.

The following shall be considered "unacceptable" material:

- 1. So-called "hate" literature that scurrilously attacks ethnic, religious or any racial groups.**
- 2. Material that promotes hostility, disorder or violence.**
- 3. Material designed for commercial purposes—advertising a product or service for sale or rent—unless the material itself has educational value that makes the commercial message a secondary consideration.**
- 4. Material that is libelous, invades the rights of others or inhibits the functioning of the school, or advocates interference with the rights of any individual or with the normal operation of the school.**
- 5. Material which in any way promotes, favors or opposes the candidacy of any candidate for election, or the adoption of any bond issues proposal, or any public question submitted at any general, municipal or school election. The prohibition shall not apply on any election day or special election when the school is being used as a polling place.**
- 6. Material that is obscene or pornographic as defined by prevailing community standards throughout the district.**

This policy governs noncurricular material and is not intended and shall not be interpreted to interfere with the prerogative of teachers to supplement and enrich text and reference book materials used in their courses with materials which are timely and up to date. However, no teacher shall distribute noncurricular materials in his or her class without complying with the procedures which follow.

The superintendent or his designee shall present to any person or persons wishing to distribute printed noncurricular materials a copy of this policy and the accompanying procedures.

The Board of Education shall proceed through the courts of law to obtain injunctive relief and damages, where applicable, for any unauthorized distribution of printed noncurricular materials.

Adopted:

LEGAL REF.: C.R.S.22-32-110(1)(r)

CROSS REFS.: JICEA, School-Related Student Publications

JICEC, Student Distribution of Noncurricular Materials

Distribution/Posting of Noncurricular Materials - Regulation

Approval

Any group, organization, corporation, individual, club, society or association (hereafter referred to as "person" or "persons") that wishes to distribute any printed non-curricular material in any public school in the district must submit the material to the superintendent or designee for approval a minimum of 48 hours prior to the proposed distribution. The superintendent or designee will approve distribution subject to the regulations which follow unless it is determined that the material is "unacceptable" as defined in the accompanying policy. The superintendent or designee will explain in writing the reasons the material was determined "unacceptable" under Board policy.

Appeal

Any person or persons that are denied approval for distribution of printed non-curricular materials will have the right to appeal the decision to the Board of Education. The appeal will be prosecuted as follows:

- 1. Within 10 days after the superintendent's or designee's action, written notice must be served by the aggrieved party or parties on the superintendent requesting a hearing before the Board.**
- 2. The superintendent will schedule the hearing on the agenda of the next regularly scheduled meeting of the Board which generally will be held within 30 days of the filing of a request for a hearing.**
- 3. The aggrieved party or parties must attend the meeting. The superintendent will have the burden of establishing to the Board's satisfaction by clear and convincing evidence that the materials which are sought to be distributed are "unacceptable" as defined in policy. The aggrieved party will be allowed to defend distribution of the material.**
- 4. The Board will issue a decision in writing within five working days following the hearing. The Board's decision to support or reject the superintendent's action will be final.**

Please be aware that any flyers to be posted or distributed through our schools, with the exception of those which are generated from the specific school, must first be approved at the Central Office. It is not the

organization itself which requires approval, but rather – each individual flyer. Copies of the flyer may be submitted in the following manner:

1. Bring a copy of the flyer to the district office and ask for the Communications Specialist
2. Fax a copy of the flyer to 719-495-1157, Attn. Communications Specialist.
3. E-mail a copy of the flyer to smeredith@d49.org.

The approval form should then be taken to each school office, along with copies of your flyer. You may obtain numbers of students from each school office. Copies should be banded in bundles of 30. Flyers for elementary school should be taken to the schools early in the week, in order to go out with students at the end of the week.

Adopted:



BOARD OF EDUCATION AGENDA ITEM 9.02

BOARD MEETING OF: December 10, 2009

PREPARED BY: Joleen Schaake, Chief Financial Officer

TITLE OF AGENDA ITEM: Review for Revision Policy DA – Fiscal Management Goals/Priority Objectives

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION

This policy had not been reviewed or updated since 1999. A minor change in wording was made to item number 2 (use of more commonly used language). Item number 5 was updated to use language that is measurable and is recommended by CASB.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro: A policy should be reviewed on a regular basis to ensure that it is in line with current law as well as in clear language that communicates the Board of Education's directives.

Con:

COST OR COST ESTIMATION:

No additional costs.

MOTION REQUESTED:

None

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent **DATE:** November 30, 2009

Fiscal Management Goals/Priority Objectives

The Board recognizes that money and money management comprise the foundational support of the whole school program. To make that support as effective as possible, the Board intends:

1. To encourage advance planning through the best possible budget procedures.
2. To explore all practical and legal sources of dollar income **revenue**.
3. To guide the expenditure of funds so as to achieve the greatest educational returns.
4. To require maximum efficiency in accounting and reporting procedures.
5. To maintain a level of per student expenditure needed to provide high quality education **To provide adequate resources to enable all students to meet or exceed state and district standards.**

As trustee of community, state, and federal funds allocated for use in local education, the Board has the responsibility to protect the funds and use them wisely.

Adopted: September 1, 1977.

Revised: July 19, 1984.

Revised: November 4, 1999.

Revised:



BOARD OF EDUCATION AGENDA ITEM 9.03

BOARD MEETING OF: December 10, 2009

PRESENTED BY: Mark A. McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Revision to Board of Education Policies:

Policy GCQE Retirement of Professional Staff
Policy GCQEA Transitional Retirement Plan
Policy GCQEA-R Regulation for Transitional Retirement Plan

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

These are recommended policy revisions. Policies have been compared with CASB versions and reviewed for legal sufficiency.

- a. Policy GCQE - Minimally changed to ensure that any retirement notification is provided to the immediate supervisor and HR in writing for ease of processing.
- b. Policy GCQEA Transitional Retirement Plan – No change, review only.
- c. Policy GCQEA-R Guideline for Transitional Retirement Plan amends the name to “Guidelines for Employment of Retired Persons.” The regulation verbiage is changed to reflect the employment of all PERA retired persons within the district and follows current practices. Currently, the verbiage could imply that it pertains only to employment in the transition year but in reality, applies to all PERA retired personnel. These changes clarify the policy.

ALTERNATIVE COURSES OF ACTION: None

COST OR COST ESTIMATION: None

MOTION REQUESTED:

None

APPROVED BY: Mary E. Guinn, Ed. D., Deputy Superintendant **DATE:** November 30, 2009

Retirement of Professional Staff

Employment decisions of the Board of Education are based on many factors. Therefore, the Board has no mandatory retirement age for district employees.

Employees are encouraged to make their own retirement decisions and **are required** to give written notice to the ~~Board~~ **their supervisor and the Executive Director for Human Resources** once a retirement date has been established.

Current practice codified: 1992.

Adopted: date of manual revision.

Reviewed: May 11, 2000.

Revised:

LEGAL REFS.: Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*
C.R.S. 24-51-101 *et seq.* (*Public Employees' Retirement Association*)

CROSS REF.: GCQF, Discipline, Suspension, and Dismissal of Professional Staff

Members (And Contract Nonrenewal)

Transitional Retirement Plan

Licensed employees who have worked for Falcon School District a minimum of five (5) years and who are qualified for PERA benefits may apply for an additional year of employment after retirement. This plan is known as the 110-110 day plan because PERA restricts the number of days an individual can work for a PERA employer after they are receiving PERA retirement benefits.

The 110-day limitation applies to each calendar year after the retirement has begun.

Adopted: June 27, 2001.

Reviewed:

LEGAL REF.: C.R.S. 22-64-111 (*Employment after retirement*)

Guidelines for ~~Transitional~~ Employment of Retirement Plan-Retired Persons

The following are the guidelines that will govern ~~the transitional~~ **the employment of retirement retired persons** plan offered by Falcon School District. In addition to district guidelines, PERA regulations will also need to be followed.

1. Any individual retiring from the district and taking PERA benefits must allow for one(1) month separation from actual work. This PERA rule is supported by a financial penalty of 5% of the benefit for each day worked.
2. An employee must submit a letter of application to the human resource office at least 60 days prior to the actual retirement date.
3. The Board of Education shall give final approval to determine which employees are selected for participation. Consideration for participation will include the needs of the district, past performance of the employee, and the recommendation of their immediate supervisor and the superintendent.

If an individual is approved:

1. Participants in a ~~transitional~~ retirement plan will receive a salary commensurate with their last placement. No raise will be granted to individuals approved for the plan.
2. Licensed participants must have a valid Colorado teaching license.
3. The district will not provide any insurance benefits.
4. The district will not make any PERA contributions on behalf of the employee.
5. Participants in a ~~transitional~~ retirement plan shall not be provided with any paid holidays, paid vacations, or leaves.
6. Licensed participants working under a ~~transitional~~ retirement plan must execute a ~~transitional~~ retirement **agreement contract** in which they waive any and all rights and remedies available under the provisions of the Colorado Teacher Employment, Compensation, and Dismissal Act (C.R.S. 22-63-101).

Adopted: June 27, 2001.

Revised:

BOARD OF EDUCATION AGENDA ITEM 9.05

BOARD MEETING OF: December 10, 2009

PREPARED BY: Loretta Branham, Assistant to the Board of Education

TITLE OF AGENDA ITEM: Review of Board of Education Policies CBA/CBC – Qualifications/Powers and Responsibilities of Superintendent, CBD – Superintendent’s Contract, CBF –Superintendent’s Conduct, CBI-R Evaluation of Superintendent Regulation, CC – Administrative Organization, CH – Policy Implementation and CHB – Board Review of Regulations.
Revision of Board of Education Policies CBB – Recruitment of Superintendent, CBI – Evaluation of Superintendent, CF – School Building Administration.

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

The Board of Education is responsible for reviewing all policies; many policies have not been reviewed for several years and need to be reviewed and approved as they are, revised or deleted. Colorado Association of School Boards releases updates and revisions to policies as new laws are enacted and as procedures change across the state.

Board of Education Policies CBA/CBC – Qualifications/Powers and Responsibilities of Superintendent, CBD – Superintendent’s Contract, CBF –Superintendent’s Conduct, CBI-R Evaluation of Superintendent Regulation, CC – Administrative Organization, CH – Policy Implementation and CHB – Board Review of Regulations are policies for review only. No changes are being recommended as they are in line with the CASB sample policies.

Board of Education Policies CBB – Recruitment of Superintendent, CBI – Evaluation of Superintendent, and CF – School Building Administration have revisions recommended; these revisions are in line with the CASB sample policies..

ALTERNATIVE COURSES OF ACTION:

The alternative course of action would be to make additional changes or leave any or all of the policies up for revision or adoption as they are.

COST OR COST ESTIMATION: None

MOTION REQUESTED:

N/A

APPROVED BY: Bradley J. Schoeppey, Ed. D., Superintendent

DATE: November 30, 2009

**Qualifications/Powers and Responsibilities of Superintendent
(Job Description)**

TITLE: Superintendent of Schools

QUALIFICATIONS: 1. A Colorado Type D administrative certificate endorsed as superintendent of schools.

2. A minimum of a master's degree.
3. A minimum of three years' successful teaching experience.
4. A minimum of five years' administrative experience.
5. A minimum of one year of central office experience or the equivalent.

REPORTS TO: Board of Education.

SUPERVISES: Directly or indirectly all employees of the district.

JOB GOAL: To provide leadership in developing and maintaining the best possible educational programs and services.

PERFORMANCE RESPONSIBILITIES:

The superintendent of schools shall be responsible for the general management of the schools of the district under the requirements of the state and the policies of the Board. The superintendent shall be responsible for guiding the development of the educational objectives and programs of the school district to fulfill the educational needs of all students. The superintendent shall provide overall direction to the activities of the school district and its personnel toward the accomplishment of district goals, administer the policies of the Board, conserve the school district's assets and resources, and maintain and enhance the school district's standing in all its internal and external relationships.

The management responsibilities of the superintendent shall extend to all activities of the district, to all phases of the educational program and to all parts of the physical plant.

1. Operations.

The superintendent shall:

- a. Manage the work of all personnel in planning and program development and direct the activities of the school district. The superintendent may delegate these responsibilities together with appropriate authority, but may not delegate nor relinquish ultimate responsibility for results of any portion of the accountability.
- b. Manage the development of long- and short-range educational objectives for the improvement and growth of the school district and of educational activities in the school district.
- c. Manage the development of the overall educational process and administrative procedures and controls necessary to the implementation of educational programs for the achievement of the educational objectives of the school district.
- d. Manage the regular and systematic evaluation, analysis and appraisal of the achievements of students and the performance of personnel in each of the educational programs or activities against stated objectives of the school district.
- e. Report to the Board the progress and status of the programs and activities of the school district.
- f. Inform the Board on all matters of major importance or significance to the activities, programs and progress of the school district.

2. Organization.

The superintendent shall:

- a. Establish and maintain an administrative organization which provides for the effective management of all the essential functions of the school district.
- b. Recommend proposed revisions to the organization of the management structure including the establishment or elimination or a revision of administrative positions.

3. Personnel.

The superintendent shall:

- a. Develop and recommend policies and programs for personnel recruitment, selection and employment; employee relations; employee benefits and services; employee safety; personnel evaluation, and salary administration for the school district.

- b. Ensure the maintenance of an adequate staff of properly trained administrative and supervisory personnel throughout the school district.
- c. Recommend to the Board the selection, employment, assignment, transfer and suspension of all personnel.
- d. Supervise assigned personnel and conduct periodic evaluations and appraisals of their performance.
- e. Recommend salary increases and salary adjustments for all personnel.
- f. Develop and recommend to the Board job classifications for all new positions.

4. Finances.

The superintendent shall:

- a. Direct the development of the annual budget of the school district.
- b. Review and recommend programs and supporting data for funds to be included in the annual budget of the school district.
- c. Provide for the overall management of the school district's financial activities and take appropriate action to ensure that expenses are kept within the approved budgetary limits of the school district.
- d. Assist principals and directors in maintaining economy and efficiency in the operation of their administrative units.
- e. Maintain an active contact and familiarization with all local, state, federal and philanthropic programs which provide or could provide financial assistance to the district.

5. Relationships.

The superintendent shall:

- a. Act as executive officer for the Board.
- b. Act as professional adviser to the Board.
- c. Attend meetings of the Board with the right to comment on all issues.

- d. Prepare the agenda for all educational matters for all meetings of the Board and deliver the agenda with pertinent information on each item well in advance of the meeting.
- e. Participate in the affairs of local, state and national professional organizations.
- f. Serve as a representative of the school system and the community at meetings on the local, state and national level.
- g. Maintain a cooperative working relationship between the schools and the community and community agencies.
- h. Establish and maintain such other relationships within and outside the school district as required to carry out his responsibility.

Adopted: May 5, 1977.

Revised: September 3, 1998.

Reviewed:

LEGAL REF.: C.R.S. 22-9-106 (4)

Recruitment of Superintendent

The appointment of a superintendent is a function of the Board. The Board shall conduct an active search **take steps** to find the person it believes can most effectively translate into action the policies of the Board and the aspirations of the community and the professional staff.

The Board may seek the advice and counsel of interested individuals or of an advisory committee, or it may employ a consultant to assist in the selection. **It may also, at its discretion, determine that an external search is not necessary due to a qualified internal candidate.** However, final selection shall rest with the Board after a thorough consideration of qualified applicants.

A vote of the majority of Board members present at a Board meeting for which due notice has been given of the intended action shall be required for the appointment of the superintendent.

Search process

When the Board conducts a search for the position, the writing or revising of the job description, and requirements for applicants, selection procedures and applicable deadlines shall be adopted at a public meeting.

Records submitted to the district by an applicant for a superintendent position shall remain confidential until the applicant becomes a finalist for the position. if so requested in writing by the applicant when submitting the records. **If only three or fewer candidates possess the minimum qualifications for the position, said candidates are all considered finalists.**

A list of all finalists being considered for the position shall be made public at least 14 days prior to appointing one of the finalists to fill the position. No offer of appointment shall be made prior to this public notice.

When an applicant becomes a finalist, all records submitted by the applicant shall be available for public inspection except that letters of reference or medical, psychological, and sociological data shall remain confidential.

An applicant shall become a finalist when chosen for an interview or when still being considered for the position 21 days prior to the Board's selection of a person to fill the position, whichever comes first. However, if there are six or fewer applicants competing for the position, all shall be considered finalists.

Adopted: September 19, 1996.

Revised: September 3, 1998.

Revised:

Superintendent's Contract

The superintendency is becoming more demanding as the superintendent's responsibilities become more complex. The Board realizes that it is therefore increasingly important to attract able persons to the superintendency by making the rewards of the position commensurate with its challenges. The Board further realizes that it is increasingly important to free the superintendent from the pressures of groups in the community by ensuring security from the threat of sudden and unjustified dismissal.

The Board, upon the selection of a candidate or upon reappointment of the incumbent superintendent, shall endeavor to secure the dignity of position and the freedom of leadership appropriate to the responsibilities of the superintendent through an explicit contractual agreement. Such contract shall meet the requirements of state law and shall protect the rights of both the Board and the superintendent.

Adopted: May 5, 1977.

Revised: August 4, 1994.

Revised: May 21, 1998.

Revised: September 3, 1998.

Reviewed:

LEGAL REFS.: Constitution of Colorado, Article X, Section 20 (4)(b)
C.R.S. 22-9-109 (***specific portions of superintendent's evaluation open to public inspection***)
C.R.S. 22-32-110 (1)(g) (***power to employ a CEO***)
C.R.S. 22-44-115 (4) (***administrative contacts***)
C.R.S. 22-63-202 (2) (***employment contracts damages provisions***)
C.R.S. 24-72-204 (3)(a)(II)(B) (***inspection of public records***)

CROSS REF.: CFBA **GCOE**, Evaluation of Evaluators

LEGAL REFS.: C.R.S. 22-32-110 (1)(g) (***power to employ a CEO***)
C.R.S. 22-44-115 (4) (***administrative contacts***)
C.R.S. 24-6-402 (3.5) (***search committee duties***)
C.R.S. 24-72-202 (1.3)
C.R.S. 24-72-204 (3)(a)(XI)(A) (***inspection of public records***)

Superintendent's Conduct

The superintendent shall observe rules of conduct established in law which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position or which the superintendent knows or should know is primarily for the purpose of a reward for action taken in which discretionary authority was exercised.
3. Engage in a substantial financial transaction for private business purposes with a person whom the superintendent supervises.
4. Perform any action in which the superintendent has discretionary authority which directly and substantially confers an economic benefit on a business or other undertaking in which there is substantial financial interest or in which the superintendent is engaged as a counsel, consultant, representative, or agent.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for the superintendent to receive:

1. An occasional nonpecuniary gift which is insignificant in value.
2. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the superintendent is scheduled to participate.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position.

5. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.
6. Payment for speeches, appearances, or publications reported as honorariums.

It shall not be considered a breach of conduct for the superintendent to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members, or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

A superintendent may request an advisory opinion from the secretary of state concerning issues relating to conduct that is proscribed by state law.

Adopted: September 3, 1998.

Reviewed:

LEGAL REFS.: C.R.S. 18-8-308 (*disclosure of pecuniary conflicts of interest*)

C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)

C.R.S. 24-18-104 (*government employee rules of conduct*)

C.R.S. 24-18-109 (*local government employee rules of conduct*)

C.R.S. 24-18-111 (*secretary of state advisory opinions*)

Evaluation of Superintendent

The Board shall institute and maintain a comprehensive program for the evaluation of the superintendent on a regular basis that is consistent with state law and agreed upon by the Board and the superintendent.

Through evaluation of the superintendent, the Board shall strive to accomplish the following:

1. Clarify the superintendent's role in the school system as seen by the Board by defining objectives that will contribute to achievement of districtwide goals.
2. Clarify for all Board members the role of the superintendent in view of the job description and the immediate priority among responsibilities as agreed upon by the Board and the superintendent.
3. Develop positive communication and harmonious working relationships between the Board and superintendent.
4. Provide administrative leadership of excellence for the school system including improvement implementation of the instructional program **for the achievement of the educational objectives of the school district, including state and district content standards**, and implementation of curricular programs.
5. Assess the superintendent's professional growth and development and level of performance.

The Board shall consult with the superintendent and the advisory school district personnel performance evaluation council when revising the process for evaluation of the superintendent.

As a precondition to the evaluation process, the Board and the superintendent shall develop a position description that sets forth expectations for the superintendent. The Board also shall have a plan setting forth goals for the district.

The evaluation of the superintendent shall be based on criteria that are established prior to the evaluation. There shall be a clear relationship among these criteria, the position description for the superintendent, and the goals of the district.

The superintendent's performance shall be reviewed at least annually in accordance with the specified goals. Additional objectives shall be established at intervals agreed upon with the superintendent.

The evaluation process shall afford each Board member the opportunity to evaluate the performance of the superintendent on an individual basis. The evaluation document prepared by the Board shall represent a synthesis of information collected from individual Board members.

The evaluation document shall be prepared in writing. The superintendent shall have an opportunity to review the document with the Board in executive session. The report shall be signed by the superintendent and the president of the Board.

The evaluation document shall contain a written improvement plan, be specific as to performance strengths and weaknesses, and specifically identify data sources and sources of information upon which the evaluation was based.

Those portions of the superintendent's written evaluation relating to the performance in fulfilling adopted district objectives, fiscal management of the district, district planning responsibilities, and supervision and evaluation of district personnel shall be available for inspection by the public during regular office hours.

Nothing in this policy shall be construed to imply in any manner the establishment of any personal rights not explicitly established by statute, Board policy, or contract. All employment decisions remain within the sole and continuing discretion of the Board.

Adopted: February 17, 1986.

Revised: September 3, 1998.

Revised:

LEGAL REF.: C.R.S. 22-9-101 *et seq.* (Certificated **Licensed Personnel Performance Evaluation Act**)

CROSS REFS.: BDFA, (*District Personnel Performance Evaluation Council*)
CBA/CBC, (*Qualifications/Powers and Responsibilities of Superintendent*)
CFBA **GCOE**, Evaluation of Evaluators

Note: Copies of the superintendent's evaluation instrument are on file in the central administrative offices.

Evaluation of Superintendent - Regulation

The Board of Education will serve as the evaluator for the superintendent. The process of evaluation will be used as a tool to improve communication and promote a better working relationship between the Board and the superintendent.

Because of the special nature of the relationship between the Board and the superintendent, procedures for evaluation of the superintendent are significantly different than those set out in the evaluation system for evaluation of other certificated personnel. The following procedures will be used to implement the district policy for evaluation of the superintendent.

Prior to the evaluation

The Board and the superintendent will devise a position description that sets forth expectations for the superintendent. The Board will develop a plan that establishes goals for the district. The criteria for evaluation of the superintendent will be agreed upon in advance of the period under review by the Board and the superintendent. These criteria will relate to the position description for the superintendent and the goals of the district.

The Board and the superintendent will determine times in advance for establishing the criteria for review and discussing the performance of the superintendent in relation to these criteria.

Information collection

Conducting an evaluation is a matter of gathering information and then interpreting and summarizing it. Each member of the Board will be afforded an opportunity in accordance with the evaluation process to evaluate the performance of the superintendent on an individual basis.

During the evaluation process, an individual Board member may base an evaluation of the superintendent on personal perceptions of the superintendent and recall of specific information. Board members also will refer to documents that have been prepared by the superintendent or the staff, letters or other forms of correspondence they have received, or reports that have been prepared about school district activities and issues.

Information will be collected from individual Board members in the manner described by the district's evaluation process. The process will provide a method for synthesizing the individual views into a collective Board position, although the range of views will be presented as a basis for discussion with the superintendent.

The evaluation process will be based upon multiple sources of information that can be provided by members of the Board or the superintendent.

The superintendent will have an opportunity for self-review in relationship to the criteria employed by the Board prior to the time that the superintendent meets with the Board to discuss the results of the evaluation.

Written evaluation report

The evaluation process will result in a written summary of conclusions regarding the superintendent's performance based upon the information considered in relationship to the agreed-upon criteria. The report will include the following:

1. Specific information about the strengths and weaknesses in the superintendent's performance.
2. Documentation showing information collected from individual Board members on which the conclusions were based.
3. A written improvement plan that is specific about areas which need improvement with recommendations for improvement.

The Board and the superintendent will discuss information relating to the superintendent's performance in an executive session. A time will be designated for this purpose when all members of the Board can be present.

The evaluation report will be signed by the president of the Board and by the superintendent. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. The report will be placed in the superintendent's personnel file.

The superintendent will be allowed any written comments to the evaluation report.

Any suggestions for improving the performance of the superintendent, modifying Board/superintendent relationships, and/or modifying the goals and objectives of the district will be incorporated in the documents used to initiate the next evaluation.

Adopted: September 3, 1998.

Reviewed:

Administrative Organization

The legal authority of the Board shall be transmitted through the superintendent to the administration.

The superintendent shall have freedom to create an administrative structure in line with the needs for supervision and accountability throughout the school system in the district.

Current practice codified: 1992.

Revised: September 3, 1998.

Reviewed:

Board Review of Regulations

The Board reserves the right to review regulations issued by the administration at its discretion, but it shall revise or veto such regulations only when, in the Board's judgment, they are inconsistent with policies and regulations adopted by the Board. The Board will be provided with copies of all districtwide regulations issued by the administration.

Regulations will be officially approved by the Board when this is required by state law or when strong community, staff, or student attitudes make it advisable for the regulations to have Board approval.

Before issuance, regulations shall be properly titled and coded as appropriate to the policy codification system selected by the Board.

Adopted: September 3, 1998.

Reviewed:

School Building Administration

All building principals shall act as the chief administrative officers of their own buildings and grounds. They shall be responsible for and shall have authority over the actions of the students, professional and support staff members, visitors, and persons hired to perform special tasks.

Principals shall also be responsible for achieving the long and short-range educational objectives of the school district, as those objectives pertain to students and staff in their buildings. As part of the district's standards-based education program, principals shall also be responsible for development and management of a comprehensive standards-based education program in their buildings and shall rigorously monitor and modify the program to ensure that all students meet or exceed district and state content standards.

In the absence of a building principal, the superintendent shall assume all authority and duties of the principal.

Adopted: May 5, 1977.

Revised: September 3, 1998.

Revised:

LEGAL REF.: **C.R.S. 22-32-109 (1)(jj) (*boards to identify areas where principals need professional development*)**
C.R.S. 22-32-126 (*employment of principals*)
C.R.S. 22-60.5-301, 306 (*licensure reciprocity for out-of-state applicants*)
C.R.S. 22-63-103 (1.5) (*definition of administrator*)
C.R.S. 22-63-201 (*exception to licensure requirement*)

NOTE: Under C.R.S. 22-63-201, "administrators" (except principals and assistant principals) are no longer required to possess a license. Principals and assistant principals must still be licensed.

Policy Implementation

The superintendent has responsibility for carrying out the policies established by the Board. The superintendent shall develop additional administrative regulations consistent with Board policies.

In the development of administrative regulations, the superintendent shall involve at the planning stage those who would be affected by such rules including staff members, students, parents, and the public. The superintendent shall weigh with care the counsel given by representatives of staff, student, and community organizations. The superintendent shall inform the Board of such counsel in presenting reports of administrative regulations and in presenting any regulations for Board approval.

The Board itself shall approve regulations when specific state or federal laws require the Board to do so or when the Board or superintendent considers such approval desirable.

The policies developed by the Board and the administrative regulations developed to implement policy are designed to increase the probability of an effective and efficient school system. Consequently, it is assumed that all district employees and students will carry them out willingly.

The superintendent will develop a method for disseminating district policies and regulations to district employees, students, parents/guardians, and members of the public who are affected by them.

Disregard for Board policy and administrative regulations by employees may be interpreted as insubordination and/or willful neglect of duty.

Adopted: September 3, 1998.

Reviewed:

CROSS REF.: BG, School Board Policy Process



BOARD OF EDUCATION AGENDA ITEM

BOARD MEETING OF: December 10, 2009

PREPARED BY: Debbie Holt, Federal Programs Coordinator of Instruction

TITLE OF AGENDA ITEM: Revision of Policy JB, Equal Educational Opportunities/Non-Discrimination/Non-Harassment of Students and new Regulation JB-R

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

Revisions of this policy were done to meet the requirements put forth in the "Agreement of the United States and Falcon School District 49". The regulation is therefore included for clarification.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

N/A

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

N/A

APPROVED BY: Mary E. Guinn, Ed. D., Deputy Superintendent

DATE: Dec. 1, 2009

Equal Educational Opportunities/ Non-Discrimination/ Non-Harassment of Students

The Board of Education is committed to providing and maintaining a safe learning environment for all students that is free from harassment/**discrimination**. Further, the District affirms the right of all students to be treated with respect and protected from intimidation, discrimination, physical harm, and/or harassment. Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies set forth by the Board of Education and in the adherence to and enforcement of those policies by the administration.

Therefore, every student of this school District shall have equal educational opportunities through programs offered in the school District. This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school District facilities, selection of educational materials, equipment, curriculum and regulations affecting students.

In order to ensure that District programs are in compliance with applicable laws and regulations, the Board directs the Superintendent ~~or designee(s) to periodically~~ **to designate a Compliance Officer and a designee** to monitor the following areas:

1. Review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Provide training for students and staff to identify and alleviate problems of discrimination.
3. Review student programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. Ensure that District resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Review student evaluation instruments, testing procedures and guidelines and counseling materials for stereotyping and discrimination.

Student harassment/**discrimination** will be regarded as a violation of this policy when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education;
2. Submission to, or rejection of, such conduct is used as the basis for educational decisions affecting the student;

3. Such conduct has the purpose or effect of adversely affecting a student's ability to participate in, or benefit from District program(s), or of creating an intimidating, hostile, or offensive educational environment.

Harassment/**discrimination** can include, but is not limited to, unwelcome, hostile and offensive verbal, non-verbal, written, or physical conduct based on, or directed at, the characteristics of a person's:

- Race or color,
- Religion or creed,
- National origin,
- Disability,
- Religious tradition or religious clothing as well as religious slurs and/or graffiti,
- Manner of speaking or accent,
- Customs,
- Language,
- Status as an immigrant,
- Imitating mannerism of speech, movement,
- Gender
- Sexual orientation,
- And/or interference with movement or access to necessary equipment.

Complaint and Investigation Procedure

~~Designated Administrator (DA).~~ **The District will designate one building level administrator at each school who will be responsible for coordinating, implementing, and overseeing enforcement of the Policy at the school level.** All District employees and students share the responsibility to ensure that discrimination and harassment does not occur on any school District property, at any District or school-sanctioned activities or events, when students are being transported in any vehicle dispatched by the District or one of its schools, or off school property when such conduct ~~has a~~ **nexus is related** to school, or any District curricular or non-curricular activity or event. Toward that end:

- All students who believe they have been victims of such harassment/**discrimination** shall immediately report it to an administrator or teacher at their school. If the harassment/**discrimination** is being committed by the principal or another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.
- All students who witness such harassment/**discrimination** shall immediately report it to a building or District level teacher or administrator at their school. If the harassment/**discrimination** is being committed by the principal or

another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.

- All administrators and teachers who have such harassment/**discrimination** reported to them shall promptly forward the report(s) to the principal or principal's designee or the elementary or secondary executive director or their designee for appropriate action. The principal or his/her designee or the elementary or secondary executive director or their designee may request a written complaint. If the harassment/**discrimination** is being committed by the principal or another administrator in the building, the report(s) shall be forwarded to the elementary or secondary executive director or their designee.
- All District employees who witness such harassment/**discrimination** shall take prompt action to stop it, as prescribed by the District and the building principal, and shall promptly report the harassment/**discrimination** to the principal or principal's designee or the elementary or secondary executive director or their designee. If the harassment/**discrimination** is being committed by the principal or another administrator in the building, the report shall be made to the elementary or secondary executive director or their designee.
- Each building principal or principal's designee or the elementary or secondary executive director or their designee shall ensure that all reports of such harassment/**discrimination** are promptly and thoroughly investigated, and that effective action is taken.

Informal Resolution Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser which is facilitated by a building level administrator or designee. Both the complaining student and the alleged harasser may be accompanied by another student, parent or guardian of their choice for support or guidance. If the complaining student and the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential and no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator in writing to the principal and the elementary or secondary executive director or their designee. If the complaining student, the alleged harasser, or the building level administrator chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal grievance procedure.

Formal Resolution Procedure

Any student or person(s) complaining of harassment/**discrimination** should always be informed by the building or District level administrator or their designee receiving the complaint about the complaint procedures and encouraged to file a formal complaint if the informal process is not agreed to or not appropriate under the circumstances. Persons interested in filing a formal complaint shall be given assistance in completing the necessary ~~statement~~ or form. Even if a formal complaint is not filed, the District may choose to use the specific investigatory procedures set forth in this policy.

Formal complaints of harassment/**discrimination**, whether verbal or in writing, should be directed to the building or District level administrator or their designee.

Any student who engages in harassment/**discrimination** of another student shall be required to attend a meeting with his or her parent(s) or guardian and the principal or principal's designee and or the elementary or secondary executive director or their designee; be subject to appropriate education and disciplinary action up to and including suspension or expulsion. Guidelines for dealing with students who engage in the harassment/**discrimination** of other students are:

FIRST OFFENSE

1. The student and parent(s) or guardian will meet with the principal or principal's designee.
2. Information on available cultural diversity and/or relevant counseling programs will be given to student and parent(s) or guardian.
3. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

SECOND OFFENSE

1. The student shall be suspended.
2. A meeting of the parent(s) or guardian and the principal or principal's designee will be scheduled prior to re-admittance to school.
3. The student, accompanied by a parent or guardian, will be required to participate in counseling or attend a cultural diversity program.
4. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

THIRD OFFENSE

1. A recommendation for expulsion shall be made. Depending on the seriousness of the offense, law enforcement authorities may be contacted.

These guidelines for progressive discipline shall not preclude the principal or principal's designee from eliminating any of the steps in the process if in his or her judgment the misconduct by the student warrants more severe action.

Any District employee who engages in harassment/**discrimination** of a student shall be required to participate in appropriate training, education or counseling; as well as disciplinary action, including but not limited to warning, reprimand, transfer, suspension or termination of employment.

The above stated actions are measures designed to stop the harassment/**discrimination**, correct its negative impact on the affected student, and ensure that habitual **harassment/discrimination** does not recur. In good faith, steps shall also be taken to ensure that victims of and witnesses to harassment/**discrimination** are protected from retaliation.

To the extent possible no student shall be subject to adverse treatment in retaliation for any good faith report of harassment/**discrimination** under this policy. To the extent possible, all reports of harassment/**discrimination** will be kept confidential. In a good faith effort and upon determining that incidents of harassment/**discrimination** are occurring in particular District settings or activities, the District shall implement measures designed to remedy or extinguish any adverse treatment in retaliation of a student's willingness to report such incidents of harassment/**discrimination**.

The District shall provide counseling resources to student victims where necessary.

The District shall train and educate District employees to recognize and effectively deal with incidents of harassment/**discrimination**.

The District shall regularly review its compliance with this policy on the harassment/**discrimination** of students and take necessary action where deficiencies are noted.

A copy of this policy shall be published annually in the Student Conduct and Discipline Code booklet.

Complaints of discrimination or harassment may also be directed to the Denver Office for Civil Rights of the United States Department of Education, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204, Telephone Number: (303) 844-5695.

Current practice codified: 1980.

Adopted: date of manual adoption.

Revised to conform with practice: date of manual revision.

Reviewed: August 10, 2000.

Revised: July 10, 2008

Revised:

LEGAL REF.: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681
29 U.S.C. §701 *et seq.* (*Section 504 of the Rehabilitation Act of 1973*)
Equal Educational Opportunities Act of 1974, 20 U.S.C.
§§1701-1758

CROSS REF.: ACA, Nondiscrimination on the Basis of Sex
ACE, Nondiscrimination on the Basis of Handicap/Disability

**Harassment/Discrimination
(Formal Resolution Procedure)**

- 1. Students who believe they have been subject to harassment/discrimination will report the incident to any District employee or to the Compliance Officer. All reports received by teachers, counselors, principals, or other District employees will be forwarded to the Designated Administrator. If the alleged harasser is the person designated as the Designated Administrator, the complaint will be forwarded to the Compliance Officer to investigate the matter.**
- 2. Upon receiving a report, the Designated Administrator will confer with the student who has allegedly been harassed as soon as is reasonably possible, but in no event more than 2 school days from receiving the report, in order to obtain a clear understanding of the basis of the complaint and to discuss what action the student is seeking. The student's parents/guardians will also be contacted and kept informed regarding the progress of the investigation. A record of parental contact will become part of the investigation.**
- 3. At the initial meeting with the student, the Designated Administrator will explain the avenues for informal and formal action and provide a description of the complaint procedure. The Designated Administrator will also explain that whether or not the student files a formal complaint or otherwise requests action, the District is required by law to take steps to correct the harassment/discrimination and to prevent recurring harassment /discrimination or retaliation against anyone who makes a harassment/discrimination report or participates in an investigation. The Designated Administrator will also explain to the student that any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the harassment /discrimination or prevent future harassment/discrimination.**
- 4. This regulation specifies the procedures that Designated Administrators must follow when responding to an allegation of harassment or discrimination. The procedures will include, but are not limited to the following. The investigating officer shall:**
 - Request a written complaint or teacher referral that specifies the names of the alleged perpetrator(s) and victim(s), describes the alleged harassment or discrimination, identifies all witnesses, and indicates the date(s) the alleged conduct occurred;**
 - Obtain written witness statements, including a statement from the victim if not received during complaint intake;**

- **Complete the discipline referral form, where appropriate; and**
 - **Forward a copy of all documentation to the Compliance Officer.**
5. **Following the initial meeting with the student, the Designated Administrator will attempt to meet with the alleged harasser and his or her parents/guardians in order to obtain a response to the reported harassment/discrimination and will investigate the matter in accordance with regulation JB-R. The Designated Administrator will complete the investigation within 14 school days of the initial meeting with the student. A record of parental contact will become part of the investigation.**
 6. **Within 7 school days of completing the investigation, the Designated Administrator will determine whether the matter should proceed formally or informally. On the basis of the Designated Administrator's investigation and if the student requests that the matter be resolved in an informal manner and the Designated Administrator agrees that the matter is suitable for such resolution, the Designated Administrator may attempt to resolve the matter informally through conciliation.**
 7. **If the student requests a formal grievance process, the Designated Administrator will transfer the record to the Compliance Officer for formal resolution within 7 school days of completing the investigation and notify the parties by certified mail.**
 8. **After reviewing the record made by the Designated Administrator, the Compliance Officer may gather additional evidence necessary to decide the case. Within 14 school days of receiving the record, the Compliance Officer will announce any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.**
 9. **Whether or not a formal complaint was filed, the District will take all reasonable steps necessary to end the harassment, restore lost educational opportunities, prevent harassment from recurring, and prevent retaliation against anyone who reports harassment/discrimination or participates in a harassment/discrimination investigation.**
 10. **All parties, including the parents/guardians of all students involved, will be notified by the Compliance Officer of the final outcome of the investigation as it pertains to their student.**

11. At any time, the student making a report of harassment/discrimination may request an end to the informal process and begin the formal complaint process.

Adopted:



BOARD OF EDUCATION AGENDA ITEM 9.06

BOARD MEETING OF: December 10, 2009

PREPARED BY: Loretta Branham, Executive Administrative Assistant BOE

TITLE OF AGENDA ITEM: Revision to Board of Education Policy BEDB - Agenda

ACTION/INFORMATION/DISCUSSION: Discussion

BACKGROUND INFORMATION, DESCRIPTION OF THE SITUATION, AND RECOMMENDED COURSE(S) OF ACTION:

- The Board of Education is responsible for approving Board of Education Policies and setting the agenda for the Board meetings. The Board wants to give patrons of the district opportunity to address the Board and still be able to conduct business in a timely manner. It is the Boards belief that both can be addressed with one open forum.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

None

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

N/A

APPROVED BY: Danielle Lindorf, Board of Education President **DATE:** December 7, 2009

Agenda

To expedite the Board's proceedings and provide a framework for the orderly conduct of business, the superintendent in cooperation with the Board president, shall prepare an agenda outlining the matters to be brought to Board attention at meetings.

The Board shall follow the order of business set by the agenda unless the order is altered or new items added by vote of the Board during the meeting. The Board may add to or take action on matters not appearing on the printed agenda at regular meetings only by unanimous vote of Board members present. Items may be added to the agenda of a special meeting only when all Board members are present and cast a unanimous vote.

Consent grouping

A consent grouping on the agenda shall be used for those items which usually do not require discussion or explanation as to the reason for the Board action. Any Board member may request the withdrawal of any item under the consent grouping for independent consideration.

Agenda format

1. Call to order and roll call
2. Welcome and pledge of allegiance
3. Approval of agenda and consent agenda
4. Board/Superintendent's update
5. Open forum
6. Action items
7. Informational items
8. Discussion items (if any)
9. Open Forum
10. Other business
11. Adjournment

Adopted: April 21, 1977.
Revised: September 17, 1981.
Revised: May 21, 1998.
Reviewed: September 3, 1998.
Revised: November 3, 2005.
Revised: June 6, 2006
Revised:

LEGAL REFS.: C.R.S. 22-32-108 (4)

Open Forum

10.00

Other Business

11.00

Adjournment

12.00