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Mission Statement

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

MINUTES
SPECIAL BOARD OF EDUCATION MEETING
February 5, 2016
6:30 p.m.
Education Service Center – Board Room

1.00 Call to Order and Roll Call

A special meeting of the District 49 Board of Education was called to order at 6:30 p.m. by the President, Marie LaVere-Wright. The following board members were present: Mr. Butcher, Mr. Graham, Ms. Harold, Mrs. LaVere-Wright and Mr. Moore.

2.00 Welcome and Pledge of Allegiance

3.00 Approval of Agenda

It was moved by Harold, seconded by Moore to approve the agenda as presented.
The motion was put and carried with Butcher, aye; Graham, aye; Harold, aye; LaVere-Wright, aye; Moore, aye. Motion carried 5-0.

4.00 Open Forum (3 Minute Time Limit per Person)

Topic must be related to special meeting agenda items

D. Murphy: I am here before you today with much anger and frustration. I have never missed a sporting event my son has participated in unless I was defending this country or my father died. The fact that I have determined this issue warrants me missing even a minute of his game should impress upon you the severity of the issue at hand. First I would like to address the matter with regard to Mr. Hilts. I would like each of you to know that I do not believe the actions of Mr. Hilts were racially motivated. At least I hope that is not the case. Rather I see that his actions are based on sheer arrogance and disdainful attitude towards the people of this community. The fact that Mr. Hilts is an employee of this committee and supposed to work for us in that capacity, he has worked in his current position and role in this district and has used fear and intimidation which has been tolerated and maybe even supported by some of you on this board. I am a taxpayer, parent, community volunteer, retired veteran, resident of the community that will not be intimidated or disregarded as someone beneath him or one of his employees. His actions taken to dissolve the SAC without reason or explanation are simply not acceptable. While we believe it is because of the graffiti painted on the Falcon marquee, it has never been explained to us. But let me address that particular issue. The fact that even one member of this committee was offended or felt like their family was potentially threatened by the symbol painted on the marquee, should have been addressed. While law enforcement may have initially determined it not to be racially motivated, by the way that is in dispute by others in the law enforcement community, the fact that a parent has a genuine fear for the safety of her child should have been dealt with by Mr. Hilts and the district front office in a manner consistent with truly wishing to address those concerns. The fact that I as a SAC member, a parent, and taxpayer

in this community, the issue that I have is that there are no processes in place to deal with a situation like this. Dr. Fletcher dismissed the incident with little or no concern. The fact that he referred to this criminal behavior as an art or artist intention shows he has little understanding for the incident minimally and at the extreme extent, utter incompetence with regard for the position he was hired. Was this an isolated incident? Are there other symbols within the district on lockers and bathrooms of the schools? How do we know if no one else reported it? At a minimum, the principals and employees of District 49 should have been notified of the incident and be on the lookout. At least that way we could determine if this was an isolated incident or the beginning of something much more concerning. While we will never know how this was handled.

LaVere-Wright: Sir, your three minutes are up.

J. Moody: I have a Senior at Falcon High School. I've also served on SAC for 2 ½ years. I'm here to speak for former Falcon High School SAC co-chair and former DAAC chair Dana Palmer while she's in the hospital recovering from brain surgery. Dana's words: I have a son that is a Jr. at FHS. For the last 2 ½ years I volunteered my time on the SAC. Our SAC co-chairs were elected in January 2014. The minutes proving our election have been on the FHS website for one year. I provided a copy to the D49 HR Director Paul Andersen. In January 2015 we stood here and said that we support Mrs. DeGeorge, that she is a good person and asked you to let her lead. Earlier this year, several parents came to our SAC meeting upset about the grading system. We provided a safe haven for Mrs. D. by asking them to let her vet the process and limiting them to public forum. On November 12th our SAC discussed the pattern of religious, racial issues occurring at Falcon High School. After that meeting, Mrs. D. told Peter Hilts, Dr. Lou Fletcher about our concerns over the SS lightning bolt graffiti, neither knew before that. At our next meeting on December 3rd, through tears Mrs. D. said Peter told her she had to start over with the SAC, that we didn't represent the student body and that we would all have to apply to be on the SAC moving forward. There are 22 SACs in D49. None require membership application. We were disbanded by Peter Hilts on December 3rd and still today there is no board policy that governs the election or appointment of people to SACS nor a board policy that gives any employee or even you as the board the authority to disband a SAC. D49 is already in trouble with the DOJ for failing to properly address discriminatory issues. In an attempt to suppress our voices, we were forcibly fired. Mr. Meister, I am so disappointed that you made us look like liars to the media instead of celebrating our effort as a SAC to protect the teachers, kids, parents, at FHS. Mr. Hilts, you retaliated against us. As a parent, taxpayer, I demand your resignation. If you're not willing to resign, this board needs to do the right thing for D49 and terminate your contract.

J. Moody: My wife was unable to come tonight and I would like to read her statement.

T. Moody: I am a parent of Sr. attending Falcon High School. I was a special education teacher in Maryland and a SAC member at FHS for 2 ½ years. I'm a person of the Jewish faith. Back in October my neighbor showed me a disturbing picture of an SS spray paint painted in red on the Falcon High School sign in front of the school. She asked me if I knew anything about it. I did not. A few days later after a SAC meeting, I showed the picture to Angela Prochnow, one of the Assistant Principals at FHS. She did not know what it was and knew nothing about the defacing to the school's sign. I said that this is an SS symbol. A symbol of hatred towards Jewish people. Why haven't parents been told about this hateful defacement. I said, I am Jewish and I'm afraid for my son's and any other student's safety. I sent her the picture and she said she would discuss it with her team. It is now the beginning of November and I've heard nothing from Miss Prochnow. I brought this information to

the SAC committee at our November 12th meeting. I talked about the defacement and I repeatedly said I was concerned for my son's safety, that I did not feel my son was safe at Falcon High School. I said that my concern was not only for Jewish students, but for black students, handicapped students and any student different from the hater. A few days later Mrs. DeGeorge sent out an email saying that she had spoken to the El Paso Sheriff's office and learned the SS graffiti was part of an active case file. The message concluded it was an SS symbol. Neither school officials nor law enforcement experts could determine what was intended. My concerns were shared with Louis Fletcher, Director of Culture and Services at D49. He referred to me as a concerned citizen. I am a concerned parent whose concerns should be validated and addressed. Did I hear from Mr. Fletcher, no. Did I hear from Peter Hilts, the Chief Education Officer, no. My concerns for the safety of my son and other students at FHS were not validated by D49 administration at all. No phone calls or emails from D49 leaders, no one said, Mrs. Moody, we hear your concerns, we understand your fears and this is what we're doing. When I contacted the Anti-Defamation League in Denver, the Assistant Director responded within 30 minutes saying yes, absolutely that is an SS symbol. In a time where violent acts occur, often for no apparent reason on school campuses all over the country, should my current concerns be dismissed so easily? I should have been thanked for bringing this to the administration's attention, not beaten down and viewed as an alarmist. How would the students and families at Columbine High School, just down the road in Littleton, react to my concerns? I don't understand how D49 could be 100% sure that this is not an antisemitic incident, that some act of violence will not occur at FHS in the near future? I hope not. I've done all I can. I look forward to the day my son graduates and not having to deal with D49 ever again.

T. Hall: Some years ago my wife and I went to Vista Ridge for a diversity conference, talking about minority recruitment, within the gym with all these posters and had a video for recruiting minority teachers. Since that time, at Vista Ridge, I've seen nothing. My oldest son went to Falcon High School. We moved into the area. We went to Falcon High, went to a diversity event in the cafeteria. They sent a mass email out. My wife and I went to that. We get there, it was Falcon Admin, my wife, me and an African American teacher who is not there anymore were the only attendees there. That was it. Last August in my church congregation, I wanted Mr. Murphy to hang this flyer, I see this flyer, it was a paper pamphlet, and on this pamphlet it says that all these people who are educators are racist. Everybody's listed on there. Mr. Hilts you didn't make it, but Mr. Dorsey's on there and two of my current supervisors are on that paper. I come here to seek diversity at Vista Ridge. My wife and I come to see diversity for our four bi-racial children at Falcon. Nothing occurred and so I'm saying to myself, do I sound like a person that does not care about the well-being of kids or the well-being of our community? Do I sound like that kind of person? So to be accused having lack of caring upsets me. I'm highly upset about that. Anybody who knows me, knows how I operate. You can call my supervisors right now on that list, who are my former supervisors, I think they will say that I'm a friendly good guy. I have no agenda. I don't have much, I have nothing. I'm a poor black kid, I'm a native of Colorado Springs. I refuse to let anybody take my name. They're not going to take my name. They're not going to put my name in the paper and say I'm some malcontent parent, that we weren't appointed, we weren't voted in. I'm not having that. You're not going to do that to me. I deserve respect as a parent, as a taxpayer and as a man.

K. Salling: My daughters been to the district since she was in 1st grade. I've been on the PTSA for 12 years, I've been on DAAC and the BAC. My daughter who's a senior now has told me numerous instances in the past 3-4 years of racist and sexist remarks made by students, a few

of those even by teachers, mostly sexist. Nothings been done about them when it's happened in the classroom. I think that maybe racism, sexism and maybe even antisemitism aren't prevalent in the district, they are definitely present and I don't think they're addressed properly. Maybe the rescheduling tonight wasn't only due to the snowstorm. Friday night is well known to be the Jewish Sabbath. Tamara Moody couldn't be here tonight because of that. If not intention, it was insensitive. There is a history of firing parent committees in this district. The DAAC was all made to resign at one point when Mr. Schoeppey was on the board and reapply for their positions. And now this with the BAC. If it wasn't racially motivated, why? Has that happened to other BACs? I don't think so, I haven't heard of that. It was vindictive. It was baseless to be unkind. Maybe there was more to it than that. If Mr. Hilts is not disciplined, he should at least be forced to apologize and the BAC should be reinstated. Prayers go out to Dana Palmer.

5.00 Other Business

5.01 Executive Session: Pursuant to CRS 24-6-402(4)(b, d, and f) to receive legal advice, to discuss specialized details of an investigation, and to discuss personnel matters (with delivery of specific notice to involved employees) regarding a Stakeholder Grievance

It was moved by Harold, seconded by Moore to go into Executive Session: Pursuant to CRS 24-6-402(4)(b, d, and f) to receive legal advice, to discuss specialized details of an investigation, and to discuss personnel matters (with delivery of specific notice to involved employees) regarding a Stakeholder Grievance. *The motion was put and carried with Butcher, aye; Graham; aye, Harold, aye; LaVere-Wright, aye; Moore, aye. The motion carried 5-0.*

The Board moved the meeting into the Human Resources conference room for executive session.

The Board went into Executive Session at 6:57 p.m. with the following people present: Marie LaVere-Wright, President; David Moore, Vice-President, Tammy Harold, Secretary; Kevin Butcher, Treasurer; John Graham, Director, Brad Miller, Legal Counsel and Donna Richer, Executive Assistant to the Board of Education.

Kevin Butcher exited the executive session at 7:18 p.m.

CRS 24-6-402(4)(d) to discuss specialized details of an investigation (6:57 p.m. – 7:18 p.m.)

CRS 24-6-402(4)(f) to discuss personnel matters (with delivery of specific notice to involved employees) (7:18 p.m. – 7:32 p.m.)

CRS 24-6-402(4)(b) to receive legal advice (7:33 p.m. – 8:17 p.m.)

It was moved by Harold and seconded by Moore to return to regular session at 8:17 p.m.

The motion was put and carried with Graham; aye, Harold, aye; LaVere-Wright, aye; Moore, aye. Motion carried 4-0.

The Board returned to the board room and was back in regular session at 8:24 p.m.

Butcher: I did step in the executive session to discuss that I was interviewed as part of this process. Our counsel did not believe it was a reason I should recuse myself nor participate. We

discussed that at the beginning of the executive session and we felt it was in the board's best interest that I do not participate in the discussion. I will not be participating in this vote. It's more of a perception issue.

As a point of order, LaVere-Wright, Moore, Harold and Graham accepted Mr. Butcher's recusal.

5.02 Action on Findings and Conclusions of Mountain States Employment Council regarding a Stakeholder Grievance matter

It was moved by Graham, seconded by Moore to adopt the findings and conclusions of Mountain States Employment Council regarding the stakeholder grievance matter.

The motion was put and carried with Graham; aye, Harold, aye; LaVere-Wright, aye; Moore, aye. Motion carried 4-0.

LaVere-Wright stated, as a separate issue tonight we heard a concern regarding district response and parent communication regarding vandalism. We are directing administration to review policies and procedures to ensure we are following best practices to ensure student safety and we'd like a report back on that.

LaVere-Wright: As you heard through the two votes we just took, we found no policy violations in the dissolution and reconstitution of Falcon High SAC or in Board of Education Treasurer Kevin Butcher's question regarding the SAC leadership structure of three co-chairs. At this time I would like to explain a little bit of our process as well as share a more detailed explanation of our process and our determination.

A stakeholder grievance was filed in late December regarding the dissolution of the Falcon High SAC alleging violations of policies AC, a non-discrimination policy, and BDF, a policy describing various district committees. Because the grievance was against a chief officer, the Board became the point of determination. To ensure an unbiased fact finding, we engaged a third party, Mountain States Employment Council, a highly regarded legal and Human Resources organization, to interview and determine basic findings of fact. We based our decision on these findings, state statute, and relevant board policies.

For the allegations related to policy AC:

We agreed with the findings of the MSEC report that Treasurer Kevin Butcher asked a question about the SAC co-chairs because it is unusual to have three co-chairs, and that this was not related to race.

We also upheld the findings and conclusions of the MSEC investigative report and determined that the dissolution and reconstitution of the Falcon High School SAC was not on the basis of race, and therefore Policy AC was not violated.

We based that on the following information:

- Peter Hilts gave the directive to Cheryl DeGeorge to reconstitute her SAC in November.

- This directive followed more than six months of continual discussion regarding SAC statutory compliance between the CEO, zone leader, and principal of FHS
- Although the general discussions regarding SAC statutory compliance had occurred with all principals and zone leaders since 2013, the Falcon High School SAC did become a specific area of focus for Mr. Hilts
- According to policy AE-R, the purpose of a SAC is to “work with the principal and the community to develop, improve, implement, and review the School Unified Improvement Plan, to review student and school performance and achievement, and to assist in reporting achievement information to the community”
- Mr. Hilts became focused on the Falcon High SAC because of a pattern of behavior which impeded the ability of the SAC to meet its defined purpose
- The directive to dissolve and reconstitute the SAC was given after the graffiti discussion, however it was not the content of the discussion, but the continuation of a pattern of disruptive behavior detrimental to the function of the SAC that led to the directive.

The grievant also alleged policy BDF had been violated. Policy BDF must be considered with Policies AE and AE-R and state statute as the four together provide guidance on School Accountability Committees. We determined policy BDF had not been violated based on the following information:

- Policy AE-R provides specific guidance on SAC membership, which reflects statutory requirements
- Policy BDF describes the general types of advisory committees, and distinguishes between board appointed committees and committees required by statute
- Neither policy contemplates what processes are or are not acceptable to bring non-compliant SACs into compliance
- Policy AE-R delegates board authority to the principal for appointment of SAC members
- Both policies imply a fixed and formalized cycle of appointment by school administration.

Because

- There is no specified method for redress when a SAC is not compliant with statute in our policy or in state statute
- the limited information we have indicates varied and mostly informal processes for membership determination within our district
- Appointment of SAC members is delegated to the principal in AE-R therefore it was also reasonable for the administration to infer the power to remove members was also delegated absent other guidance
- Upon dissolution Falcon High School immediately began an application process and to determine new membership that is working to result in a properly formed SAC
- Former members, including the grievant, were asked to apply and chose not to do so, thereby refusing to participate in the process and eliminating themselves from being appointed
- SAC is required to meet once per quarter by statute, and Falcon High School has continued to meet that minimum requirement by working to reconstitute the SAC in less than one quarter

- Based on this we upheld Mr. Hilt's directive and Mrs. DeGeorge's subsequent actions

As an organization we have committed to using our cultural compass to guide how we treat one another and how we treat our work. The values we embrace apply to everyone in our District 49 family, and really are the foundation for the building of any authentic relationship. We expect board members and our staff to treat each other, students, parents, and community members with respect, to be honest and open in their work and decision-making, to provide a safe and caring environment and to both hold themselves and each other accountable for their actions. Relationships, however, are a two way street. It is also the responsibility of our greater community, students, parents, and stakeholders, to treat our staff respectfully, communicate in an honest and open manner, and own their actions. We all are human, and will all fall short at times despite our best intentions. Occasionally falling short, holding ourselves accountable for the mistake and learning from it will still allow the relationship to thrive. However continually or purposefully disregarding these values destroys the very thing we are trying to build. I have witnessed the Falcon High staff truly embodying our values through the process of developing their innovation plan. They deserve the same from their SAC and the greater parent and student communities. I would like to thank Mr. Hilts for giving a directive in an attempt to rectify a situation in which not only was state statute and board policy not being followed, but our cultural compass was not being honored and our staff were not being treated appropriately.

Ultimately it is the responsibility of the Board of Education to ensure that the statutory requirements for school SACs are followed. Although we have a policy in place, simply having a policy does not meet our obligation to ensure both the letter and spirit of the law are met. At this time, we as a board do not know the state of compliance or non-compliance of the SACs at each of our schools, nor do we have any knowledge regarding the method of selection of members of those SACs. As a Board we find that unacceptable, and I want to apologize to our community for not meeting that responsibility. Had we as a board fulfilled our responsibility, the situation at Falcon High would not have progressed to the point of requiring Mr. Hilt's directive and Mrs. DeGeorge's subsequent actions. Peter and Cheryl, I am sorry we put you in that position, and for the unfair attacks you were subjected to as a result. That is a failure in our leadership, and it will be rectified.

I would like to thank the members of the Falcon community for bringing the issue of SAC composition to our attention. I would also like to applaud Mrs. DeGeorge's effort through a fair application and selection process to establish a SAC that is compliant with state statute as well as her specific outreach and attempt to include former SAC members by personally inviting each to participate in the process and providing each with a brief application. I appreciate the service of each of the former Falcon High School SAC members, and respect their choice not to apply to be a part of the new, legally compliant, Falcon High SAC as most have already served longer than the 2 year term that is specified in policy AE-R.

As a starting point, the board is directing Mr. Hilts to gather information from every school regarding

- Current composition of each school SAC
- Process for selection of members, including determination of terms and what happens at the end of a person's term

- Bylaws of each school SAC, if they exist
- Number of meetings held per year
- Comparison of current SAC membership to statutory requirements.

This information is to be presented at our March work session. It is the intent of the board to work with our administration to develop policy and processes that will ensure all of our school SACs will be compliant with the letter and spirit of state statute by the beginning of the 2016/2017 school year, and that subsequent Boards of Education will be sufficiently informed regarding the status and function of our SACs.

Again, thank you for bringing SAC compliance to our attention. We as a Board are committed to ensuring our SACs are compliant in the future.

Harold: I'm grateful someone brought up the fact that there were concerns about religious conflicts. I personally thank you for bringing that forward and we will be sensitive to that as we move forward.

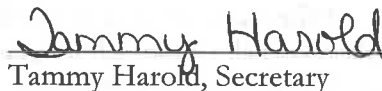
6.00 Adjournment

It was moved by Graham and seconded by Moore to adjourn the meeting at 8:36 p.m. *The motion was put and carried with Butcher, aye; Graham; aye, Harold, aye; LaVere-Wright, aye; Moore, aye. Motion carried 5-0.*

Respectfully submitted by Donna Richer,



Marie LaVere-Wright, President



Tammy Harold, Secretary



TOPICS MUST BE RELATED TO ITEM ON THE AGENDA AT THE BOE SPECIAL MEETING 2/1/16

OPEN FORUM

"Please provide your name, relation to the district and the topic of comment for this open forum. Just as we hold our students to high standards of speech and respect for others, we expect your comments to follow these same standards. Please limit your comments to three minutes. Thank you."

NAME	Relation to the District	Topic of Comment
by Dara McMurphy	Parent	FHS SAC
1. JAMES MURPHY	PARENT	FHS SAC
2. FOR TAMARA MURPHY	PARENT	FHS SAC
3. THADDEUS HALL	PARENT	SAC FHS
4. Kelly Salling	Parent - PTSA-FHS	FHS BAC
5.		
6.		
7.		
8.		
9.		
10.		

BOARD OF EDUCATION AGENDA ITEM 5.01 MINUTES

BOARD MEETING OF:	February 1, 2016
PREPARED BY:	Brad Miller, Legal Counsel
TITLE OF AGENDA ITEM:	Executive Session: Pursuant to CRS 24-6-402(4)(b, d, and f) to receive legal advice, to discuss specialized details of an investigation, and to discuss personnel matters (with delivery of specific notice to involved employees) regarding a Stakeholder Grievance
ACTION/INFORMATION/DISCUSSION:	Discussion

BACKGROUND INFORMATION, DESCRIPTION OF NEED:

RATIONALE:

RELEVANT DATA AND EXPECTED OUTCOMES:

IMPACTS ON THE DISTRICT'S STRATEGIC PRIORITIES—THE BIG ROCKS:

Rock #1 —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	
Rock #2 —Research, design and implement programs for intentional <u>community</u> participation	
Rock #3 — Establish District 49 as the <u>best district</u> in Colorado to learn, work and lead	
Rock #4 — Grow a robust portfolio of distinct and exceptional schools	
Rock #5 — Customize our educational systems to launch each student toward success	

FUNDING REQUIRED: No

AMOUNT BUDGETED:

RECOMMENDED COURSE OF ACTION/MOTION REQUESTED: I move to go into Executive Session: Pursuant to CRS 24-6-402(4)(b, d, and f) to receive legal advice, to discuss specialized details of an investigation, and to discuss personnel matters (with delivery of specific notice to involved employees) regarding a Stakeholder Grievance.

APPROVED BY: Marie LaVere-Wright, Board President

DATE: January 28, 2016

Harold made the motion; seconded by Moore. The motion passed 5-0.

	BUTCHER	GRAHAM	HAROLD	LAVERE-WRIGHT	MOORE
VOTED AYE	X	X	X	X	X
VOTED NAY					
COMMENTED					
	BAY	HILTS	RIDGWAY		
COMMENTED					



BOARD OF EDUCATION AGENDA ITEM 5.02 MINUTES

BOARD MEETING OF:	February 5, 2016
PREPARED BY:	B. Miller, Legal Counsel
TITLE OF AGENDA ITEM:	Action on Findings and Conclusions of Mountain States Employment Council regarding a Stakeholder Grievance matter
ACTION/INFORMATION/DISCUSSION:	Action

BACKGROUND INFORMATION, DESCRIPTION OF NEED:

RATIONALE:

RELEVANT DATA AND EXPECTED OUTCOMES:

IMPACTS ON THE DISTRICT'S STRATEGIC PRIORITIES—THE BIG ROCKS:

Rock #1 —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	
Rock #2 —Research, design and implement programs for intentional <u>community</u> participation	
Rock #3 — Establish District 49 as the <u>best district</u> in Colorado to learn, work and lead	
Rock #4 — Grow a robust portfolio of distinct and exceptional schools	
Rock #5 — Customize our educational systems to launch each student toward success	

FUNDING REQUIRED:

AMOUNT BUDGETED:

RECOMMENDED COURSE OF ACTION/MOTION REQUESTED: I move to accept the findings and conclusions of Mountain States Employment Council regarding the Stakeholder Grievance matter.

APPROVED BY: Marie LaVere-Wright, Board President

DATE: January 28, 2016

Harold made the motion; seconded by Moore. The motion passed 4-0.

	BUTCHER	GRAHAM	HAROLD	LAVERE-WRIGHT	MOORE
VOTED AYE	Recused	X	X	X	X
VOTED NAY					
COMMENTED					
	BAY	HILTS	RIDGWAY		
COMMENTED					