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**REGULAR
BOARD OF EDUCATION MEETING
November 13, 2008
6:30 p.m.**

**CENTRAL ADMINISTRATION—
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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Mission Statement

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

**AGENDA
REGULAR BOARD OF EDUCATION MEETING
November 13, 2008
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**
 - 3.01 **Executive Session:** Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue
- 4.00 Consent Agenda**
 - 4.01 Approval of October Monthly Financial Update
 - 4.02 Approval of Matters Relating to Administrative Personnel
 - 4.03 Approval of Matters Relating to Licensed Personnel
 - 4.04 Approval of Matters Relating to Educational Support Personnel
 - 4.05 Approval of Rocky Mountain Classical Academy Second Amendment to Attornment
 - 4.06 Approval of Minutes for October 9, 2008 Regular Board of Education Meeting
 - 4.07 Approval of Minutes for October 22, 2008 Special Board of Education Meeting
 - 4.08 Approval of Minutes for October 22, 2008 Board of Education Work Session
- 5.00 Board/Superintendent Update**
 - Presentation by Stetson Elementary School
- 6.00 Open Forum**
- 7:00 Action Items**
 - 7.01 Approval of Amendment #2 to Kenny Electric for New Falcon High School Athletics Facilities Lighting
 - 7.02 LKA Partners, Inc. Amended Contract for Architectural Services for Vista Ridge High School #3
 - 7.03 LKA Partners Inc. Contract for Architectural Services for the New Falcon High School

- 7.04 Approval of School Improvement Plans
- 7.05 Recommendation of November 21, 2008 to be the Official Survey Date for Impact Aid
- 7.06 Revision to Policy GBEA- Staff Ethics/Conflict of Interest – Mac M
- 7.07 Revision to Policy GBEC – Drug-Free Workplace (Drug and Alcohol Use by Staff Members)
- 7.08 Revision to BOE Policy ACD- Commitment to Religious Neutrality

8:00 Information Items

- 8.01 Expulsion/Suspension Information
- 8.02 Student Field Trip Information

9.00 Discussion Items

- 9.01 Early Access for Highly Advanced Gifted Students Under Age Six
- 9.02 Submission of Consolidated list of prioritized funded and unfunded capital expenses
- 9.03 Board of Education Policy FBC, Prioritization of Facility Improvements

10.00 Open Forum

11.00 Other Business

11.01 Executive Session: 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 (4)(e) of the Colorado Revised Statutes. – Employee Involvement Committee

11.02 Executive Session: Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue

11.03 Executive Session: Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement. C.R.S. 24-6-402(4)(b), determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instruction of negotiators. C.R.S. 24-6-402(4)(e), and personnel matters, unless the employee who is the subject of the session has requested an open meeting or, if the personnel matter involves more than one employee, all of the employees have requested that the meeting be open. C.R.S. 24-6-402(4)(f): Administration and Finance Department.

12.00 Adjournment

DATE OF POSTING: November 6, 2008

Loretta Branham, BOE Administrative Assistant

3.01

Executive Session: Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue

Consent Agenda

4.00



BOARD OF EDUCATION AGENDA ITEM 4.01

BOARD MEETING OF: November 13, 2008
PRESENTED BY: Joe Subialka, Chief Financial Officer
TITLE OF AGENDA ITEM: October 2008 Monthly Financial Update
ACTION/INFORMATION/DISCUSSION: Consent - 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 2008-2009 columns start with the approved budget for the whole year compared to revenues and expenditures through September. Percentages over 100% on a revenue line are good in that we received more revenue than we anticipated. If any of the expenditure lines were higher than the percentage of year concluded, that fund would be an area of possible concern depending on why it was high.

The 2008-2009 Year End Fund Balance columns are required by statute. This is showing you the budgeted and anticipated end of year fund balance. The 2007-2008 columns are the prior year's total budget and the actual through October 2008. These amounts are there 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 September 2008 monthly financial update of all funds as presented.

APPROVED BY: Grant E. Schmidt, Superintendent **DATE:** September 30, 2008



BOARD OF EDUCATION AGENDA ITEM 4.02

BOARD MEETING OF: November 13, 2008

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:** November 3, 2008



BOARD OF EDUCATION AGENDA ITEM 4.03

BOARD MEETING OF: November 13, 2008

PRESENTED 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

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:** November 13, 2008



BOARD OF EDUCATION AGENDA ITEM 4.04

BOARD MEETING OF: November 13, 2008

PRESENTED 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:

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

APPROVED BY: Mark McPherson, Executive Director of Human Resources **DATE:** November 3, 2008



BOARD OF EDUCATION AGENDA ITEM 4.05

BOARD MEETING OF: November 14, 2008

PRESENTED BY: Linda Stahnke, Rocky Mountain Classical Academy

TITLE OF AGENDA ITEM: Second Amendment to Attornment and Ground Lease Extension

ACTION/INFORMATION/DISCUSSION: Consent - Action

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

The Second Amendment to Attornment is an amendment to an agreement already approved by this Board. In the present version, it will enable Rocky Mountain Classical Academy ("RMCA) to refinance its building loan at a lower interest rate through the Colorado Educational and Cultural Facilities Authority without extending the duration of the loan. The Ground Lease Extension was approved by this Board in June, 2007 but the document was never executed.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

In the event that the District ever becomes fiscally responsible for the obligations of RMCA, this agreement will reduce any potential burden. There are no anticipated downsides to this decision.

The Board could deny the request, leaving RMCA with its current building loan at the higher interest rate.

COST OR COST ESTIMATION:

No immediate cost. This refinancing will assist RMCA both with cash-flow and with the overall cost of its facility, releasing additional funds directly to the education of students.

MOTION REQUESTED:

I move that the Board should agree to and sign the Second Amendment to Attornment and the Ground Lease Extension.

APPROVED BY: Anna Bartha, BOE President

DATE: November 4, 2008

Agenda Items

4.06, Minutes from the Regular BOE meeting 10-09-08;

4.07, Minutes from the Special BOE meeting 10-22-08;

and 4.08, Minutes from BOE Work Session 10-22-08

are on the agenda for approval at this meeting.

Board – Superintendent
Update
5.00

Open Forum
6.00

Action Items
7.00



BOARD OF EDUCATION AGENDA ITEM 7.01

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Jim Walsh, Construction Manager

TITLE OF AGENDA ITEM: Approval of Amendment #2 to Kenny Electric for New Falcon High School Athletics Facilities Lighting

ACTION/INFORMATION/DISCUSSION: Action

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

On April 28, 2008 the Board of Education approved Kenny Electric to provide exterior stadium lighting at Falcon High School. The contract value was \$200,333.

On August 14, 2008 the Board of Education approved Amendment #1 for the lighting project at an added cost of \$12,203.

Subsequent to commencing construction of the project, the district determined that a separate line-item for lightning protection of the lighting was a reasonable and necessary safety component of the installation, at an added cost of \$1,954. The amount was included in the original contract, optional to the Owner.

CO #2 Kenny Electric	Lightning Protection System -- 4 poles	\$ 1,954.00
	Total:	\$ 1,954.00

We recommend approval of this amendment. The lightning protection is already installed, in accordance with the project construction schedule.

ALTERNATIVE COURSES OF ACTION

The Board of Education could choose not to approve this Amendment, which would delay the Final Acceptance of the project.

COST OR COST ESTIMATION:

The value of this Amendment is \$1,954. The detail of the cost changes is attached.

MOTION REQUESTED:

I move to approve C.O. #2 with Golden Kenny Electric for \$1,954.00 for the FHS Stadium Lighting project.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: October 31, 2008



BOARD OF EDUCATION AGENDA ITEM 7.02

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Jim Walsh, MLO Construction Manager

TITLE OF AGENDA ITEM: LKA Partners, Inc. Amended Contract for Architectural Services for Vista Ridge High School #3

ACTION/INFORMATION/DISCUSSION: Action

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

On April 22, 2004, the Board of Education unanimously approved the Letter of Agreement with LKA Partners Inc, for Design Review for the New Falcon High School; which is a prototype building. This early contract allowed LKA to complete their programming work to expedite prototype design. The prototype from New Falcon High was applied at the High School #3 Dublin site, allowing the Construction Manager / General Contractor to complete this construction by July, 2008. The AIA B141 1997 Standard Form of Agreement between Owner and Architect was approved on December 14, 2006 for \$859,404.

On February 8, 2007, the Board approved additional project design and additional Scope to LKA for \$61,582. This design scope included building and 'shelling' the second floor west wing, and foundations preparation for the planned future wing addition

On November 8, 2007, the Board approved additional project design and additional Scope to LKA for \$38,428. This design scope included programmatic changes in the building and the completion of the 'FCBC' Wing in the 'shelled' space in the west wing.

On February 21, 2008, the Board approved additional project design and additional Scope to LKA for \$32,237 for significant academic program changes that were made to accommodate STEM (Science, Technology, Engineering and Math) objectives for the facility, construction scope was expanded to include a district IT space, and miscellaneous hardware, mechanical and electrical modifications were made.

Subsequent to those events, LKA has provided additional services for designs related to board-approved Athletics scoreboards and site work (\$5,140), Fabrication Lab windows for the Engineering program (\$1,590), Emergency and Tornado drill materials and planning services (\$4,365), and Site Drainage Improvements (\$4,467). The LKA Proposals are attached.

ALTERNATIVE COURSES OF ACTION

The Board of Education could choose not to approve the contract, but Final Completion of the project will be delayed.

COST OR COST ESTIMATION:

LKA has proposed a combined fee of \$15,562 for these services.

MOTION REQUESTED:

I move to approve the revised contract with LKA Partners, Inc. for added architectural services for the construction of the new High School #3, Vista Ridge in the amount of \$15,562.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: October 31, 2008



BOARD OF EDUCATION AGENDA ITEM 7.03

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Jim Walsh, MLO Construction Manager

TITLE OF AGENDA ITEM: LKA Partners Inc. Contract for Architectural Services for the New Falcon High School

ACTION/INFORMATION/DISCUSSION: Action

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

On April 22, 2004, the Board of Education unanimously approved the Letter of Agreement with LKA Partners Inc, for Design Review for the new Falcon High School. This early contract allowed LKA to complete their work to expedite construction, which, in turn, will allow the Construction Manager / General Contractor to complete this construction by Fall, 2007.

This letter of agreement was for a total of \$43,666 for work that had been performed to date. The portion of these architectural services for Falcon High School was for \$30,940, and was already paid out of the general fund in January 2005.

On May 10, 2007 the AIA B141 1997 Standard Form of Agreement Between Owner and Architect was modified according to Board direction, and details the architectural services LKA Partners was to perform for the construction of the new Falcon High School. That total contract amount was \$1,773,978, paid out of the 2005 Mill Levy Fund #46.

Subsequent to those events, LKA has provided additional services for designs related to construction of the facility. In some cases, added fees were requested for services beyond the Scope of the project. In other cases, fees were lowered in recognition of additional costs that the school district faced due to design problems. In all, the LKA adjustments result in a contract increase of \$43. LKA has agreed to waive this increase, and maintain the Contract at its' stated amount of \$1,773,978. The LKA Proposals detailing contract changes are attached.

To maintain consistency in having the Board of Education approve all MLO contact changes, we recommend approval of these changes in the contract Scope, at a net impact to the district of zero dollars (\$0.00).

ALTERNATIVE COURSES OF ACTION

The Board of Education could choose not to approve the contract, but finalization of the design contract will be delayed.

COST OR COST ESTIMATION:

No impact.

MOTION REQUESTED:

To approve the Contract Changes with LKA Partners, Inc. for architectural services for the construction of the new Falcon High School.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: October 31, 2008



BOARD OF EDUCATION AGENDA ITEM 7.04

BOARD MEETING OF: November 3, 2008

PRESENTED BY: Learning Services
John Weishaar, Director of Curriculum, Instruction and Assessment
Sheri Lynn McGrew, Data and Assessment Coordinator

TITLE OF AGENDA ITEM: 2008-2009 School Improvement Plans

ACTION/INFORMATION/DISCUSSION: Action

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

The No Child Left Behind Act of 2001 (NCLB) was designed to help create high performing schools. Its cornerstone accountability provisions build upon rigorous academic content and achievement standards, and assessments based on those standards. NCLB expresses the ambitious, long-term goal of proficiency in reading and mathematics for all students by the 2013-14 school year, and delineates specific steps that States, local educational agencies and schools must take to reach that goal. Every state educational agency has developed an approved system for implementing the accountability provisions of NCLB by creating a single definition of adequate yearly progress (AYP) for all schools and local educational agencies throughout the state. NCLB requires state educational agencies and local education agencies to review annually the status of every school, using defined benchmarks, in order to ensure that the school is making adequate progress toward achieving the long term proficiency goal.

The School Improvement Plan (SIP) is the school's self-assessment of past student achievement and goals for student achievement in the future. The plan will supplement external evaluations of the school's performance and assist the District in the allocation of resources. The School Improvement Plan includes the school's Action Plan for the 2008-2009 school years as well as a summary of the accomplishments from previous improvement plans.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

None

COST OR COST ESTIMATION: NA

MOTION REQUESTED:

I move to approve the 2008-2009 School Improvement Plans from each building as recommended.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: November 3, 2008



BOARD OF EDUCATION AGENDA ITEM 7.05

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Joleen Schaake, Director of Finance and Joe Subialka, Chief Financial Officer

TITLE OF AGENDA ITEM: Recommendation of November 21, 2008 to be the Official Survey Date for Impact Aid.

ACTION/INFORMATION/DISCUSSION: Action

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

Each year the school district must set an official survey date for Impact Aid, Public Law 103-382. This survey determines where students are federally connected. The district receives federal revenue for each federally connected student as of an official survey date. Last year the official survey date was November 30, 2007.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Setting the date of November 21 is approximately one year from last year and keeps the survey on an annual cycle. The impact aid survey must be finalized and turned into the Federal government by January 31, 2009.

An alternative course of action, the Board of Education could choose another official date for the survey.

COST OR COST ESTIMATION:

None

MOTION REQUESTED:

I move to approve November 21, 2008 as the Official Impact Aid Survey date.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: October 23, 2008



BOARD OF EDUCATION AGENDA ITEM 7.06

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Mark McPherson, Executive Director of Human Resources

TITLE OF AGENDA ITEM: Revision to Board of Education Policy GBEC, Staff Ethics/Conflict of Interest

ACTION/INFORMATION/DISCUSSION: Action

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

This is the first of several Personnel policies that require update. Policy GBEA covers staff ethics and conflict of interest. Changes include:

- Defining confidentiality in a more strict sense and appropriate use of information
- Delineates supervisory lines and conflict of interest pertaining to employment of family members in the district.

This item was discussed at the 22 October 2008 work session.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

COST OR COST ESTIMATION:

NA

MOTION REQUESTED:

I move that Falcon School District D49 Board of Education Policy GBEA be approved as revised

APPROVED BY: Mark McPherson, Executive Director of Human Resources **DATE:** 31 October, 2008

Staff Ethics/Conflict of Interest

No **district** employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. **Employees are required to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by federal, state or local law and district policies and regulations.**

Employees shall not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

It shall be understood that all confidential information an employee obtains or is made aware of as a result of district employment shall be kept strictly confidential. In addition, employees shall not utilize information solely available to them through school sources to engage in any type of work outside of the school district. This includes information concerning potential customers, clients or employers.

An employee shall not sell any books, instructional supplies, musical instruments, equipment, or other school supplies to any student or to the parents/guardian of a student who attends the school served by the employee unless prior approval has been obtained from the Board.

Moreover, to avoid a conflict of interest, the district prohibits an employee from exercising supervisory, appointment, dismissal authority, or disciplinary action over a member of the employee's immediate family. For purposes of this policy, an employee's "immediate family" includes his or her spouse, children, parents and grandchildren. In addition, an employee may not audit, verify, receive or be entrusted with moneys received or handled by a member of the employee's immediate family. Moreover, as there should be no to avoid conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of any employee be directly related to him/her.

Adopted: April 21, 1977.

Revised: February 12, 1990.

Revised to conform with practice: date of manual revision.

Revised: November 13, 2008

LEGAL REFS.: Constitution of Colorado, Article X, Section 13
C.R.S. 18-8-308
C.R.S. 22-63-204
C.R.S. 24-34-402(1)

CROSS REF.: GBEB, Staff Conduct



BOARD OF EDUCATION AGENDA ITEM 7.07

BOARD MEETING OF: November 13, 2008

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

TITLE OF AGENDA ITEM: GBEC, Drug-Free Workplace

ACTION/INFORMATION/DISCUSSION: Action

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

Policy GBEC revision covers the Drug Free Workplace. Changes include:

- Defining sanctions to violations that include rehabilitation and random drug testing at the employee's expense. The district *does not* have to offer rehab.
- Formalizes an existing and in place drug awareness program through orientations, ongoing supervision and benefits presentations.
- Recommend that this be placed for action on the next BOE meeting agenda.

This policy was reviewed at the 22 October 2008 work session

ALTERNATIVE COURSES OF ACTION: None

COST OR COST ESTIMATION: None

MOTION REQUESTED:

I move to approve Falcon School District D49 Board of Education Policy GBEC - Drug-Free Workplace as revised.

APPROVED BY: Mark A. McPherson, Executive Director of Human Resources **DATE:** October 31, 2008

Drug-Free Workplace

File: GBEC

(Drug and Alcohol Use by Staff Members)

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substance is prohibited in Falcon School District #49. This policy shall apply to all school district employees.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action, which may include termination. Disciplinary action shall be taken in accordance with applicable Board of Education policies. **In appropriate circumstances and at the district's discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. Any such program shall be at the employee's expense. However, the district is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.**

An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by the principal or supervisor if such use or possession is:

- 1. On district property at any time.**
- 2. At any school-sponsored or sanctioned activity or even off district property enroute thereto.**
- 3. On the way to work.**

An employee shall be suspended immediately after arrest for the unlawful manufacture, distribution, dispensing, use, possession or for being under the influence of a controlled substance.

After investigation, the superintendent may, in his or her sole discretion, re-adjudicate, terminate per termination policy, or reinstate the employee if it appears to be in the best interests of the district. The matter shall be reported to the Board of Education.

Pursuant to law, any employee who is convicted or pleads *nolo contendere* under any criminal drug statute for a violation occurring in the workplace, shall notify the executive director of human resources no later than five days after the conviction. The district has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the district and the convicted employee's work site.

This **policy information** shall be communicated to all new employees at the time of their orientation. Annually, principals and supervisors will remind staff of this policy and its ramifications. All employees will have a signed check-off sheet in their personnel file declaring they received the policy and any related information.

Awareness and prevention program

The superintendent shall establish an awareness and prevention program to inform employees about:

- 1. The dangers of drug and alcohol abuse.**
- 2. The Board's policy of maintaining a drug-free workplace.**
- 3. Available drug and alcohol counseling, rehabilitation and employee assistance programs.**
- 4. Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.**

The Board shall conduct a periodic review of its awareness and prevention program to determine its effectiveness, and implement appropriate changes.

Annual notification of employees

Information about the standards of conduct required by this policy and the awareness and prevention program shall be communicated to employees on an annual basis. All employees shall acknowledge receipt of this policy and related information.

Adopted: May 4, 1989.

Revised: March 14, 1991.

Reviewed: May 11, 2000.

Revised: January 11, 2001.

Revised:

LEGAL REFS.: 20 U.S.C. 3224a, Drug Free Schools and Communities Act of 1986,
as amended in 1989.
41 U.S.C. §701 and 702
21 U.S.C. 812 (definition of controlled substance)

CROSS REFS.: EEAEAA, Drug and Alcohol Testing for Commercial Driver's Licensed
Employees
GCQF, Discipline, Suspension, and Dismissal of Professional Staff
Members
GDQD, Discipline, Suspension, and Dismissal of Support Staff
Members
JICH, Drug and Alcohol Use by Students



BOARD OF EDUCATION AGENDA ITEM 7.08

BOARD MEETING OF: November 13, 2008

PRESENTED BY: David Stark, Director

TITLE OF AGENDA ITEM: Revision to Board of Education Policy ACD – Commitment to Religious Neutrality

ACTION/INFORMATION/DISCUSSION: Action

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

Policy ACD – Commitment to Religious Neutrality should be revised to better reflect the District's constitutional mandates to preserve an environment of neutrality regarding religion while properly accommodating the religious views of its staff and students. Further, the District is obligated to observe on its calendars, and staff and students are entitled to observe in the classroom environment, federal holidays including Martin Luther King's birthday, Thanksgiving and Christmas, despite their religious significance, for their historical, cultural and traditional significance to this nation.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

COST OR COST ESTIMATION:

Negligible, except for efforts required to revise any District calendars that may be out of conformance with this policy.

MOTION REQUESTED:

I move to approve Board of Education Policy ACD – Commitment to Religious Neutrality as revised.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: November 3, 2008

Commitment to Religious Accommodation and Neutrality

Notwithstanding anything which may inadvertently still appear in policy, the Board of Education understands that administration and staff must recognize students' First Amendment religious rights. The Board further recognizes that the United States Constitution's First Amendment imposes two equally important obligations on public schools.

First, schools must not forbid students acting on their own from expressing their personal religious views or beliefs. Second, schools may not endorse religious activity or doctrine and students may not coerce participation in religious activity.

Schools must give students the same rights to engage in religious activity and discussion, as they have to engage in other comparable activity. Generally, this means that students may pray in a nondisruptive manner during the school day when they are not engaged in school activity and instruction, subject to the same rules as apply to other speech.

Martin Luther King's birthday, Thanksgiving and Christmas are among the 10 secular federal holidays recognized as an element of our rich American heritage that may have a religious significance to some. These holidays are recognized and observed at all levels of government including our own.

In April of 2006 after discovering that a volunteer committee had independently institutionalized censorship of Christmas from district calendars, in accordance with federal law the Falcon School District 49 board of education voted to restore the century old tradition of recognizing Christmas break on all district calendars.

The Board hereby refers to the majority opinion in Lynch v. Donnelly, 465 U.S. 668 (1984) in attempting to determine its obligation in this matter. Chief Justice Warren E. Burger represented the court's opinion when he stated that, "*Nor does the constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.*" Again, the words of Warren Burger in Lynch v. Donnelly, "*It is clear that neither the 17 draftsmen of the Constitution who were Members of the First Congress, nor the Congress of 1789, saw any establishment problem in the employment of congressional Chaplains to offer daily prayers in the Congress, a practice that has continued for nearly two centuries. It would be difficult to identify a more striking example of the accommodation of religious belief intended by the Framers.*"

Indeed, federal law and the U.S. Constitution require the District to recognize and accommodate Martin Luther King's birthday, Thanksgiving and Christmas in order to preserve our cultural identity, despite having religious significance to

some: ***“Executive Orders and other official announcements of Presidents and of the Congress have proclaimed both Christmas and Thanksgiving National Holidays in religious terms. And, by Acts of Congress, it has long been the practice that federal employees are released from duties on these National Holidays, while being paid from the same public revenues that provide the compensation of the Chaplains of the Senate and the House and the military services. See J.Res. 5, 23 Stat. 516. Thus, it is clear that Government has long recognized -- indeed it has subsidized -- holidays with religious significance.”***
Lynch v. Donnelly.

Justice Burger also made an affirmative statement, which carries the force of law, that sets forth the constitutional instruction for recognizing Christmas and its observances: ***“To forbid the use of this one passive symbol -- the creche -- at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings.”*** **Lynch v. Donnelly.** This statement sums up the notion that federal holiday observances are an American cultural tradition that properly takes place in public schools and that such observances are critical to the preservation of our heritage. Therefore, this District shall recognize breaks surrounding such federal holidays by name on our calendars and accommodate historical and cultural activities related to their observation.

Adopted: July 10, 2003.

Revised: November 13, 2008

LEGAL REFS.: Constitution of Colorado, Article II, Section 4 (*religious freedom*)
20 U.S.C. 7904 (*No Child Left Behind Act of 2001*)
C.R.S. 22-1-120 (*rights of free expression for public school students*)
Lynch v. Donnelly, 465 U.S. 668 (1984)

CROSS REF.: IB, Academic Freedom

IMB, Teaching about Controversial/Sensitive Issues

IMBB, Exemptions from Required Instruction

JJA, Student Organizations

JICEC, Student Distribution of Noncurricular Materials

JICED, Student Expression Rights

IC/ICA, School Year/School Calendar/Instruction Time

Informational Items

8.00

8.01 Expulsion Information

8.02 Student Field Trip Information

FHS Cross Country Nike Regional Championships in Phoenix, AZ

Departing 11/20/08 Returning 11/23/08

7 athletes would attend

Cost of \$150 per student plus food.

Athletes could compete in a high level regional championship.

Fundraising is not a necessary part of this program.

Ski and Snowboarding Club over night trip to Winter Park, CO

Departing 2/7/09 Returning 2/8/09

45 students total (Club is made of students from FHS, VRHS or SCHS) can attend the trip

Cost of \$200 per student (includes transportation, lodging and lift ticket) plus food

The ski and snowboarding club works on building positive relationships between the students' at all three schools. Also, they stress meeting new friends from their own school. Students ski together, eat together and engage in recreational activities at the YMCA at night.

Fundraising is not a necessary part of this program.

Both of these items have been approved by Grant E. Schmidt , Superintendent and Eric Paugh Chief Academic Officer

Discussion Items

9.00



BOARD OF EDUCATION AGENDA ITEM 9.01

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Christine Phillips: Gifted and Talented Coordinator

TITLE OF AGENDA ITEM: Early Access for Highly Advanced Gifted Students Under Age Six

ACTION/INFORMATION/DISCUSSION: Discussion

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

The new Colorado Department of Education (CDE) regulation House Bill 08-1021 funds early entrance for highly advanced students entering kindergarten or first grade who are under the age of six years old.

The rules and regulations require parents to apply for entrance by April 1st for the following school year. The criteria also requires a comprehensive and specific academic portfolio of evidence and application letter. Once these initial steps are approved by the district Gifted and Talented Coordinator, the parent then pays for cognitive and achievement testing as outlined in the legislation. The child must be age four by the first day of school (for kindergarten) or age five by the first day of school (for first grade). Once the child has met all evaluation criteria, the process requires monitoring of student academic growth after placement.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

PROS: The early entrance process is valuable to standardize the District's gifted entrance criteria for students under age six who do not yet meet school age requirements. Parents interested in early access are from public, private and home schooling environments. Establishing early access approval will strengthen the district gifted program.

CONS: There is minimal fiscal impact; however, there will need to be continual collaboration among teachers and parents, and ongoing monitoring of student progress. If Falcon D49 does not apply for the process, highly gifted young students may go outside of the district in order to meet their educational needs.

COST OR COST ESTIMATION:

As stated in the legislation, the district may charge a reasonable fee for the testing and early access process. No fee may be charged to families eligible for free and reduced lunch. At this time, the number of students under consideration for early access is minimal and current resources should be adequate to meet this need.

MOTION REQUESTED: NA

APPROVED BY: Eric Paugh, Chief Academic Officer **DATE:** October 31, 2008



BOARD OF EDUCATION AGENDA ITEM 9.02

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Paul McCarty, Chief Operations Officer

TITLE OF AGENDA ITEM: Capital Projects List

ACTION/INFORMATION/DISCUSSION: Discussion

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

The Facilities Department has compiled a list of capital projects dating back to the 2006 school year. This list will be updated in coming months to reflect all capital projects in progress or requested.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro:
Con:

COST OR COST ESTIMATION:

NA

MOTION REQUESTED:

None at this time.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: November 4, 2008



BOARD OF EDUCATION AGENDA ITEM 9.03

BOARD MEETING OF: November 13, 2008

PRESENTED BY: Paul McCarty, Chief Operations Officer

TITLE OF AGENDA ITEM: Board of Education Policy FBC, Prioritization of Facility Improvements

ACTION/INFORMATION/DISCUSSION: Discussion

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

There is no current policy in place in the district that allows for the process used to determine priorities with facility needs. This policy would be followed up with a regulation FBC-R that would provide the necessary steps for determining priorities for capital improvements.

PROS/CONS AND ALTERNATIVE COURSES OF ACTION

Pro: Provide more structure to determining capital improvements within the district. Create lists of upcoming or deferred capital improvements to provide more accurate budget forecasting in the future.

Con:

COST OR COST ESTIMATION:

NA

MOTION REQUESTED:

None at this time.

APPROVED BY: Grant E. Schmidt, Superintendent

DATE: October 31, 2008

Prioritization of Facility Improvements

The Board recognizes that not all facility improvement needs have the same level of importance. Therefore, the Board directs the Superintendent to develop a process to prioritize the relative importance of each facility improvement need. The four following priority groups shall be used in prioritizing capital improvements:

- 1. Priority Group 1 – Critical projects**
- 2. Priority Group 2 – Necessary projects**
- 3. Priority Group 3 – Deferrable necessary projects**
- 4. Priority Group 4 – Desirable projects**

Adopted:

Prioritization of Facility Improvements

Priority Group 1 – Critical Projects

This group includes those projects that are deemed to be of utmost importance. For this reason, projects in this group need to be accomplished as soon as feasible and preferably within a year, subject to the availability of funds. The following are the types of projects that are included in priority Group 1.

- **Projects involving health and safety (water supply that may become contaminated, poor traffic patterns that endanger pupil safety, potential structural failures, installation of emergency systems, etc.)**
- **Projects mandated by law (Americans with Disabilities Act, EPA regulations, state/local health department regulations, code revisions, etc.)**
- **Projects necessary to avoid a building or facility being temporarily closed (leaking boiler, cracked combustion chamber in a furnace, etc.)**
- **Projects that are necessary to prevent other damage to a building or site (extensive roof leaks that can cause interior damage, severe erosion along foundations and footings, etc.)**
- **Projects which retard deterioration or which will cause an inordinate increase in scope or cost if delayed beyond one year (roof deterioration that will impact other building components such as deck, insulation, electrical, flooring, wall finishes, if not corrected, extensive deterioration in pavement that could adversely affect subgrade conditions or that creates a safety hazard if not repaired, etc.)**
- **Projects which provide permanent additional capacity housing for students (when current enrollment at a school is greater than 125% of permanent program capacity, permanent facilities or other alternatives for housing students should be provided unless projections indicate a declining enrollment trend)**

Priority Group 2 – Necessary Projects

This group includes those projects that are essential to support the facilities' mission and purpose. Although they are important in nature, they are not as critical and urgent as those projects in Group 1. Group 2 projects should be accomplished within the next five years, subject to availability of funds. Examples include:

- **Necessary preventative repairs and improvements to maintain the integrity of and keep in operation a building or facility (replacement of equipment and systems that have served their useful life, including boilers, electrical panels, roofs, floor replacement, pavement overlay, etc.)**

- **Projects which provide permanent housing for students (new schools and additions required to permanently house current or projected enrollment not exceeding 125% of permanent program capacity, etc.)**
- **Projects which support existing instructional/auxiliary service programs (additions, renovation of open space classrooms, acoustical treatment in instructional areas, renovation of older schools to meet current or projected enrollment not exceeding 125% of permanent program capacity, etc.**
- **Projects which support the expansion of or changes in instructional/auxiliary service programs (computer classrooms, modular technical education laboratories and similar improvements)**
- **Projects which provide operational efficiencies and economies (energy conservation projects, pavement sealing/overlays, ditch water irrigation systems, HVAC control automation and automated irrigation systems, and projects that provide a substantial cost avoidance or return on investment)**

A large number of capital improvement needs are usually identified as Group 2 priorities. Therefore this priority group is divided into six sub-groups as follows:

Priority Group 2A

Necessary repairs and improvements to maintain the safety and integrity of the building and avoid imminent failure of a building system that would cause the facility to be shut down and/or result in a substantial loss (roof replacement, boiler replacement, heating pipe and domestic water pipe replacement, etc.)

Priority Group 2B

Projects required to house students in permanent facilities on a regular single track schedule (new schools or additions to existing schools where the projected five year future enrollment, based on the most current enrollment projection report, exceeds the permanent program capacity by 20% or more)

Priority Group 2C

Projects which support existing instructional/auxiliary service programs and will provide a substantial return on investment, including acoustical improvements, renovation of classroom facilities and renovation/upgrade of facilities 35 years old and older that have had no major remodeling during the last the years, including mechanical, electrical, core facility and flooring improvements as required.

Priority Group 2D

Projects which support existing instructional/auxiliary service programs, renovation/upgrade of facilities 30 years old and older that have had no major remodeling during the last ten years and site improvement projects required to provide safe and functional site facilities, including mechanical, electrical, core facility and flooring improvements as required.

Priority Group 2E

Projects which support existing instructional/auxiliary service programs, renovation/upgrade of facilities 25 years old and older that have had no major improvements during the last ten years, including mechanical, electrical, core facility and flooring improvements as required.

Priority Group 2F

Necessary maintenance or repairs to maintain the site facilities (pavement, drainage and other projects which provide operational efficiencies and economies (and projects that support the expansion of instructional/auxiliary service programs (computer labs, modular technical education laboratories, etc.)

Priority Group 3 – Deferrable Necessary Projects

Projects in this group are identical to those in Group 2 except they may be deferred beyond five years.

Priority Group 4 – Desirable Projects

Desirable projects are those that improve the environmental qualities of a building or site above adopted district standards (installation of plantings and shrubs, carpet replacement for esthetic reasons, etc.)

Adopted:

Open Forum

10.00

Other Business

11.00

- 11.01** **Executive Session:** 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 (4)(e) of the Colorado Revised Statutes. – Employee Involvement Committee
- 11.02** **Executive Session:** Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue
- 11.03** **Executive Session:** Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement. C.R.S. 24-6-402(4)(b), determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instruction of negotiators. C.R.S. 24-6-402(4)(e), and personnel matters, unless the employee who is the subject of the session has requested an open meeting or, if the personnel matter involves more than one employee, all of the employees have requested that the meeting be open. C.R.S. 24-6-402(4)(f): Administration and Finance Department.

Adjournment



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Mission Statement

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

AGENDA
REGULAR BOARD OF EDUCATION MEETING
November 13, 2008
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**
- 3.01 **Executive Session:** Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue
- 4.00 Consent Agenda**
 - 4.01 Approval of October Monthly Financial Update
 - 4.02 Approval of Matters Relating to Administrative Personnel
 - 4.03 Approval of Matters Relating to Licensed Personnel
 - 4.04 Approval of Matters Relating to Educational Support Personnel
 - 4.05 Approval of Rocky Mountain Classical Academy Second Amendment to Attornment
 - 4.06 Approval of Minutes for October 9, 2008 Regular Board of Education Meeting
 - 4.07 Approval of Minutes for October 22, 2008 Special Board of Education Meeting
 - 4.08 Approval of Minutes for October 22, 2008 Board of Education Work Session
- 5.00 Board/Superintendent Update**
- 6.00 Open Forum**
- 7:00 Action Items**
 - 7.01 Approval of Amendment #2 to Kenny Electric for New Falcon High School Athletics Facilities Lighting
 - 7.02 LKA Partners, Inc. Amended Contract for Architectural Services for Vista Ridge High School #3

- 7.03 LKA Partners Inc. Contract for Architectural Services for the New Falcon High School
- 7.04 Approval of School Improvement Plans
- 7.05 Recommendation of November 21, 2008 to be the Official Survey Date for Impact Aid
- 7.06 Revision to Policy GBEA- Staff Ethics/Conflict of Interest – Mac M
- 7.07 Revision to Policy GBEC – Drug-Free Workplace (Drug and Alcohol Use by Staff Members)
- 7.08 Revision to BOE Policy ACD- Commitment to Religious Neutrality

8:00 Information Items

- 8.01 Expulsion/Suspension Information
- 8.02 Student Field Trip Information

9.00 Discussion Items

- 9.01 Early Access for Highly Advanced Gifted Students Under Age Six
- 9.02 Submission of Consolidated list of prioritized funded and unfunded capital expenses
- 9.03 Board of Education Policy FBC, Prioritization of Facility Improvements

10.00 Open Forum

11.00 Other Business

11.01 Executive Session: 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 (4)(e) of the Colorado Revised Statutes. – Employee Involvement Committee

11.02 Executive Session: Personnel matters – discussion of matters specific to particular employees, not general personnel policies. Does not include discussion of board members or appointment to the Board as authorized by section 24-6-402 (4)(f) of the Colorado Revised Statutes and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. –Personnel Issue

11.03 Executive Session: Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement. C.R.S. 24-6-402(4)(b), determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instruction of negotiators. C.R.S. 24-6-402(4)(e), and personnel matters, unless the employee who is the subject of the session has requested an open meeting or, if the personnel matter involves more than one employee, all of the employees have requested that the meeting be open. C.R.S. 24-6-402(4)(f): Administration and Finance Department.

12.00 Adjournment

DATE OF POSTING: November 6, 2008

Loretta Branham, BOE Administrative Assistant