

MINUTES OF THE REGULAR MEETING (05-19) OF THE  
BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 1  
IN THE CITY AND COUNTY OF DENVER AND STATE OF COLORADO  
HELD IN THE BOARD ROOM, 900 GRANT STREET  
5:00 P.M., THURSDAY, AUGUST 4, 2005

**I. Call to Order – 5:00 p.m.**

A. Pledge of Allegiance

B. Roll Call

President Lester R. Woodward called the meeting to order at 5:00 p.m. The following Board of Education members were present: Ms. Elaine Gantz Berman, Rev. Lucia Guzman, Mr. Bruce Hoyt, Mrs. Michelle Moss, Mr. Kevin Patterson, Ms. Theresa Peña, and Mr. Lester Woodward.

**II. Board Member Reports**

Mr. Woodward introduced Superintendent Michael F. Bennet. This is Mr. Bennet's first meeting as Superintendent of Denver Public Schools.

Mrs. Moss said that she had attended the Denver Public Schools' Retired Employees Association end-of-summer luncheon. The highlight of the lunch was hearing from students who received scholarships from the Association the previous year. Five students attended and reported their experiences of their first year of college.

In 1996, the Association started giving scholarships. In that year they gave two \$1,000.00 scholarships. Last year they gave ten \$3,000.00 scholarships. Next year they will give ten \$5,000.00 scholarships, which will now be renewable. She expressed her appreciation to the Association for their generosity.

Ms. Peña reported that the North High School drama group will again perform at the Buell Theater. Last year Jose Mercado, drama teacher, under the leadership of Principal Dr. Darlene LeDoux, performed Zoot Suit both at North and at the Buell Theater. They will again perform Zoot Suit, with the assistance of the City of Denver, on Saturday, August 13, at 8:00 p.m. There is a fund-raiser tonight at the Chili Pepper to raise money to pay the fees associated with the performance.

### **III. Superintendent's Report**

#### **A. CSAP Update**

Mr. Bennet thanked the Board for their confidence in selecting him as Superintendent and expressed his appreciation to staff that he has worked with over the last three weeks. He said it has been a wonderful period professionally and personally.

He stated that he is more convinced than ever that enormous strides can be made in the district. There will be a relentless focus on student achievement and on professional development for teachers.

Mr. Bennet introduced Joyce McLarty, Executive Director of Assessment and Testing, to present the report on CSAP scores. Copies of the reports are appended to the minutes of this meeting as Appendix 05-19, III-A.

In response to Ms. Peña's question regarding percentages, Ms. McLarty said that the gains shown in the CSAP scores are not small gains; twenty and thirty percent gains are impressive. The largest difference between the district and the state is thirty percentage points. If the district were to make a ten percent gain, they could catch the state in three years.

Mr. Patterson stated that he did not agree that ten percent is a big deal. The percentages shown on CSAP are not large enough gains for his satisfaction. The gap is not closing. It is not to say that the district is not making the progress, but we still need to continue our focus, we still have a challenge in front of us and need to continue the work.

In response to Mr. Hoyt's question regarding longitudinal studies, Ms. McLarty said they are planning many different types of longitudinal studies including: looking at unsatisfactory students, how many of them stayed unsatisfactory and how many advanced; and comparisons of how students who have been in the district for a year are functioning, compared to students who are new this year. She said they would be glad to prepare an analysis of any area of interest to Board members.

Mr. Hoyt asked that they look at students who have been in the district for three years compared to students who have not, and at students who have been at the same school for that three-year period. He also asked to find out if student's are getting a year's growth for a year in school.

Mrs. Moss requested an analysis of attendance-rates versus CSAP scores, to see if we can tell at what point attendance begins to impact student performance.

In response to Mrs. Moss' question regarding when parents could expect to have the individual CSAP results, Ms. McLarty said that her office is scheduled to send the results to the schools the week of August 22. The schools then determine when and how to send them home.

Ms. Gantz Berman's asked if all principals are required to send the individual CSAP results or if is a discretionary decision on the part of the principal. Ms. McLarty replied that principals are required to send the results home. When they send them is not mandated. They can send results according to their own school schedule.

In response to Ms. Gantz Berman's question regarding transferred student results, Ms. McLarty said parents are encouraged to pick up results at the student's old school. After a period of time, schools send the extras back to their processing center where they are available if a parent wishes them.

Ms. Peña expressed her appreciation to Ms. McLarty and the Superintendent for getting this information to the Board so quickly. She asked for analysis of students who have moved from partially-proficient to proficient, and analysis of district mobility as it relates to CSAP.

Mr. Bennet stated that he agreed with Mr. Patterson that the district is not anywhere near where it needs to be in terms of proficiency or in terms of closing the achievement gap. As shown on the results, there are district schools that are making tremendous progress in situations with high percentages of students on free- and reduced-lunch. Those kinds of successes in those kinds of concentrated populations should be a source of inspiration for people. If there are places in the district making those kinds of gains, they need to do a much better job of finding out what is going on in those places and transmit it to other district schools.

#### **IV. Consent Agenda**

Assistant Secretary Jacquie Lucero read the agenda items by number and sequence. In accordance with Consent Agenda procedures, the following item was removed from the Consent Agenda and held for discussion:

IV-A-1 Motion to ratify the Employment Contract between Denver Public Schools and Michael F. Bennet, Superintendent, effective July 11, 2005

Ms. Gantz Berman moved that all matters on the Consent Agenda not held be approved. Mr. Patterson seconded the motion. The motion passed unanimously and the following items were approved:

A. Board of Education

2. Minutes of May 19, 2005; May 25, 2005; June 2, 2005; June 13, 2005; June 16, 2005; June 23, 2005; and June 27, 2005 – Copies are appended to the minutes of this meeting as Appendix 05-19, IV-A-2a, IV-A-2b, IV-A-2c, IV-A-2d, IV-A-2e, IV-A-2f, IV-A-2g.

3. Finance and Audit Committee

a. Motion to Approve the Purchase of Middle School Science Books and Lab Kits from It's About Time and Lab-Aids, Inc. - A copy of this motion, a purchase by the Department of Curriculum and Instruction for field test materials for the middle school science program, is appended to the minutes of this meeting as Appendix 05-19, IV-A-3a.

b. Motion to Approve Award of Price Agreement #PA 050121 for Purchase of Teaching Aids to the Developmental Studies Center - A copy of this motion, to provide teaching aids for the Making Meaning literacy program for the elementary schools, is appended to the minutes of this meeting as Appendix 05-19, IV-A-3b.

c. Motion to Approve Award of Price Agreement #PA 050119 for Purchase of Books and Teaching Aids to Lasting Impressions - A copy of this motion, to provide a local source from which schools and departments can purchase books and teaching aids, is appended to the minutes of this meeting as Appendix 05-19, IV-A-3c.

4. Motion to Approve the Settlement Agreement with Honeywell International, Inc.; Public Service Company of Colorado, d/b/a Xcel Energy; and Walsh Environmental Scientists and Engineers, LLC – A copy of this motion is appended to the minutes of this meeting as Appendix 05-19, IV-A-4.

B. Administrative Services

1. Human Resources

a. Motion to Approve the Personnel Transaction Report – A copy of this report is appended to the minutes of this meeting as Appendix 05-19, IV-B-1a.

2. Facility Management

a. Motion to Approve Utility Easement at Martin Luther King Middle School - A copy of this motion is appended to the minutes of this meeting as Appendix 05-19, IV-B-2a.

- b. Motion to Approve Space-Use Agreement for Skyland Community High School at the Cole Middle School Building - A copy of this motion is appended to the minutes of this meeting as Appendix 05-19, IV-B-2b.

## **DISCUSSION OF HELD AGENDA ITEMS**

- IV-A-1 Motion to ratify the Employment Contract between Denver Public Schools and Michael F. Bennet, Superintendent, effective July 11, 2005

Mr. Hoyt noted that there is a strong accountability component in the Superintendent's contract. A significant portion of the Superintendent's pay is going to be dependent upon a reward for performance. This is something the district is trying to implement at all levels. He commended the Superintendent for taking the lead at the highest level, and for accepting the position even though it is clearly below market in the total compensation package.

Mr. Hoyt moved approval of the motion. Mr. Patterson seconded the motion. The motion passed unanimously. A copy of this resolution is appended to the minutes of this meeting as Appendix 05-19, IV-A-1.

## **V. Old Business**

### **A. Policy Review**

#### **1. Repeal/Reenactment of Policies**

- a. Policy EGAD, Copyrights and Patents - A copy of this policy, which ensures compliance with federal copyright law, is appended to the minutes of this meeting as Appendix 05-19, V-A-1a.
- b. Policy IJL, Library Materials and Resources Selection - A copy of this policy, which clarifies selection of library books and textbooks, is appended to the minutes of this meeting as Appendix 05-19, V-A-1b.
- c. Policy JK, Student Discipline - A copy of this policy, which ensures compliance with state law, FERPA rules and regulations, and practices, is appended to the minutes of this meeting as Appendix 05-19, V-A-1c.

#### **2. Revision of Policies**

- a. Policy DK, Payroll/Deductions/Direct Deposit/Expense - A copy of this policy, to include Fair Labor Standards Act changes, is appended to the minutes of this meeting as Appendix 05-19, V-A-2a.
- b. Policy EI, Insurance Program/Risk Management - A copy of this policy, to conform to state law and insurance practices, is appended to the minutes of this meeting as Appendix 05-19, V-A-2b.

- c. Policy IJJ, Textbook Selection and Adoption - A copy of this policy, which clarifies selection of library books and textbooks, is appended to the minutes of this meeting as Appendix 05-19, V-A-2c.
  - d. Policy JRA/JRC, Student Records/Release of Information on Students – A copy of this policy, revisions to the policy which ensure compliance with state law, FERPA rules and regulations, and practices, is appended to the minutes of this meeting as Appendix 05-19, V-A-2d.
  - e. Policy KF, Community Use of School Facilities – A copy of this policy, revisions to the policy which will standardize the use of district facilities, is appended to the minutes of this meeting as Appendix 05-19, V-A-2e.
3. New Policy
- a. Policy GBEF, Violence in the Workplace – A copy of this policy, a new policy which prohibits violent acts, including remarks among employees, is appended to the minutes of this meeting as Appendix 05-19, V-A-3a.
4. Repealed Policies
- a. Policy EEAG, Student Transportation in Private Vehicles – A copy of this policy, recommendation to repeal Policy EEAG and have it approved as a Procedure to Policy EI, Insurance Program/Risk Management, is appended to the minutes of this meeting as Appendix 05-19, V-A-4a.
  - b. Policy EEBB, Use of Private Vehicles on School Business – A copy of this policy, recommendation to repeal Policy EEBB and have it approved as a Procedure to Policy EI, Insurance Program/Risk Management, is appended to the minutes of this meeting as Appendix 05-19, V-A-4b.

## **VI. New Business**

### **A. Policy Review**

- 1. Revise Policy JKA, Student Restraint – A copy of this policy, which describes when and under what circumstances employees may restrain students, is appended to the minutes of this meeting as Appendix 05-19, VI-A-1.
- 2. Revise Policy JKF, Discipline of Students with Disabilities – A copy of this policy, to conform with changes in federal law pertaining to discipline of students with disabilities, is appended to the minutes of this meeting as Appendix 05-19, VI-A-2.

## **NEW BUSINESS AGENDA ITEMS DISCUSSION**

Mary Ellen McEldowney, district Counsel, explained the two new policy review items. Policy JKA is a revision of an existing policy that deals with staff restraint of students and under what circumstances it is permissible. The revisions proposed by staff clarify the issue rather than significantly change it. The other one is a clarification of the policy which deals with the discipline of students with disabilities. This area is highly prescribed by federal law. Last year, Congress reauthorized the Individuals with Disabilities Education Act. Some of those changes go into effect July 1. One of those changes has to do with under what circumstances students with a disability may be disciplined. The proposed policy change will make our policy consistent with federal law. Action will not be taken on these policies until there has been an opportunity for public comment and review by the Board.

Policy JK, under Old Business, deals with student discipline of all students. A proposal has been made for further public comment and discussion of this policy. Therefore, action on this policy will be postponed until meetings have been held with the various people who have indicated an interest.

### **VII. Adjournment**

Mr. Woodward adjourned the Regular Meeting at 6:02 p.m.

### **Public Comment Session (first Thursday of Each Month)**

#### **Student Discipline**

Student Jeremiah Black, a Junior at East High School, spoke as a representative from Students for Justice. Students for Justice is an organization that works on issues concerning youth of color. He said they had come to discuss school discipline policies. Too many students are being punished more harshly than their incidents deserve. Students are being suspended, expelled, and ticketed for things that ten years ago were dealt with by calling home or giving detention. The majority of students impacted by these policies are students of color. Since Denver Public Schools is 80 percent students of color, this increase in severe penalties has affected mostly Denver students.

They advocate a solution called Restorative Justice, a program that focuses on the restoration of the offender and the victim, while benefiting their communities. Restorative Justice has worked extremely well in other states because it provides the offender with an opportunity to reflect on the harm they committed and to hold themselves accountable for their own actions. Restorative Justice drastically lowers recidivism rates and youth are not criminalized.

Student Terrell Mitchell, a Junior at Manual Arts and Cultural Studies High School, said that the district's current school discipline policies are ineffective, costly, and unreasonable. School discipline, ticketing, and expulsion policies clog up Juvenile Courts and waste taxpayers dollars. Expulsions and ticketing should only be used in the most severe cases. Nearly half of all tickets issued by police and the district are for violations of code of conduct. This category includes

talking back to a teacher, having attitude with a teacher, or just not doing what the teacher asks. Even though students should not be doing these things, they should not be considered criminal behavior worthy of being expulsion or ticketing by police, and court costs and fines. These policies that push young people out of school and into the criminal justice system are unjust, ineffective, costly, and unreasonable. Normal teenage behavior is being criminalized by district policies.

Student Brittany Ortega, a Senior at Manual Leadership High School, said that the Students for Justice proposal is to change current school discipline policies with the Restorative Justice program. Restorative Justice is a process that takes the opposite approach of the traditional criminal justice system, which states that there are rules and when someone breaks the rules, they must be punished. Restorative Justice on the other hand recognizes that there is an offender, a victim, and the broader community affected by a conflict. This approach works to resolve the problem instead of just punishing the offender. They also believe that the students should be held accountable by their peers because it increases the chances of them not re-offending. Statistics across the country support this. Offenders who go through the Restorative Justice process are less likely to re-offend and victims report higher satisfaction. It handles the situation at the school and it is resolved by students and teachers in the school. The school begins to build its own community.

Student Jeremiah Lewis, a Freshman at East High School, summarized that they do not want expulsions to be more common than they already are. Too much money is going towards incarcerating youth instead of educating youth. The Mayor's Office of Safe City says that court and diversion programs do not want to be dumping grounds for the schools disciplinary policies. They want the School Board and the Superintendent to meet with them to review and revise DPS disciplinary policies. They have a meeting set up with the Superintendent on September 6. They would also like to meet with Board of Education members.

Mr. Patterson thanked the students for their presentation; he said they were extremely eloquent in presenting their data to support their position and their argument.

### Facility Use Policy

Don Griebenaw, representing the District School Improvement and Accountability Council (DSIAC), presented a letter from the Council regarding the Facility Use Policy. A copy of this letter is appended to the minutes of this meeting as Appendix 05-19, VII-I.

In response to Ms. Peña question regarding DSIAC's formal recommendation, Mr. Griebenaw said that they recommend that the district maintain as low a cost as possible for non-school related activities. Child-centered groups, which support district students in their educational activities, should have free use of district facilities.

### Substitute Teacher Salaries

Judith Lurie, district substitute teacher, said they had formed a Denver substitute association to try to get some leverage. In September 2004, substitute teachers pay was cut by forty dollars a

day. She said she has been a substitute with the district for over twenty years and has to make ends meet on this salary. She said this salary cut was very unfair and they have not received any response to their appeals

#### Opt Out of DPS Retirement System

Lindsey Friedman, board member of Highline Academy, a public DPS charter school, read a letter from the Highline Academy board. A copy of this letter is appended to the minutes of this meeting as Appendix 05-19, VII-II.

#### Alternate to Ritalin and Ballroom Dancing in Elementary Schools

Joseph Thomas-Hazell said that the ancient Chinese medical practice of acupressure is an inexpensive means of controlling anger, depression, and other serious problems, without the side effects of Ritalin, Prozac, and other dangerous drugs. If children could learn to use these techniques early, they would develop life skills to cope effectively with all stresses for life. This is a tool that they could use in the classroom to control negative emotions which would lead to better grades and improved self-esteem. Secondly, due to many factors in the modern world, boys are growing up with low self-esteem. One elementary school in New York City has tackled the problem by introducing ballroom dancing. This is a simple way to get boys to lead and raise their self-esteem. DPS should do the same. Again, this is an inexpensive and cost-effective solution to a serious national problem and the children will enjoy it.

### **VII. Adjournment**

Mr. Woodward adjourned the Public Comment Session at 6:36 p.m.

Michelle Moss, Secretary  
Board of Education