



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

**REGULAR  
BOARD OF EDUCATION MEETING  
October 9, 2008  
6:30 p.m.**

**CENTRAL ADMINISTRATION—  
BOARD ROOM**

Call to Order and  
Roll Call

Welcome and  
Pledge of Allegiance

Approval of Agenda



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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  
October 9, 2008  
6:30 P.M.  
Central Administration – Board Room**

- 1.00 Call to Order and Roll Call**
- 2.00 Welcome and Pledge of Allegiance**  
The Imagine Classical Academy
- 3.00 Approval of Agenda**
- 4.00 Consent Agenda**
  - 4.01 Approval of September 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 Matters Relating to Schedule B Personnel
  - 4.06 Approval of Revisions to Long Range Planning Committee Bylaws
  - 4.07 Approval of Rocky Mountain Classical Academy Second Amendment to Attornment
  - 4.08 Approval of Minutes for September 11, 2008 Regular Board of Education meeting
  - 4.09 Approval of Minutes for September 16, 2008 Special Board of Education meeting
  - 4.10 Approval of Minutes for September 24, 2008 Board of Education work session
- 5.00 Board/Superintendent Update**
- 6.00 Open Forum**
- 7:00 Action Items**
  - 7.01 American Education Week Resolution
  - 7.02 Approval of Preamble to Policies of the Falcon School District 49 Board of Education
  - 7.03 Approval of Revision to Policy Regulation ACD-R – Commitment to Religious Neutrality

- 7.04 Approval of DAAC membership  
7.05 Continuing Strategic Resources West's (SRW) Contract for Ongoing Planning & Consulting Assistance for 2008-09 school year

**8:00 Information Items**

- 8.01 Expulsion/ Suspension Information

**9.00 Discussion Items**

- 9.01 Superintendent's Performance Measures Update  
9.02 Black Forest Road and Wolf Ridge Drive additions related to Vista Ridge High School  
9.03 Board of Education Policy ACD – Commitment to Religious Neutrality

**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: October 6, 2008

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Loretta Branham, BOE Administrative Assistant

# Consent Agenda



## **BOARD OF EDUCATION AGENDA ITEM 4.01**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Joe Subialka, Chief Financial Officer

**TITLE OF AGENDA ITEM:** September 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 September 2007. 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:** October 9, 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:** October 1, 2008



**BOARD OF EDUCATION AGENDA ITEM 4.03**

**BOARD MEETING OF:** October 9, 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:** October 1, 2008





## **BOARD OF EDUCATION AGENDA ITEM 4.04**

**BOARD MEETING OF:** October 9, 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 Human Resources **DATE:** September 26, 2008



**BOARD OF EDUCATION AGENDA ITEM 4.05**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Mark McPherson, Executive Director of Human Resources

**TITLE OF AGENDA ITEM:** Approval of Matters Relating to Schedule B 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:** October 1, 2008



**BOARD OF EDUCATION AGENDA ITEM 4.06**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Mark Shook, Director

**TITLE OF AGENDA ITEM:** Revisions to Long Range Planning Committee Bylaws

**ACTION/INFORMATION/DISCUSSION:** Consent - Action

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

Long Range Planning Committee Bylaws required certain revisions to better reflect the operation and practices of the committee. Board has exclusive authority to revise these bylaws.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

Will improve Board/Committee understanding of LRPC practices and objectives.

**COST OR COST ESTIMATION:**

None

**MOTION REQUESTED:**

I move to approve the amendments to the Bylaws of the Long Range Planning Committee

**APPROVED BY:** Grant E. Schmidt, Superintendent

**DATE:** September 30, 2008

# FALCON SCHOOL DISTRICT 49

## LONG RANGE PLANNING COMMITTEE MEMBERSHIP REGULATIONS

### PART I: CHARGE

The Long Range Planning Committee (LRPC) is charged by the Board of Education on December 14, 2006 to evaluate growth trends within the District and to make recommendations to the Board about the utilization of existing facilities, remodeling, construction of new facilities, and assistance in planning for capital reserve projects.

### PART II: MEMBERSHIP - VOTING

As authorized by the Board of Education, the Long Range Planning Committee shall consist of ten (10) resident members appointed by the Board to represent the District. Of the ten, there shall be one (1) voting member representing senior citizens.

In addition, 3 voting members representing school administration shall be selected by the Vacancy and Rules Committee, two (2) voting members representing District Administration (preferably a secondary school Principal and an elementary school Principal), and (1) voting member representing a D49 Charter School Administration. One (1) voting member representing the development community and (1) voting member representing Home School Parents may be added at the Vacancy and Rules Committee's discretion.

Voting members representing Falcon School District administration and the member representing the development community are not subject to term limits in Part III, Paragraph A.

### MEMBERSHIP - NON-VOTING

In addition to the fifteen (15) voting members there may be three ex-officio, non-voting members. These members shall consist of one appointed Board of Education member to act as a liaison to the committee, an Administration Advisor assigned by the Superintendent, and a resident who is a member of either the El Paso County or City of Colorado Springs planning staff or Commission.

### PART III: TERM OF SERVICE

#### A. General

Following the initial appointment, the term of service shall be three (3) years, beginning on July 1 and continuing to June 30 of any given year. A member may serve up to two full terms. Members subject to term limits may serve up to two (2) full terms, or a maximum of eight (8) years.

#### B. Time of Appointment

- 1) Future members of the LRPC shall be nominated by the LRPC vacancy sub-committee and approved by the Board of Education at a regularly scheduled meeting of the Board in June of each year or at other times as are necessary to complete terms and fill vacancies as needed. When a vacancy occurs on the committee, a

Vacancy and Rules Committee consisting of the Chairman, Vice Chairman and the School Board Representative shall review all applications for membership. Applicants selected by the Vacancy and Rules Committee shall be invited to attend LRPC meetings, and after their participation in two consecutive meetings, the Vacancy and Rules Committee may by majority vote, agree to submit the members name to the school board for membership approval and appointment.

The Vacancy and Rules Committee may invite district patrons to be non-voting associate members of the LRPC prior to, or in anticipation of, a future vacancy. Alternate members serve in that capacity until they are selected by the Vacancy and Rules Committee of the LRPC to fill a vacancy, or until the end of the school year.

#### C. Reappointments

Members may be reappointed at the discretion of the Board of Education in accordance with the provisions of Paragraph A above.

#### D. Attendance Obligations

The voting members of the LRPC are expected to attend all regular and special meetings of the Committee. Should a member be absent from three regular meetings in a given calendar year, that member may be removed from the LRPC in accordance with the procedure set forth herein, and a replacement shall be appointed by the Board of Education for the balance of the term.

The Administration Representative shall contact the member via a telephone call or letter beginning after the second absence and report back to the Vacancy and Rules Committee. The Vacancy and Rules Committee shall have the prerogative of making exceptions to the dismissal policy because of special circumstances.

### PART IV: OFFICERS

As Appointed by the Board of Education, the committee may have a Chairman, Vice Chairman, or such other officers as approved by the board. All officers serve at the pleasure of the board. The chairman may appoint one or two committee members to be his councilors, and delegate specific tasks to them.

### PART V: MEETINGS

#### A. Regular Meetings

Regular meetings of the LRPC should be held at least once a month at a mutually agreeable time and location to be determined by the membership.

#### B. Special Meetings

Special Meetings may be called for at the request of the LRPC Chairman, the Board of Education, or the Administration Advisor.

#### C. Orientation for New Members

At the beginning of each year of service, the Administration Advisor and the LRPC Chairman (or designee) will provide an orientation for new members. The orientation will provide an overview of the LRPC's purpose, the District's boundaries, individual school attendance areas, description and location of all schools, current and projected enrollment, facility capacities, and other items deemed relevant to completing the committee's charge.

PART VI: VOTING

A. Quorum

A quorum shall be a simple majority of the current voting membership in order to have an official meeting of the committee.

B. Majority Vote

For a recommendation to the Board of Education, a majority vote of the membership is required.

C. Tie Vote

In case of a Tie Vote, the motion being voted upon shall be deemed to have failed.

PART VII: DEVELOPMENT COMMUNITY

The Vacancy and Rules Committee may nominate a representative of the development community as a voting member. The Board of Education shall have final approval of the members recommended by the LRPC.

The development community member must be either a homebuilder or developer with an active project within the District's boundaries and preferably be a resident of the District.

PART VIII: AMENDMENTS

These Rules and Regulations shall be approved by the Board of Education. Amendments to the by-laws can occur at any time by direction of the Board of Education, or by majority vote of the Vacancy and Rules Committee and then submitted to the Board of Education for final approval.

DEFINITIONS

Unless inconsistent with the context, words signifying any one gender shall include the others, words signifying the singular shall include the plural and vice versa .

Use of the word **Chairman** shall be understood to include both **men** and **women** as equal members of the **human** family. The formal address to the chairman may be Mr. Chairman or Madam Chairman depending on the chairman's preference.

Effective – December 14, 2006

Revised - September 11, 2008

**Revised – October 9, 2008**



**BOARD OF EDUCATION AGENDA ITEM 4.07**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Linda Stahnke, Rocky Mountain Classical Academy

**TITLE OF AGENDA ITEM:** Second Amendment to Attornment

**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.

**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.

**APPROVED BY:** Anna Bartha, BOE President

**DATE:** October 2, 2008

## **Consent Agenda Items**

**4.08, 4.09, and 4.10**

**Are approval of Board of Education  
minutes for September 11, 16, and 24  
and will be published after their  
approval**



Board –  
Superintendent  
Update  
Item 5.00

Open Forum  
Item 6.00

Action Items  
Item 7.00



**BOARD OF EDUCATION AGENDA ITEM 7.01**

**BOARD MEETING OF:** October 9, 2007

**PRESENTED BY:** Grant E. Schmidt, Superintendent

**TITLE OF AGENDA ITEM:** American Education Week Resolution

**ACTION/INFORMATION/DISCUSSION:** Action

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

The Board of Education would like to recognize the efforts of all the Falcon 49 District staff for their commitment to providing an excellent education for every student in the district.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

None

**COST OR COST ESTIMATION:**

None

**MOTION REQUESTED:**

I move to approve the following resolution (read the resolution) to recognize the week of November 16– 22, 2009, as American Education Week throughout our district schools.

**APPROVED BY:** Grant E. Schmidt., Superintendent

**DATE:** October 3, 2008



**WHEREAS**, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility and equality; and

**WHEREAS**, by equipping young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

**WHEREAS**, education employees – be they teachers, custodians, administrators, bus drivers, librarians, secretaries or nutrition services – work tirelessly to serve our children and communities with care and professionalism; and

**WHEREAS**, schools bring together adults and children, educators and volunteers, business leaders and elected officials in a common enterprise;

**NOW, THEREFORE**, we, the Falcon 49 School District Board of Education, do hereby support the annual observance of

## **American Education Week November 16-22, 2008**

in the Falcon 49 School District and urge all community members to recognize those who provide our young people with an excellent education.

Approved and adopted this 9<sup>th</sup> day of October 2008.

Falcon 49 School District

Attest:

By: \_\_\_\_\_  
Anna Bartha, President, Board of Education

\_\_\_\_\_  
Kent Clawson, Secretary, Board of Education



**BOARD OF EDUCATION AGENDA ITEM 7.02**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Mark Shook, Director

**TITLE OF AGENDA ITEM:** Adoption of Preamble to Board of Education Policies

**ACTION/INFORMATION/DISCUSSION:** Action

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

Preamble will set forth the Board's overall purposes and objectives. Version to be adopted has removed provisions determined to be controversial and/or inconsistent with the purpose of the policy per staff and community input and discussion by the Board.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

Will create clear statement of purpose

**COST OR COST ESTIMATION:**

None

**MOTION REQUESTED:**

I move to adopt the Preamble to the Board of Education Policies

**APPROVED BY:** Anna Bartha, BOE President

**DATE:** September 30, 2008

*The following shall be placed in front of the first numbered policy of the Policies of the Board of Education.*

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## ***Preamble to Policies of the Falcon Board of Education***

Our mission is to provide the learning opportunities and instruction necessary to produce educated productive citizens, knowledgeable about our government, our history, and academically prepared to contribute to our community, nation and world.

The District's greatest assets are dedicated teachers and supportive families. The District acknowledges the primacy of the family as the fundamental authority in the lives of its children.

School District 49 is run by the parents and patrons of the district by electing 5 citizen directors, who hire a full time superintendent to carry out their directives. Each director before taking office, has promised to uphold the Constitution of the United States of America, and the Constitution of the State of Colorado.

We place, in part, the words of our state constitution at the head of our board policies, because from it originates the authority of the citizens who serve as said directors of the Falcon school district.

### ***Constitution of the State of Colorado – Section 15. School Districts - Board of Education.***

***The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district.***

***"Said directors shall have control of instruction in the public schools of their respective districts."***

***Therefore,***

No action, resolution, or policy of the board shall circumvent, dilute or negate the powers and responsibilities given to the Falcon Board of Education by the Colorado State Constitution. Any policy contained herein which is or may be interpreted to do so in whole or in part, is hereby rendered null and void and waived in any part which may violate this policy.



**BOARD OF EDUCATION AGENDA ITEM 7.03**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Mark Shook, Director

**TITLE OF AGENDA ITEM:** Revision of Board of Education Policy ACD-R Commitment to Religious Accommodation and Neutrality

**ACTION/INFORMATION/DISCUSSION:** Action

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

On separate sheet

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

Pros:

Revision of Board of Education Policy ACD-R will enact a methodology for ensuring that the District annually updates its practices related to the Constitutional celebration of a national holiday in accordance with any and all new laws and/or judicial interpretations.

Cons:

- None noted at this time.

**COST OR COST ESTIMATION:**

Limited impact, if any.

**MOTION REQUESTED:**

I move to approve the adoption of Board Regulation File: ACD-R with the proposed amendment

**APPROVED BY:** Grant E. Schmidt, Superintendent

**DATE:** September 30, 2008

## **Board Rationale for Adoption of Policy ACD and Regulation ACD-R**

Martin Luther King's birthday, Thanksgiving and Christmas are amongst 10 federal holidays recognized as an element of our rich American heritage that may have 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 instituted 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.

It is apparent that there are common questions and misperceptions related to observing the Christmas holiday to include its history and associated cultural activities. In fact, with our existing policies, each year the district continues to encounter a broad array of responses regarding proper observance of this federal holiday. This is a matter of actual controversy as staff, teachers, parents and students attempt to discern between what might constitute establishment of religion or a failure to accommodate religion under the Constitution of the United States.

The board's role is governance. Good governance requires clear unambiguous policies and regulations. At this time it is evident that the board must clarify any existing guidance to ensure that recognition and observations of Christmas and other federal holidays with religious significance consistently comply with the Constitution of the United States. Navigation of such challenging matters should not be left to the disparate judgments of various individuals within the district. It is difficult in fact to fathom what might fall more exactly in the category of board responsibilities than to provide guidance in an area of controversy wherein currently reigns confusion and ambiguity.

What is at the heart of the proposed change? The board believes that the district is obliged to observe federal holidays to include Martin Luther King's birthday, Thanksgiving and Christmas break on its calendars. These holidays are culturally and traditionally significant to the district's patrons. As a result, observances of these holidays have and will continue to occur within the district. However, unlike the other federal holidays (New Years, Washington's birthday, Memorial Day, Independence Day, Labor Day, Columbus Day and Veteran's Day), it only is the case with Martin Luther King's birthday, Thanksgiving and Christmas that questions may or do arise in connection with any religious entanglements. Thus, the district is presented with numerous actual controversies related to the observance of Christmas while at the same time subject to an obligation to include it as an official component of the school year. If the federal government sets forth a mandate related to something, and the local public entities are failing to observe the mandate, it falls upon their leadership to clarify and structure the proper observance of that mandate.

The Board referred to the majority opinion in **Lynch v. Donnelly (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.*" This may appear at first blush to be at best a mild endorsement of the topic (which was in that case the question of Christmas observance on governmental premises), but *accommodation* in the case of Christmas is far more than a nodding acknowledgement. Why? Because, as is the case with Martin Luther King's birthday and Thanksgiving, this holiday goes to the very core of our "culture." In 1998, Hillary Clinton's Christmas message (part of President Clinton's "1998 Christmas Message") started, "*Christmas reminds us that the values we share should far outweigh whatever differences there are among people.*" And so it has been for 200 plus years. Alabama was the first state to grant legal recognition to Christmas, in 1836. By 1890 all the states and territories had made similar acknowledgment, including the District of Columbia in 1870. Indeed, the deep roots of this holiday and the related religious traditions return us to the founding of this nation. 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.*"

Virtually every nation on earth has a culture comprised of many elements including the celebration of holidays ("holy days") which are derived from both secular and religious traditions. In the same way, the observance of Christmas in the United States is equally based on cultural identity and religious history. Indeed, even were this not the case, the constitution equally requires governmental entities to accommodate Christmas observations including its historical foundations. "*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.**

Thus, the District's intent in this matter, "*like the Congresses and Presidents, however, has principally taken note of a significant historical religious event long celebrated in the Western World.*" **Lynch v. Donnelly.** That is to say, that the intent of the proposed policy and regulation is to abide by a federal directive, which has been set forth to honor the cultural foundation of America. With that, the objective is to clarify for district teachers, staff, parents and students the specific practices which are permissible, which are not permissible and which are obligatory in connection with these observances.



Justice Burger, also in **Lynch v. Donnelly**, 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.”* This statement sums up the notion that Christmas observances are an American cultural tradition that properly takes place *“in public schools”* and that such observances are critical to the preservation of our nation’s heritage. As the district may not constitutionally fail to accommodate this holiday, it is prudent and necessary that it provide all staff with proper guidance in this particular area of controversy and confusion. In the event that other similar controversies arise in connection with any other holiday, the board will respond accordingly.

The proposed policy and regulation will provide a roadmap for what is permissible and what is not. They will not impose any affirmative obligation on the part of any individual to participate in observances of holidays, though they will set forth as implemented, certain requirements to afford constitutionally required accommodations of all religions to include federal holidays with religious significance.

## **Commitment to Religious Accommodation and Neutrality**

### **Religious activities of students**

Individual students may engage in private, quiet religious activities so long as the conduct is not disruptive. This does not include the right to have a captive audience listen or compel other students to participate. Students may speak to their peers about religious topics just as they do with regard to political topics. Teachers and administrators should ensure that no student is in any way coerced to participate in religious activity. Student speech that constitutes harassment aimed at a student or group of students shall not be allowed.

### **Religious activities of staff**

Staff members, including teachers and administrators, when present on school premises, when attending school sponsored events, or when otherwise acting in their capacity as school district employees, are representatives of the state and as such are prohibited from soliciting or encouraging religious activities, participating in religious activities with students, discouraging an activity because of religious content, or soliciting or encouraging anti-religious activities. The prohibitions set forth above do not apply to staff members when they are not acting as an employee of the district or when they are attending non-school sponsored events, regardless of where such events are held.

### **Teaching about religion**

Public schools may not provide religious instruction. However, objective teaching about religion is permitted. The following may be taught about religion: the history of religion, comparative religion, and the role of religion in the history of the United States and other countries. It is also permissible to teach religious influences in art, music, literature, and social studies. Public schools may teach about religious holidays, including their religious aspects, and may celebrate the secular aspects of holidays. Schools may not observe holidays as religious events or promote such observance by students. In teaching about religion, teachers are prohibited from promoting, criticizing, or ridiculing a religion.

### **Homework or coursework**

Students may express their beliefs about religion in the form of homework, artwork, and other written and oral expression. Such homework and classroom work should be judged by academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school.

**Christmas Holiday - Board and Superintendent Guidance requirements.**

**The Board hereby directs the Superintendent to provide all staff and teachers with guidance to ensure that all students and staff within the District are afforded their full constitutional rights to religious expression in accordance with policy ACD, including any and all available rights to observation of the Christmas holiday. To that end, the Board therefore directs its attorney annually to draft an advisory memorandum setting forth all such rights in accordance with laws or resolutions that may be passed by the Congress or interpreted by the Supreme Court of the United States, along with any additional legal guidance related to religious expression and federal holiday observance within the public schools. Thereafter, the Board's attorney shall supply such memorandum to the Superintendent who shall effect District-wide distribution of the memorandum in September of each year.**

Adopted: July 10, 2003.

**Revised:**



**BOARD OF EDUCATION AGENDA ITEM 7.04**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Eric Paugh, Assist. Superintendent Learning Services

**TITLE OF AGENDA ITEM:** District Accountability Advisory Committee Membership

**ACTION/INFORMATION/DISCUSSION:** Action

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

The Falcon School District 49 District Accountability Advisory Committee (DAAC) Bylaws state that the membership of the DAAC will be appointed by or elected through a process created by the Board of Education.

The purpose of the DAAC is to institute an accountability and parental and community Involvement program to define and measure academic and safety quality in the district.

The DAAC must consist of at least three parents of students enrolled in the District's schools that are not employees or related to employees of the district, one teacher, one school administrator, and one person from the community who is involved in business.

The enclosed membership roster is the listing of DAAC members for the 2008-2009 school year for your approval. At a minimum they are required to review the School Improvement Plans, and charter school applications, recommend the prioritization of expenditures of school district funds, review district assessments and report on the educational and safety performance of the district.

They have already committed to the responsibilities of their charge through state statute and will report out their accomplishments in June, 2009.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

None

**COST OR COST ESTIMATION:**

None

**MOTION REQUESTED:**

I move to approve the appointment of the members of the District Accountability Advisory Committee as recommended.

**APPROVED BY:** Grant Schmidt, Superintendent

**DATE:** October 1, 2008



## **BOARD OF EDUCATION AGENDA ITEM 7.05**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Paul McCarty, Chief of Support Services

**TITLE OF AGENDA ITEM:** Continuing Strategic Resources West's (SRW) Contract for Ongoing Planning & Consulting Assistance for 2008-09 school year

**ACTION / INFORMATION / DISCUSSION:** Action

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

On June 27, 2007, the Board of Education approved the previous Strategic Resources West's (SRW) Contract for Planning & Consulting Assistance for the 2007-08 school year.

The primary tasks SRW will continue to provide us is 1) train our new planner, Melissa Andrews, 2) assist the Long Range Planning Committee, and 3) to supplement our information and experience in the planning department.

Denny Hill of SRW has attended all of the Long-Range Planning Committee meetings and has served the function as their facilitator. This function will continue as well.

### **PROS / CONS AND ALTERNATIVE COURSES OF ACTION**

The advantages of continuing this contract with SRW is they have a great amount of knowledge and experience in forecasting new enrollment for future growth in Falcon School District 49. They are also a great source of information for assisting and training our new planner, Melissa Andrews so she can eventually take on more of the planning tasks for Falcon School District 49. We anticipate SRW will be more involved towards the beginning of the year and less involved towards the end of the year, due to Melissa's training.

If the Board of Education chooses not to approve to continue this contract this could delay the training process for the district's new planner and the district would need to search for another firm to perform these planning tasks.

### **COST OR COST ESTIMATION:**

Estimated total costs of \$48,000 (Forty-eight thousand dollars) from July 2008 through June 2009.

### **MOTION REQUESTED:**

I move to continue Strategic Resources West's (SRW) Contract for On-going Planning and Consulting Assistance for the 2008-09 school year.

**APPROVED BY:** Grant E. Schmidt, Superintendent

**DATE:** September 26, 2008

# Informational Items

**Item 8.01 – Suspensions/Expulsions**

# Discussion Items



**BOARD OF EDUCATION AGENDA ITEM 9.01**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Grant E. Schmidt, Superintendent & Board of Education

**TITLE OF AGENDA ITEM:** Superintendent's Performance Measures

**ACTION/INFORMATION/DISCUSSION:** Discussion

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

This is a continuation of the discussion on the Superintendent's performance measures. The purpose of this discussion is to more clearly define how the performance measures will be weighted in the evaluation process to see if the performance measures have been met at the end of the year.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

Pro:

Con:

**COST OR COST ESTIMATION:**

NA

**MOTION REQUESTED:**

NA

**APPROVED BY:** Grant E. Schmidt, Superintendent

**DATE:** October 1, 2008

## Superintendent Performance Measures, 2008-2009

<i>Sub-goal statement</i>	<i>Actions and Due Dates</i>	<i>Progress</i>
<b>1. Increase communication and interaction opportunities with the entire school district community. (i.e., broadcast video, community meetings, staff meetings with the Superintendent, print media, Superintendent’s Teacher Advisory Council, Superintendent’s Student Advisory Council)</b>		
<ul style="list-style-type: none"> <li>The Superintendent will implement communication and interaction opportunities with the entire school district community on a monthly basis through different media formats.</li> </ul>		
<p><i>The following media forms will be implemented during the 2008-09 school year:</i></p>		
<ul style="list-style-type: none"> <li>Monthly broadcast of Superintendent &amp; Board update show to be aired on the public channel access.</li> </ul>	<p>Utilize the broadcast studio and students to record this twice-monthly event.</p> <p>The recording will be aired on the public television channel.</p>	
<ul style="list-style-type: none"> <li>Monthly broadcast of Superintendent’s update to district staff, to be distributed via email.</li> </ul>	<p>Utilize the broadcast studio and students to record this monthly event.</p> <p>The recording will be sent to all staff via district email.</p>	
<ul style="list-style-type: none"> <li>Broadcast shows to include: Adult English language development, welcome to kindergarten, welcome to 7<sup>th</sup> grade, welcome to high school, welcome to Patriot Learning Center.</li> </ul>	<p>Each of these events will be developed and recorded at least one time during the school year.</p> <p>The recordings will be aired on the public television channel.</p>	
<ul style="list-style-type: none"> <li>Twice each year the Superintendent will host a community</li> </ul>	<p>These events will be placed on a master schedule by August 4, 2008.</p>	



meeting at each of the regular education sites within the district.	A survey will be provided to each audience member to evaluate the effectiveness.	
<ul style="list-style-type: none"> <li>Twice each year the Superintendent will meet with each building's staff as part of a staff meeting.</li> </ul>	<p>These events will be placed on a master schedule by August 4, 2008.</p> <p>A survey will be provided to each audience member to evaluate the effectiveness.</p>	
<ul style="list-style-type: none"> <li>The Falcon Quarterly will be produced once per month.</li> </ul>	<p>The monthly publication will begin at the end of July, 2008.</p> <p>Each issue will be placed on the internet, sent via email, and (by request) mailed.</p>	
<ul style="list-style-type: none"> <li>The Superintendent will form a Teacher Advisory Council to meet once per trimester (3 times).</li> </ul>	<p>The council schedule will be developed by August 4, 2008.</p> <p>The members will be surveyed after the final meeting to evaluate the effectiveness.</p>	
<ul style="list-style-type: none"> <li>The Superintendent will form a Student Advisory Council to meet once per trimester (3 times).</li> </ul>	<p>The council schedule will be developed by August 4, 2008.</p> <p>The members will be surveyed after the final meeting to evaluate the effectiveness.</p>	
<b>2. Implement a district branding and marketing plan.</b>		
<ul style="list-style-type: none"> <li>The Superintendent will contract with a marketing consultant to meet with the Executive Cabinet periodically throughout the 2008-09 school year.</li> </ul>	<p>The first meeting with the marketing consultant will be July 15, 2008.</p> <p>Additional meetings will be scheduled after the July 15, 2008 meeting.</p>	
<ul style="list-style-type: none"> <li>A marketing and branding plan will be developed and implemented.</li> </ul>	<p>The marketing and branding plan will begin implementation in October, 2008.</p> <p>The plan will be evaluated in May, 2009</p>	
<b>3. Prioritize, with the Executive Cabinet, the results from the Phi Delta Kappa district curriculum audit in order to determine a set number of items to positively effect during the 2008-09 school year.</b>		
<ul style="list-style-type: none"> <li>Based on the results of the Phi Delta</li> </ul>	Within two weeks of receiving the audit results, an Executive	

<p>Kappa curriculum audit the Executive Cabinet and Superintendent will prioritize the needs in determining a set number of items to positively effect during the 2008-09 school year.</p>	<p>Cabinet meeting will be held to prioritize the needs as a first draft. Within two weeks each department will prioritize the results. The next week the Executive Cabinet will finalize the priorities.</p> <p>Each priority item will be addressed by Jun 1, 2009.</p>	
<ul style="list-style-type: none"> <li>The results and the prioritized items will be shared with district leadership and the Board of Education within six weeks of receiving the results from Phi Delta Kappa.</li> </ul>	<p>With the process followed after receiving the results, the Board will be given the information regarding the final prioritized items.</p>	
<p><b>4. Advise/guide the Learning Services division on ways to accelerate the trend of student achievement at all grade levels for all student subgroups as measured by district assessments, CSAP, AP exams, and ACT.</b></p>		
<ul style="list-style-type: none"> <li>ACT average score for juniors will increase by 0.1 points in Composite, English, Math and Science.</li> </ul>	<p>Instructionally focused principal meetings on a monthly basis, beginning in August 2008</p> <p>Expectations set with principals to have all staff aware of ACT scope and preparing students appropriately.</p>	
<ul style="list-style-type: none"> <li>The SAT average score for juniors will increase by 10 points for composite, and 5 points for each Verbal and Math.</li> </ul>	<p>Instructionally focused principal meetings on a monthly basis, beginning in August 2008</p> <p>Expectations set with principals to have all staff aware of SAT scope and preparing students appropriately.</p>	
<ul style="list-style-type: none"> <li>The graduation rates of all subgroups of students will increase by a minimum of 2.5%.</li> </ul>	<p>Monthly meetings with counselors to discuss, share, and train in order to provide necessary supports for students at-risk of not graduating. All students from grades 6-12 will be monitored and addressed in a timely manner.</p>	
<ul style="list-style-type: none"> <li>The average CSAP scale score for each</li> </ul>	<p>Instructionally focused principal meetings on a monthly basis,</p>	

<p>grade level and each sub-content area will increase by 5%</p>	<p>beginning in August 2008</p> <p>Staff will implement Culturally Responsive Teaching (CRT) techniques on a daily basis by September, 2008.</p> <p>Expectations set with principals to have all staff aware of and regularly utilizing CSAP scoring guides (and other technical information) provided by the Colorado Department of Education.</p> <p>Learning Services instructional support documents will be completed by June, 2009.</p> <p>Current instructional directions set by Learning Services will be implemented and monitored for effectiveness (ie, professional development, data meetings, principal walkthroughs, staff utilization of documents/planners).</p>	
<ul style="list-style-type: none"> <li>Establish objective and threshold measures of student teacher ratios designed to optimize student achievement</li> </ul> <p>(When applicable to student achievement include teacher's aids or other instructional assistants in these measures)</p>	<p>To be determined through the Ed Spec process. Completion by May, 2009</p>	
<ul style="list-style-type: none"> <li>Integrate the measures as key performance indicators with the new student information system to automate the</li> </ul>	<p>To be determined through the Ed Spec process. Completion by May, 2009</p>	

<p>alerting and reporting of objective and threshold measures (e.g., Red, Amber, Green views of compliance)</p>		
<ul style="list-style-type: none"> <li>• Publish key performance indicators of student teacher ratios on the district web site.</li> </ul>	<p>To be determined through the Ed Spec process. Completion by May, 2009</p>	
<p><b>5. Working with the District Accountability Committee (DAC) identify a baseline for a parent satisfaction survey, student (grades 6-12) satisfaction survey and a staff satisfaction survey in order to measure annual growth for each group.</b></p>		
<ul style="list-style-type: none"> <li>• The Superintendent will work cooperatively with the District Accountability Council in developing a parent satisfaction survey to be administered in March of each school year.</li> </ul>	<p>A parent satisfaction survey will be jointly developed by December, 2008.</p> <p>The survey will be administered and results compiled by May 15, 2009.</p>	
<ul style="list-style-type: none"> <li>• The Superintendent will work cooperatively with the District Accountability Council in developing a student satisfaction survey (grades 6-12) to be administered in March of each school year.</li> </ul>	<p>A student satisfaction survey will be jointly developed by December, 2008.</p> <p>The survey will be administered and results compiled by May 15, 2009.</p>	
<ul style="list-style-type: none"> <li>• The Superintendent will utilize a staff survey developed, with research/literature support, to be administered in March of each school year.</li> </ul>	<p>A staff satisfaction survey will be jointly developed by December, 2008.</p> <p>The survey will be administered and results compiled by May 15, 2009.</p>	
<p><b>6. Supervise and assure the completion of a 5-year facilities master plan for current facilities and a 5-year facilities master plan for future facilities.</b></p>		

<ul style="list-style-type: none"> <li>The Superintendent will supervise and monitor the development of a 5-year facilities master plan for current facilities.</li> </ul>	<p>The 5-year facilities master plan for current facilities will be near completion, or completed by June 1, 2009.</p>	
<ul style="list-style-type: none"> <li>The Superintendent will supervise and monitor the development of a 5-year facilities master plan for future facilities.</li> </ul>	<p>The 5-year facilities master plan for future facilities will be near completion, or completed by June 1, 2009.</p>	
<ul style="list-style-type: none"> <li>The progress of the 5-year facilities master plan for future facilities will be shared with the Long Range Planning Committee.</li> </ul>	<p>At the final meeting of the Long Range Planning Committee the 5-year facilities master plans will be shared.</p>	
<ul style="list-style-type: none"> <li>The progress of the 5-year facilities master plan for current facilities will be shared with the District Accountability Council.</li> </ul>	<p>At the final meeting of the District Accountability Council the 5-year facilities master plans will be shared.</p>	
<ul style="list-style-type: none"> <li>Establish objective and threshold measures for district facility instructional space utilization designed to optimize utilization of existing facilities and; to be used as a data driven baseline to plan future facility requirements.</li> </ul>	<p>The 5-year facilities master plan for future facilities will be near completion, or completed by June 1, 2009.</p> <p>The 5-year facilities master plan for current facilities will be near completion, or completed by June 1, 2009.</p>	
<ul style="list-style-type: none"> <li>Integrate the above measures as key performance indicators with the new student information system to automate the alerting and</li> </ul>	<p>The 5-year facilities master plan for future facilities will be near completion, or completed by June 1, 2009.</p> <p>The 5-year facilities master plan for current facilities will be near completion, or completed by June</p>	

reporting of objective and threshold measures (e.g., Red, Amber, Green views of compliance)	1, 2009.	
<ul style="list-style-type: none"> <li>Publish above real time key performance indicators on the district web site.</li> </ul>	<p>The 5-year facilities master plan for future facilities will be near completion, or completed by June 1, 2009.</p> <p>The 5-year facilities master plan for current facilities will be near completion, or completed by June 1, 2009.</p>	
<ul style="list-style-type: none"> <li>Coordinate all progress on facility utilization key performance indicators with the Long Range Facility Planning Committee.</li> </ul>	<p>The 5-year facilities master plan for future facilities will be near completion, or completed by June 1, 2009.</p> <p>The 5-year facilities master plan for current facilities will be near completion, or completed by June 1, 2009.</p> <p>The 5-year current and future facilities plans will be shared with the Long Range Planning Committee throughout the year, as the plans develop.</p>	
<b>7. Develop a Program Based Budget for the 2009-2010 school year.</b>		
<ul style="list-style-type: none"> <li>The Superintendent will coordinate a Program Based Budgeting training of all budget managers, including the Board of Education, by September, 2009.</li> </ul>	The training will be scheduled and held by September 30, 2008.	
<ul style="list-style-type: none"> <li>The Superintendent and Executive Cabinet will begin implementing the Program Based Budgeting approach as the 2009-10 budget is prepared.</li> </ul>	The program based budgeting process will begin with the Executive Cabinet by November 1, 2008.	
<ul style="list-style-type: none"> <li>The 2009-10 district</li> </ul>	The program based budget for	

<p>budget in Program Based Budgeting format will be presented to the Board of Education.</p>	<p>2009-10 will be presented to the Board by June 25, 2009.</p>	
<p><b>8. Establish, publish and maintain a prioritized system for funding of capital expenses</b></p>		
<ul style="list-style-type: none"> <li>• Submit a consolidated list of prioritized funded and unfunded capital expenses to the BOE</li> </ul> <p>(List should note which capital expenses potentially qualify for FCBC or other similar external funding sources)</p>	<p>Submission by November 13, 2008</p> <p>Publish the districts prioritized capital spending list on the district web site no later than January 8, 2009, and thereafter maintain list with changes as they are approved.</p> <p>Throughout the 08-09 school year capital expense requests will be within the framework of a capital expenditure prioritization system</p> <p>The Long Range Planning Committee will participate in some or all of the prioritized list development.</p>	
<p><b>9. Review and revise district policies, with the potential to add or delete policies.</b></p>		
<ul style="list-style-type: none"> <li>• Contract with the Phi Delta Kappa organization to complete a comprehensive curriculum audit of the Falcon School District 49.</li> </ul>	<p>Hold the audit by January, 2008.</p> <p>Each division of the district will review related policies, comparing to suggested policies from the Colorado Association of School Boards recommendations.</p> <p>All policies needing revision or deletion or addition based on the curriculum audit will be acted on by June, 2009.</p>	



**BOARD OF EDUCATION AGENDA ITEM 9.02**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** Paul E. McCarty – Chief Operations Officer

**TITLE OF AGENDA ITEM:** Black Forest Road and Wolf Ridge Drive additions related to Vista Ridge High School.

**ACTION/INFORMATION/DISCUSSION:** Discussion

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

The Board of Education previously approved budget for roadway upon request of the city of Colorado Springs. That request has been received and a discussion clarifying the scope of work to be done to meet this demand is needed.

**PROS/CONS AND ALTERNATIVE COURSES OF ACTION**

**COST OR COST ESTIMATION:**

Approximately \$2,000,000

**MOTION REQUESTED:**

NA

**APPROVED BY:** Grant E. Schmidt, Superintendent

**DATE:** October 2, 2008





**BOARD OF EDUCATION AGENDA ITEM 9.03**

**BOARD MEETING OF:** October 9, 2008

**PRESENTED BY:** David Stark, Director

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

**ACTION/INFORMATION/DISCUSSION:** Discussion

**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:** N/A

**APPROVED BY:** Grant E, Schmidt, Superintendent

**DATE:** October 6, 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 Constitutions' 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:**

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

# Open Forum

## Item 10.00

# Other Business

### 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.

# Adjournment

## Item 12.00



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**  
**REGULAR BOARD OF EDUCATION MEETING**  
**October 9, 2008**  
**6:30 P.M.**  
**Central Administration – Board Room**

- 1.00 Call to Order and Roll Call**
- 2.00 Welcome and Pledge of Allegiance**  
The Imagine Classical Academy
- 3.00 Approval of Agenda**
- 4.00 Consent Agenda**
  - 4.01 Approval of September 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 Matters Relating to Schedule B Personnel
  - 4.06 Approval of Revisions to Long Range Planning Committee Bylaws
  - 4.07 Approval of Rocky Mountain Classical Academy Second Amendment to Attornment
  - 4.08 Approval of Minutes for September 11, 2008 Regular Board of Education meeting
  - 4.09 Approval of Minutes for September 16, 2008 Special Board of Education meeting
  - 4.10 Approval of Minutes for September 24, 2008 Board of Education work session
- 5.00 Board/Superintendent Update**
- 6.00 Open Forum**
- 7:00 Action Items**
  - 7.01 American Education Week Resolution
  - 7.02 Approval of Preamble to Policies of the Falcon School District 49 Board of Education
  - 7.03 Approval of Revision to Policy Regulation ACD-R – Commitment to Religious Neutrality
  - 7.04 Approval of DAAC membership
  - 7.05 Continuing Strategic Resources West’s (SRW) Contract for Ongoing Planning & Consulting Assistance for 2008-09 school year

- 8:00**                    **Information Items**  
8.01                    Expulsion/ Suspension Information
- 9.00**                    **Discussion Items**  
9.01                    Superintendent’s Performance Measures Update  
9.02                    Black Forest Road and Wolf Ridge Drive additions related to Vista Ridge High School  
9.03                    Board of Education Policy ACD – Commitment to Religious Neutrality
- 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**

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Loretta Branham, BOE Administrative Assistant