



10850 East Woodmen Road • Falcon, CO 80831
Tele: 719-495-3601 • Fax: 719-495-0832 • E-mail: d49@d49.org

Mission Statement

Together we are committed to graduating and preparing all children for success in college and careers.

AGENDA
SPECIAL BOARD OF EDUCATION MEETING
July 2, 2009
6:00 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 Matters Relating to Administrative Personnel
- 5.00** **Other Business**
- 5.01 **Executive Session:** Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations, and instructing negotiators as authorized by section 24-6-402-(4) (e) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (b) of the Colorado Revised Statutes. - Dealing with water damage.
- 5.02 **Executive Session:** to discuss a personnel matter, as authorized by section 24-6-402 (4) (f) (1) of the Colorado Revised Statute. – Superintendent search background Information review, determining positions relative to matters that may be subject to negotiations; develop strategy for negotiations, and instructing negotiators, as authorized by section 24-6-402(e). – Superintendent Search
- 6.00** **Superintendent/Board update**
- 7:00** **Open Forum**
- 8:00** **Action Items**
- 8.01 Approval of Superintendent Finalist
- 8.02 Authorization to Commence Legal Action Related to Design and Construction Defects at Certain District Schools

9:00

Discussion Items

9.01

Fields at Vista Ridge High School

9.02

Revision to Board of Education Policy DAC – Continuing Financial Stability

9.03

Revision to Board of Education Policy KFA – Public Conduct on School Property

10.00

Adjournment

DATE OF POSTING: June 26, 2009

Loretta Branham, BOE Administrative Assistant



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**CENTRAL ADMINISTRATION—
BOARD ROOM**

1.00

Call to Order and
Roll Call

2.00

Welcome and
Pledge of Allegiance

3.00

Approval of Agenda



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Loretta Branham, BOE Administrative Assistant

4.00

Consent Agenda



BOARD OF EDUCATION AGENDA ITEM 4.01

BOARD MEETING OF: July 2, 2009

PRESENTED BY: Mark McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Approval of Matters Relating to Administrative 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

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: Mark McPherson, Executive Director of Human Resources **DATE:** June 26, 2009

5.00

Other Business

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6.00
Board –
Superintendent
Update

7.00
Open Forum

8.00
Action Items



BOARD OF EDUCATION AGENDA ITEM 8.01

BOARD MEETING OF: July 2, 2009
PRESENTED BY: Board of Education
TITLE OF AGENDA ITEM: Superintendent Finalist Selection
ACTION/INFORMATION/DISCUSSION: Action

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

The Board of Education has been conducting a search for a Superintendent for Falcon School District 49. Four finalists were identified through a rigorous process which included initial applications, background checks, community forums, and site visits. The four finalists participated in face-to-face interviews by the Board of Education. After further reference checks and site visits the number of candidates was reduced to three finalists at the June 18th Special BOE meeting.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

COST OR COST ESTIMATION:

To be determined

MOTION REQUESTED:

I move to

APPROVED BY: Anna Bartha, President, Board of Education **DATE:** June 29, 2009



BOARD OF EDUCATION AGENDA ITEM 8.02

BOARD MEETING OF: July 2, 2009

PRESENTED BY: Sally P. Berg, Caplan and Earnest LLC - Litigation
Counsel to Falcon School District 49

TITLE OF AGENDA ITEM: Authorization to Commence Legal Action Related
to Design and Construction Defects at Certain
District Schools

ACTION/INFORMATION/DISCUSSION: Action

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

On July 17, 2007, the School District discovered mold at Woodmen Hills Elementary. Upon inspection of other District buildings of similar design and construction, additional mold was discovered at Remington Elementary, Stetson Elementary, Springs Ranch Elementary, Meridian Ranch Elementary, Odyssey Elementary, and Ridgeview Elementary. Further investigation by District consultants revealed that certain design and construction defects caused the exterior CMU walls of these schools to leak water into the interior surface of the walls, become trapped, and cause mold to grow underneath the interior finishes of the walls, specifically under vinyl wall covering.

Because of similar design and construction present at New Falcon High School and Vista Ridge High School, the School District investigated and determined that the same design and construction defects caused similar moisture problems at the high schools.

The School District has been advised by its consultants that there is a reasonable basis to establish liability of certain parties involved in the design and construction of the above mentioned schools.

Accordingly, counsel for the School District recommends that the Board of Education authorize commencing litigation in the El Paso County District Court.

ALTERNATIVE COURSES OF ACTION

The Board of Education could choose not to commence litigation, in which case the money expended in the 2007 mold remediation and this summer's exterior remediation efforts would be absorbed fully by the School District.

MOTION REQUESTED:

Authorize commencing litigation against parties involved in the design and construction of the above mentioned schools.

APPROVED BY: Mr. David Bond, Acting Superintendent **DATE:** June 25, 2009

9.00

Discussion Items



BOARD OF EDUCATION AGENDA ITEM 9.01

BOARD MEETING OF: July 2, 2009

PRESENTED BY: Jim Walsh, Construction Manager

TITLE OF AGENDA ITEM: Review of Artificial Turf Bidding Progress

ACTION/INFORMATION/DISCUSSION: Discussion

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

The school board has directed that Proposals be solicited for the construction of artificial turf fields at Vista Ridge High School. The soccer and football fields are being considered for replacement.

Advertisement for Bids for this project was published on June 23, 2009. Board Policy requires that bids must remain open a minimum of 10 days after first publication. Bids are due Tuesday, July 7, 2009 at 2:00 pm.

The BOE President requested that interested Vendors be invited to make presentations to the board at their Special Session on July 2, 2009. The number of presenters is not determined yet, but each presentation time will be limited.

ALTERNATIVE COURSES OF ACTION

COST OR COST ESTIMATION:

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MOTION REQUESTED:

N/A

APPROVED BY: Mr. David Bond, Acting Superintendent **DATE:** June 25, 2009



BOARD OF EDUCATION AGENDA ITEM 9.02

BOARD MEETING OF: July 2, 2009

PRESENTED BY: Kent Clawson, Board of Education

TITLE OF AGENDA ITEM: Revision to Board of Education Policy DAC – Continuing Financial Stability

ACTION/INFORMATION/DISCUSSION: Discussion

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

Optimally the District budget will have a remaining balance in various funds at the end of the fiscal year. To allow these funds to accumulate comes at a cost to the opportunities available to the District students. Parallel to the accumulation of these resources is the need for 21st century technology within our schools and increased maintenance of the facilities that house the students and support services.

It is proposed that once the overages from the previous fiscal year are identified, that those funds be apportioned to meet these various needs with a portion of these expenditures determined at the building level towards facility and/ or technology projects of their choosing. This allows buildings to address needs that are in line with their building mission, vision, and values.

By not accumulating these funds and instead directing these excess funds towards programmatic needs students are allowed to quickly reap the benefits of money that has been allocated to improve academic opportunity.

ALTERNATIVE COURSES OF ACTION:

Continue status quo and allow funds to build and potentially be appropriated towards expenditures that are not in the best interest of kids or taxpayers.

COST OR COST ESTIMATION: Variable

MOTION REQUESTED:

N/A

APPROVED BY: Anna Bartha, Board President

DATE: June 11, 2009

Continuing Financial Stability

The Board of Education believes it has the duty to adequately fund current operations without jeopardizing the long-term financial condition of the school district. The best measure of continuing financial stability is the dollar amount of the fund balance as presented in the audited financial statements. An analysis of fund balance is enhanced by its relationship to total revenues.

The Board, therefore, directs the superintendent or designee to annually report the status of the General Fund's fund balance. The report will present the ratio of the prior year's fund balance to net revenue as presented in the audited financial statements. The ratio will also be given for each of the two years preceding the prior year, as well as the projected ratio at the end of the current year. The information, thus presented, will allow any significant trends to be identified. The following format will be utilized:

General Fund fund balance	2nd preceding year	1st preceding year	prior year	current year
÷				
Net General Fund revenue	2nd preceding year	1st preceding year	prior year	current year
=				
Resulting Ratio	2nd preceding year	1st preceding year	prior year	current year

In order to maintain financial stability, the Board believes the ratio should be at or above 10%, including the Tabor reserve. Such a "cushion" will allow the district time to react to decreased enrollment, decreased state funding, or a general downturn in the economy. If the ratio dips below 10%, the superintendent's annual report will state the reasons why and identify specific recommendations to insure that it returns to 10% by the end of the current year.

Fund balance amounts above 11% at the close of the fiscal year are to be expended, with approval of the Board of Education, towards projects as follows:

- **50% of available funds for addressing deferred facility maintenance issues.**
- **35% will be directed to technology improvements as identified by the Office of information Technology with a minimum 25% of these funds dedicated specifically for upgrading older District sites to current standards.**
- **The remaining 15% will be directed to projects at individual school sites, based on student population, towards projects identified by**

the building site leadership towards technology and/ or facility improvements.

All projects will be identified and approved by the Board of Education prior to entering into repairs, improvements, and/ or other contractual obligations.

With Board approval, amounts may be rolled over from one fiscal year to the next.

Adopted: November 4, 1999.

Revised:



BOARD OF EDUCATION AGENDA ITEM 9.03

BOARD MEETING OF: July 2, 2009

PRESENTED BY: Kent Clawson, Board of Education

TITLE OF AGENDA ITEM: Revision to Board of Education Policy KFA – Public Conduct on School Property

ACTION/INFORMATION/DISCUSSION: Discussion

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

In efforts to remove ambiguity that would cause otherwise legal actions to be inappropriate it is recommended that the added verbiage be included in to policy KFA. This change does not allow the permittee to carry a weapon onto school grounds, but it does allow for the proper and legal storage of a handgun in a locked compartment outside of District facilities. Two points need to be made very clear. First is that this would only apply to those members of society that are currently licensed to carry concealed weapons in accordance with State of Colorado law. The second point is that the policy will still prohibit the unauthorized possession of a weapon within school and District buildings.

Ultimately this change truly affects only those law abiding citizens who are currently authorized by the State of Colorado to carry a concealed weapon. Those who have not completed the requisite training shall not be protected by this policy change and will remain fully accountable to the District and local governing authorities.

ALTERNATIVE COURSES OF ACTION:

Continue status quo which would put citizens whose actions are otherwise legal in a state of nonconformance.

COST OR COST ESTIMATION: Variable

MOTION REQUESTED:

N/A

APPROVED BY: Anna Bartha, Board of Education President **DATE:** June 11, 2009

Public Conduct on School Property

Persons upon or using school district property for any purpose shall not engage in:

1. Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions, or any activity sponsored or approved by the Board.
2. Physical abuse or threat of harm to any person or school district owned or controlled property at school district sponsored or supervised functions.
3. Threat of damage or damage to property of the school district regardless of the location, or property of a member of the community or a visitor to the school when such property is located on school district controlled premises.
4. Forceful or unauthorized entry to or occupation of school facilities, including both buildings and grounds.
5. Unlawful use, possession, distribution, or sale of drugs and other controlled substances, alcohol, and other illegal contraband on school district property, at school sponsored functions, on any school bus transporting students, or within 1,000 feet of the perimeter of the school grounds. Persons known to be under the influence of liquor shall not be permitted to enter the school building or grounds.
6. Unlawful possession of a deadly weapon, as defined in state law, on school property or in school buildings unless the person falls within one of the exceptions in state law for possession of a deadly weapon including that the person:
 - a. Has legal authority to carry or possess a deadly weapon.
 1. **A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked.**
 2. **A permittee who is employed or retained by contract by a school district as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty**

3. A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports.

- b. Is presenting an authorized public demonstration for the school or an organized class.
 - c. Is carrying out duties for the school district, which require the use of a deadly weapon.
 - d. Is participating in an authorized extracurricular activity or team involving the use of firearms.
 - e. Is a peace officer on duty.
7. Profanity or verbally abusive language.
8. Any conduct constituting a breach of any federal, state, or city law or duly adopted policy and/or regulation of the Board.

Any member of the general public considered by the superintendent or designee to be in violation of this policy shall be instructed to leave the property of the school district.

Adopted: August 16, 1984.

Revised to conform with practice: date of manual revision.

Revised: August 4, 1994.

Revised: September 7, 2000.

Revised:

LEGAL REFS.: C.R.S. 18-1-901 (3)(e)
C.R.S. 18-9-106
C.R.S. 18-9-108 through 110
C.R.S. 18-9-117
C.R.S. 18-12-105.5
C.R.S. 18-12-214.3
C.R.S. 18-18-105
C.R.S. 18-18-407 (2)

CROSS REFS.: ADC, Tobacco-Free Schools
GBEB, Staff Conduct
GBEC, Drug-Free Workplace (Alcohol Use/Drug Abuse by Staff Members)
JICH, Drug and Alcohol Use by Students
JICI, Weapons in School
KI, Visitors to Schools

10.00

Adjournment