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

**MINUTES**  
**REGULAR BOARD OF EDUCATION MEETING**  
**October 9, 2008**  
**Central Administration – Board Room**

**1.0** Vice President Martin called the meeting to order at 6:37 p.m.  
Roll call was taken with the following members present: Director Kent Clawson, Director Dave Martin, Director Mark Shook, and Director Dave Stark; Director Anna Bartha was absent with prior notice.

**2.00 Welcome and Pledge of Allegiance**

Vice President Martin welcomed those in attendance and invited them to join the Board in the Pledge of Allegiance.

Tina Leone, principal of The Imagine Classical Academy, gave a power point presentation to the Board sharing the six measures of Excellence: Shared Values, Positive Character Development; including the TICA Creed, Academic Achievement, Economic Sustainability, Parent Choice, and New School Development. The building at Indigo Ranch is being built at this time.

The Board thanked Tina for this presentation

**3.00 Approval of Agenda**

Vice President Martin requested a motion to approve the agenda.  
Director Clawson moved to remove agenda item 4.07 approval of Rocky Mountain Classical Academy Second Amendment to Attornment from the consent agenda. Director Shook seconded the motion

Vice President Martin asked if there was any further discussion; hearing none he called for a vote.  
Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

Director Shook moved to remove action item 7.04, DAAC membership from the agenda.  
Director Stark seconded the motion.

Vice President Martin asked if there was any further discussion; hearing none he called for a vote.  
Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

Director Shook moved to remove action item 7.05, Continuing Strategic Resources West's (SRW) Contract for Ongoing Planning & Consulting Assistance for 2008-09 school year from the agenda. Director Stark seconded the motion.

Vice President Martin asked if there was any further discussion; hearing none he called for a vote.  
Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

Director Clawson moved to approve the agenda as amended . Director Shook seconded the motion.

Vice President Martin asked if there was any further discussion; hearing none he called for a vote.  
Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

#### **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

Vice President Martin requested a motion to approve the consent agenda.

Director Stark moved to approve the consent agenda as amended. Director Shook seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

#### **5.00 Board/Superintendent Update**

Superintendent Schmidt commended both the administrators and staff members that are taking advantage of training that is taking place across the district during fall break; they are taking the training on their own time.

The Broadcast team from SCHS is present tonight recording the BOE meeting; Rqachel Brown a junior and Kristana Perue-Ortega also recited the Preamble to the Constitution in honor of Constitution month.

Director Shook reported that he had the opportunity to go to many programs within the district this last month including Rachel's Challenge at Falcon High School and October Sky at Skyview Middle School along with other Board members.

Director Stark enjoyed the breakfast at Banning Lewis Ranch Academy along with October Sky at Skyview Middle School in addition he along with other Board members attended a Board retreat on Friday the 3<sup>rd</sup> and Saturday the 4<sup>th</sup> of October.

#### **6.00 Open Forum**

Vice President Martin read the Open Forum statement.

Karen Hobson, employee in the district, speaking regarding the Christmas Break clarification, she is disappointed in the rationale used by the Board in regarding to Christmas Break. She believes that *Lynch v Donnelly* was overturned in 1989 *Allegheny Vs ACLU*.

Ellen Ducker, parent, had heard that the Board was wanting to put a Christmas tree in every classroom and had heard that a comment was made that we don't have concerned parents attending the Board meetings and is not happy with the comment. Wants to know why a specific patron of the district is not allowed to speak at the Board meetings.

## **7.00 Action Items**

### **7.01 American Education Week Resolution**

Grant E. Schmidt, Superintendent presenting.

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.

President Bartha requested a motion to approve agenda item 7.01

Vice President Martin asked for a motion to approve item 7.01

Director Clawson moved to approve the following resolution to recognize the week of November 16– 22, 2009, as American Education Week throughout our district schools. Director Shook seconded the motion.

**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.

Vice President Martin asked if there was any further discussion; hearing none he called for the vote.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

### **7.02 Approval of Preamble to Policies of the Falcon School District 49 Board of Education**

Vice President Martin requested a motion to approve item 7.02.

Director Shook moved to adopt the Preamble to the Board of Education Policies; Director Stark seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

**7.03 Approval of Revision to Policy Regulation ACD-R – Commitment to Religious Neutrality**

Laid on the table until after discussion item 9.03

**7.04 Approval of DAAC membership – removed from agenda**

**7.05 Continuing Strategic Resources West’s (SRW) Contract for Ongoing Planning & Consulting Assistance for 2008-09 school year – removed from agenda**

**8.00 Informational Items**

8.01 Expulsion/ Suspension Information

**9.00 Discussion Items**

**9.01 Superintendent’s Performance Measures Update**

Superintendent Schmidt reviewed the progress that has been made regarding his performance measures; letting the Board know where each item is in regards to completion. It is planned to have this information along with the percentage of completion on the web site by the first of the year. The progress made on these performance measures is a team effort; the superintendent and staff have all been working on these.

**9.02 Black Forest Road and Wolf Ridge Drive additions related to Vista Ridge High School**

Paul E. McCarty – Chief Operations Officer presenting:

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. They are on track with this project and this project has already been budgeted. Some of the money will be reimbursed to the district as other developers move into the area; we are the first users of the road so our district pays upfront. We will be watching the developers coming into this area to contact them regarding reimbursement. The district is responsible to pay for the road that borders the district property.

**9.03 Board of Education Policy ACD – Commitment to Religious Neutrality**

Director Stark, presenting:

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.

Director Shook stated that he has read this policy with the revisions several times and agrees that the policy is consistent with the regulation.

Director Clawson believes that the first paragraph is very relevant, but does not believe that the rest of the addition is necessary. Superintendent Schmidt agrees; he does not believe that it is necessary either.

Director Shook would like to see this item moved to an action item at the next BOE meeting. Director Stark and Director Clawson want verification of the statement made during open forum regarding this policy and would like to have BOE legal council review it; Director Martin agreed.

The Board went back to action item 7.06 .

#### **7.06 Approval of Revision to Policy Regulation ACD-R – Commitment to Religious Neutrality**

Vice President Martin requested a motion to approve agenda item 7.06. Director Shook moved to approve the adoption of Board of Education Regulation File: ACD-R with the proposed amendments. Director Stark seconded the motion.

Vice President Martin read an email from Kelly Jo Salling-Davies regarding this policy regulation; she would recommend that the words “Christmas holiday” be changed to religious holiday.

Director Clawson agreed with the suggested to change the wording to religious holidays instead of Christmas

Director Stark recommended the wording “federal holidays with religious significance” instead of Christmas holidays the wording would be as follows:

Federal Holidays with Religious Significance – 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 Federal Holidays with religious significance. 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 affect District-wide distribution of the memorandum in September of each year.

Vice President Martin asked if there were any other amendments or discussion; hearing none he called for a vote.

Vote: Clawson, aye; Martin, no; Shook, aye; Stark, aye. Motion carried.

#### **10:00 Open Forum**

Tammy Harold, parent of students in the district, stated that patrons have been asked not to spread rumors, she asked for an open records request, and it was confirmed that \$21,000 was spent at the Broadmoor and that moving expenses were paid for someone other than the superintendent. She got a call from a reporter regarding credit card bills and did not comment on those since she had not reviewed them. At the Skyview Middle School BAAC meeting the math teachers wanted her to ask about calculators for the class room; they cost \$100, each and they would like to have two sets. They were told that this would be taken care of next year; she does not believe that is acceptable. She was contacted by a city employee regarding the communications specialist, the cost of this hiring person is not acceptable. This position was eliminated before, and it was

decided that this was the superintendent responsibility. She would like to know who can be held accountable for the decision to hire this person.

Jackie Vialipondo, parent of student in the district. Sand Creek High School has done an amazing job this year; with the decrease in the enrollment in this building the environment is very positive. Mr. Collins and the staff are doing an outstanding job. Congratulations on the Board getting their new laptops, she believes that they are excessive. She has a concern with the student computer ratio at Sand Creek High School and the availability to students of the computers that are in the building. 156 of the 235 computers are used for business and computer science classes and are not available to students outside of these classes.

Ann Fletcher, parent of student in the district, thanked the board for bringing holidays back to the district; she hopes that teachers feel that they can bring these back into the district as well. Her only concern is the use of federal holidays, she believes that it should be any holiday; she believes that all holidays should be celebrated. The board says that they want to hear from the public but only allowing 10 people speak she does not believe this is getting input from everyone.

Ellen Ducker, community member, is still concerned about the lack of computers in the classrooms; if we can afford them for the board she wants to see all of the students have them to do their homework. She is concerned about the cost of having copies made in regards to an open records request. She does appreciate the board including only Christmas holidays.

Mary Lougee, parent and teacher in the district, she looked up the reasoning for Lynch vs Donnelly and it was overturned five years later in Alleghaney v ACLU. She believes that making it federal holiday is better; but it could be better still. She believes that the Board should leave it with "holidays with academic value" as to what the teachers present in their classrooms.

Brad Carvell, parent of students in the district, he is concerned with the math curriculum that is being presented; this is the first year for this curriculum and there doesn't seem to be a plan to insure that students pass this curriculum. He would like to see this problem corrected. He wants to see a good useful math curriculum in the schools. He has contacted the principal and assistant principal regarding this and would like to know who he can hold accountable for this failure.

Connie Elliott, did not speak.

Superintendent Schmidt addressed the following issues. Math adoption material available vary widely, the district spent right at a million dollars on this adoption and will continue to enrich the program; it is a budgeting process. The communication specialist is not a new cost, it has been budgeted and has been carried over from last year; he had talked to his staff and the number one thing is communication, it is important that the community get accurate information and this person will help us let the people in Colorado know what good things we have going on in our district. We have a pot of money and have to plot out what the money is going to be spent on, we cannot go out and buy one to one computers; we need to prioritize items and we have a plan in place; know that we are doing the best that we can with what we have. Positive precipitation; our goal is for our students to be successful. As the superintendent it is his responsibility to be aware of what is being spent, you may not always agree with every item but we do things with the purpose of making things better, He is asking the community to put their trust in him and the Board that they want to do what is best for everyone. He will have a list of items presented at the November board meeting of the things that have been accomplished. Ask questions and get the facts; use the appropriate chain of command.

Director Stark stated that there are many savings that will take place in the district. The intent is for transparency regarding the finances of the district, making it easy for everyone to see what is happening.

Secretary Clawson stated that the Board will be going into executive session and there will be no action taken after the executive sessions.

By consensus the board took a break at 8:00 p.m.  
The board came back into regular session at 8:22 p.m.

## **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**

Vice President Martin requested a motion to go into executive session.

Director Clawson moved that we go into executive session for the purpose of 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. and to receive legal advice from our attorney, as authorized by section 24-6-402 (4)(b) of the Colorado Revised Statutes. – Employee Involvement Committee. Director Stark seconded the motion.

Vice President Martin called for a vote.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board went into executive session at 8:22 p.m. with the following people present: Director Clawson, Director Martin, Director Shook, Director Stark, Grant E. Schmidt, Superintendent, Mark McPherson, Executive Director of Human Resources, Paul McCarty, Chief Operations Officer, Brad Miller, BOE Legal Council and Loretta Branham recording secretary.

Vice President Martin requested a motion to return to regular session.

Director Clawson moved to return to regular session. Director Stark seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board returned to regular session at 8:37 p.m.

### **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**

Vice President Martin requested a motion to go into executive session.

Director Stark moved that we go into executive session 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 Director Clawson seconded the motion.

Vice President Martin called for a vote.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board went into executive session at 8:39 p.m. with the following people present: President Bartha, Director Clawson, Director Martin, Director Shook, Director Stark, Grant E. Schmidt, Superintendent, Mark McPherson, Executive Session of Human Resources, Paul McCarty, Chief Operations Officer, Brad Miller BOE Legal Council, and Loretta Branham recording secretary.

Vice President Martin requested a motion to return to regular session.

Director Stark moved to return to regular session. Director Clawson seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board returned to regular session at 8:50 p.m.

**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.**

Vice President Martin requested a motion to go into executive session 11:03 .

Director Clawson moved that we go into executive session for the purpose **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. Director Shook seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board went into executive session at 8:52 p.m. with the following people present: Director Clawson, Director Martin, Director Shook, Director Stark, Grant E. Schmidt Superintendent, Joleen Schaake, Finance Director, Brad Miller, BOE Legal Council and , Loretta Branham recording secretary.

Vice President Martin requested a motion to return to regular session.

Director Stark moved to return to regular session. Director Clawson seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The Board returned to regular session at 9:08 p.m.



Vice President Martin asked if there was any other business.

**12.00 Adjournment**

Vice President Martin requested a motion to adjourn.

Director Stark moved to return to adjourn. Director Clawson seconded the motion.

Vote: Clawson, aye; Martin, aye; Shook, aye; Stark, aye. Motion carried.

The meeting was adjourned at 9:09 p.m.

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Anna Bartha, Board President

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Kent Clawson, Board Secretary