I. Call to Order

A. Pledge of Allegiance

B. Roll Call

President Elaine Gantz Berman called the meeting to order at 4:25 p.m. The following Board of Education members were present: Ms. Elaine Gantz Berman, Mrs. Susan G. Edwards, Rev. Lucia Guzman, Mr. James Mejía, Mrs. Michelle Moss, Mr. Kevin Patterson, and Mr. Lester Woodward.

C. Recognition

D. Approve Agenda

Mrs. Woodward moved that the Board of Education approve the agenda for this meeting. Mr. Mejía seconded the motion. A roll call vote was recorded as follows: voting "aye," Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mr. Mejía, Mrs. Moss, Mr. Patterson, and Mr. Woodward. The motion was declared duly carried.

II. Board Member Reports

There were none.

III. Superintendent's Reports

Superintendent Jerry Wartgow stated that the week prior to the opening of school on August 19 was very busy and that construction projects in the district would be going down to the wire, but it was anticipated that all schools would be operational for the first day of school. He stated that in-service sessions had just ended for principals and teachers instructing them about the district's new literacy program and that the staff with whom he has spoken have all expressed enthusiasm for the coming school year.

Beth Biggs, Southeast Area Assistant Superintendent introduced Ken Holzlander, newly appointed principal at Ashley Elementary School. She explained that Mr. Holzlander comes to the district from a small school district in Wyoming, where he was principal of a kindergarten through grade twelve school, and that he also spent time as an English as a
Second Language instructor in an all-French speaking school system in Montreal, Canada.

Mr. Holzlander thanked the Board for the opportunity to work with the children of Ashley and said that he is very excited about the prospect of working with English language learners. He said that he has met with Ashley's staff and was impressed with the quality and dedication they demonstrated. He said that test scores at Ashley have begun to take an upswing and that one of his goals is to continue that trend.

Ms. Biggs then introduced Dennis Thompson, who will serve as Interim Principal at Bromwell Elementary School. She explained that he comes to the Denver Public Schools from the Johnston-Milliken School District in Weld County, and that he brings with him 23 years of experience as an elementary school principal, as well as nine years as an elementary school teacher in grades three through six.

Mr. Thompson said that he is thrilled to have been selected to serve as a principal in the district. He said that he is in a unique position, as Bromwell is has an "excellent" rating and that his goal is to maintain excellence and improve upon it. He stated that he had met with the school's staff that day, along with many parents and students, and that he looks forward to a great school year ahead.

Irene Martinez-Jordan, Southeast Area Superintendent, introduced Jan Belt, newly appointed principal at Slavens Elementary. She said that Ms. Belt is a product of Denver Public Schools, having attended McMeen Elementary School and Merrill Middle School, and graduated from George Washington High School. Ms. Belt, she said, graduated from Arizona State University and took a position teaching at Abraham Lincoln High School, where she also served as the gymnastics coach. She said that she served as Slavens' assistant principal during the 2001-2002 school year.

Ms. Belt said that she is very happy to have been appointed principal of Slavens, where she is already familiar with the school's fine staff. She said that it was very daunting to have to tell her staff that they should not spend more than twelve hours per day at school, as their dedication and enthusiasm often makes them do.

Dr. Martinez-Jordan noted that two other Southeast Area principals were in attendance at the meeting and recognized Patty Bippus, principal of Denver School of the Arts, and Kristin Waters, principal of Morey Middle School.

Ms. Gantz Berman welcomed the three new principals and wished them well in their new positions.

Dr. Wartgow said that the district also has 518 new teachers for the 2002-2003 school year, including 34 mathematics teachers, 40 science teachers, 115 English Language Acquisition Program teachers, and 48 special education teachers. The new teachers, he said, are enthusiastic, energetic, and dedicated, which bodes well for the coming year.
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 held for discussion:

IV-A-2f Revise - Policy GBEC - Drug and Alcohol Free Workplace
IV-B-3 Grant Proposal - Arts Resource Program

Mrs. Edwards moved that the items not held be approved under the consent agenda process and Mr. Mejía seconded the motion. A roll call vote was recorded as follows: voting "aye," Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mr. Mejia, Mrs. Moss, Mr. Patterson, and Mr. Woodward. The motion was declared duly carried.

The following items were approved under the consent agenda process:

A. Board of Education

1. Minutes of the Regular Meetings of June 6, 2002, and June 30, 2002, and the Special Meeting of June 27, 2002 - The Board of Education approved the minutes of the above listed Board of Education meetings.

2. Policy Adoption/Revision/Deletion

a. Delete - Policy CFB - Evaluation of Principals/Building Administrators - It was recommended that the Board of Education approve the deletion of Policy CFB - Evaluation of Principal/Building Administrators. A copy of the policy to be deleted is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2a.

b. Delete - Policy Procedures GCOC-R - Evaluation of Administrative Staff - It was recommended that the Board of Education approve the deletion of Policy Procedures GCOC-R - Evaluation of Administrative Staff. A copy of the policy procedures to be deleted is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2b.

c. Revise - Policy GBAB - Harassment Based on Race, Color, National Origin, Sexual Orientation, Disabilities, Religion, Age, or Gender (Employee) - It was recommended that the Board of Education approve proposed revisions to Policy GBAB - Harassment Based on Race, Color, National Origin, Sexual Orientation, Disabilities, Religion, Age, or Gender (Employee). A copy of the proposed revisions is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2c.
d. **Revise - Policy GBAA - Sexual Harassment (Employee)** - It was recommended that the Board of Education approve proposed revisions to Policy GBAA - Sexual Harassment (Employee). A copy of the proposed revisions is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2d.

e. **Revise - Policy Procedures GBAA-R - Sexual Harassment--Procedures for Investigation of Complaints (Employee)** - It was recommended that the Board of Education approved proposed revisions to Policy Procedures GBAA-R - Sexual Harassment--Procedures for Investigation of Complaints (Employee). A copy of the proposed revisions is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2e.

g. **Revise - Policy Procedures GDF-R - Procedures for Selection, Appointment, and Reappointment of Full-Time Classified Employees** - It was recommended that the Board of Education approve proposed revisions to Policy Procedures GDF-R - Procedures for Selection, Appointment, and Reappointment of Full-Time Classified Employees. A copy of the proposed revisions is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2g.

h. **Deletion of Personnel Policies Adopted in 1992** - It was recommended that the Board of Education approve the deletion of twelve policies related to personnel issues that were adopted in 1992. A copy of the policies proposed for deletion is appended to the official minutes of this meeting as Appendix 02-14, IV-A-2h.

**B. Superintendent's Office**

1. **Gift Report** - It was recommended that the Board of Education approve the Gift Report. A copy of this report is appended to the official minutes of this meeting as Appendix 02-14, IV-B-1.

2. **Grant Proposal - School Choice - U.S. Department of Education** - It was recommended that the Board of Education approve the submission of the grant application entitled *School Choice: U.S. Department of Education*, and that the Superintendent be directed to submit all necessary documents consistent with grant application guidelines and be authorized to make any technical or administrative adjustments deemed necessary. A copy of this grant proposal is appended to the official minutes of this meeting as Appendix 02-14, IV-B-2.
C. **Administrative Services**

1. **Human Resources**

   a. **Personnel Transaction Report** - It was recommended that the Board of Education approve the Personnel Transaction Report. A copy of this report is appended to the official minutes of this meeting as Appendix 02-14, IV-C-1a.

2. **Facility Management**

   a. **Final Settlements** - It was recommended that the Board of Education approve the Final Settlements for Contracted Services. A copy of this report is appended to the official minutes of this meeting as Appendix 02-14, IV-C-2a.

D. **Budget and Finance**

1. **Statement of Revenue Allocations, Appropriations, Commitments, and Expenditures for the Period July 1, 2001, to June 30, 2002** - The Statement of Revenue Allocations, Appropriations, Commitments, and Expenditures for the period July 1, 2001, to June 30, 2002, was presented for information. A copy of this statement is appended to the official minutes of this meeting as Appendix 02-14, IV-D-1.

2. **Statement of Revenue Allocations, Appropriations, Commitments, and Expenditures for the Period July 1, 2002, to July 31, 2002** - The Statement of Revenue Allocations, Appropriations, Commitments, and Expenditures for the period July 1, 2002, to July 31, 2002, was presented for information. A copy of this statement is appended to the official minutes of this meeting as Appendix 02-14, IV-D-2.

3. **Quarterly Travel Report** - The Quarterly Travel Report was presented for information. A copy of this report is appended to the official minutes of this meeting as Appendix 02-14, IV-D-3.

**DISCUSSION AGENDA**

IV-A-2f **Revise - Policy GBEC - Drug and Alcohol Free Workplace**

Ms. Gantz Berman announced the action on proposed revisions to Policy GBEC - Drug and Alcohol Free Workplace - would be held until the next Board of Education Meeting on September 5, 2002.
Mr. Mejía moved that the Board of Education direct the Superintendent and appropriate officers of the district to execute and deliver all documents necessary to apply for funding to the National Endowment for the Arts to administer a grant entitled *Arts Learning Program*, submitted by the Denver School of the Arts and the Department of Community Education. Mr. Patterson seconded the motion.

Mr. Mejía explained that the proposal currently before the Board was a grant application for $176,000 to the National Endowment for the Arts and that it would call for matching funds from the district in the amount of $88,000. The idea behind the grant, he said, is to create more arts opportunities in elementary schools, allowing more children to obtain the backgrounds needed to apply for admission to the Denver School of the Arts (DSA). He said that the four schools that would participate in the program if the grant were approved would be Remington, Knapp, Stedman, and Swansea Elementary Schools. These schools were selected, he said, because more than 80 percent of their student populations are students of color and more than 86 percent of their populations qualify for free or reduced-price lunch. He said that there has been a recent effort to increase diversity at DSA, and that Patty Bippus, DSA Principal, had worked in conjunction with Kiki Schomp of the Grants Office to develop the grant.

He said that he was very enthusiastic about the prospect of this grant. The idea of increasing diversity at DSA is very attractive, he said, as is the idea that students in schools with large at-risk populations would receive enriched arts programs.

Superintendent Jerry Wartgow said that he, too, is very supportive of this grant. The grant, he said, addresses the concerns about disparity in enrollment at DSA, and money has been set aside in the budget to cover the matching funds requirement. He said that winning the grant would allow the district to move even further in the direction of its goals of setting high expectations for students and closing the gap between better performing and poorer performing students.

Rev. Guzman said that she wished to publicly thank Mr. Mejía for his input into the grant application, as well as Ms. Bippus and everyone else who worked on the grant. She said it would provide a unique opportunity to give children who might not otherwise get exposure to the arts to gain that enrichment. The program, she said, will be challenging and increase equity in the district while giving children a real chance to experience the arts. She said that this would be a good enhancement to the district's $200,000 budget allocation earmarked for increasing arts exposure for children of color, and that other programs were also in development to work toward that goal.

Mr. Patterson added his thanks to those involved in developing the grant application. He said that it is very important to provide children with the opportunity to build the skills necessary to take advantage of the district's special programs, such as DSA. Although the program cannot be offered in all district elementary schools, he stated that he would continue to seek out ways to expand the program so that more children can gain access to the advantages offered by a solid background in the arts. He said that arts programs keep children involved, engaged, and excited about learning.
Ms. Bippus thanked the Board for supporting this endeavor. She said that she and her staff spent a great deal of time that day reviewing DSA's school improvement plan and the strategies in place to make the plan successful. One of the strategies, she said, deals directly with recruiting a more diverse student population to the school, especially the concepts of readiness for students to enter the program, retaining students in the program, and the recruitment process itself. She said that the discussions had yielded many solid ideas for moving forward toward their goals. The pending grant application, she said, would also provide opportunities for DSA students to do internships in elementary schools, to learn for themselves by teaching younger students how to prepare for entry into the program, thus benefiting everyone involved.

A roll call vote was recorded as follows: voting "aye," Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mr. Mejía, Mrs. Moss, Mr. Patterson, and Mr. Woodward. The motion was declared duly carried.

A copy of the grant application entitled *National Endowment for the Arts: Arts Learning Program* is appended to the official minutes of this meeting as Appendix 02-14, IV-B-3.

V. **Old Business**

There was none.

VI. **New Business**

A. **Information Only**

1. **Report of Expelled Students** - The Report of Expelled Students was submitted for information. A copy of this report is appended to the official minutes of this meeting as Appendix 02-14, VI-A-2.

2. **Program Evaluation - Community Challenges Charter School**

Janet Raban, Director of Program Evaluations, welcomed Eloy Chavez, Principal of Community Challenges Charter School (CCS), as well as staff, students, and family members from the school.

She explained that CCS is in its second year of operation and that it was conceived to target at-risk students. Sixty percent of the student population, she said, have either been incarcerated themselves or have had family members who have been incarcerated, or who are drug and/or alcohol addicted. She said the school offers these students not only an academic education, but also offers human services in the form of extensive counseling in the dangers of substance abuse, conflict management, and health and wellness. Teachers at Community Challenge, she said, take a personal interest in the life of every student, allowing the students a new level of engagement in their education that they have not
experienced in traditional educational settings. She noted that this engagement is evidenced by the fact that 30 CCS students were nominated by their teachers to receive Senator Linkhart Peer Leadership Awards, and that 27 of those nominated actually received the award. Additionally, she said, a team of four CCS students entered the Journey Through Our Heritage competition, sponsored by the Chicano Studies Program of Metropolitan State College and the Denver Public Schools Hispanic Education Advisory Council (HEAC), and that the team won first place in the competition. She introduced the team, consisting of Jesse Trujillo, Justin Rodriquez, Allison Sparks, and Nate Rodriquez, and commended them for their success.

Ms. Raban said that CCS also has a very active student council, whose members also sit on the 21st Century Extended Day Learning Council. The student council, she said, holds monthly meetings to review the effectiveness of their after-school programs and to consider new programs that the student body might find interesting and relevant. Under the sponsorship of a family member, she said, they supervise after-school activities that include a computer class, an arts and crafts class, peer tutoring, a yearbook club, a drug prevention program, piano lessons, a tutoring and counseling program for third through fifth grade students, and a General Equivalency Diploma (GED) program for parents of CCS students.

She said that district staff has also provided assistance in strengthening their educational program at the request of CCS administration. As a result of this collaboration, she said, the school has initiated the following changes:

• Developing curriculum for specific grade levels;
• Transforming the student portfolios to include rubrics, academic objectives, and completed products from all subject areas;
• Aligning the curriculum with district and state content standards;
• Providing teachers with more opportunities to improve their instructional and classroom management skills;
• Hiring their own special educator/educational coach to bring their special education program into compliance; and
• Hiring a part-time teacher for the 2003-2004 school year who will provide services to students who have been identified as English language learners.

Ms. Raban stated that the CCS staff has worked diligently over the past year to develop a more cohesive curriculum. In December 2001, she said, district staff brought forward the need to develop grade-specific curricula to the CCS educational consultant and, following the winter intermission, the school separated the combined seventh and eighth grade classrooms into two distinct grade levels. She said that Mr. Chavez then spearheaded conceptualization and development of a curriculum handbook for the 2002-2003 school year. The special educator/instructional coach, she said, then aligned CCS courses with both state and district standards, and the curriculum handbook now reflects the scope
and sequence of the school's courses. She said that the CCS curriculum is now grade-specific and blends direct instruction in reading, writing, and mathematics with thematic instruction in social studies and science.

Ms. Raban said that the CCS program evaluation report was completed prior to the release of this year's Colorado Student Assessment Program (CSAP) scores and, therefore, the report includes only an overview of 2001 scores. She said that provided to the Board that day an addendum to the report that included spring 2002 CSAP scores. She said that CCS students have made gains in seventh grade reading and writing, as well as in reading and science at the eighth grade level.

She directed the Board to page six of the program evaluation report, which contains a table of concerns and recommendations, and stated that the school's written responses to those concerns were included in Appendix C of the report. She said that the Department of Program Evaluation made the following recommendations:

- That the school be monitored to ensure that standards are being addressed in classrooms and that the curriculum handbook is being implemented as planned;
- That the district continue to provide support to CCS in order to ensure that the school's special education students are served;
- That since CCS teachers are not subject area specialists, the teachers should continue to attend professional development workshops and receive ongoing assistance with curriculum development to ensure that all teachers strengthen their subject area skills; and
- That the school develop an internship opportunity for college students to supervise their computer laboratory in order to make the facility available for individual student use.

Eloy Chavez thanked the CCS students and their families for attending the Board of Education meeting and showing their support of the school.

Mr. Mejía acknowledged Dr. Luis Torres of Metropolitan State College and said that he has been instrumental in the development and implementation of the *Journey Through Our Heritage* competition, as well as a great supporter of CCS. The competition, he said, is very challenging and the students who compete in it must have a great deal of knowledge and ability. He congratulated the CCS team on their victory.

He noted that the report states that CCS has an average daily attendance rate of approximately 67.8 percent, and asked how that rate compares to other alternative education programs in the district, as opposed to mainstream attendance rates.
Wayne Eckerling, Assistant Superintendent of Research, Planning, and Special Programs stated that he would research Mr. Mejía's question and report his findings as soon as possible.

Mrs. Edwards commended Mr. Chavez on his efforts to provide the most positive educational experience possible for the at-risk students the school serves. She asked him to provide an overview of his vision for improving educational opportunities at the school over the coming years, and what he feels his own role, the students' role, and the role of the Board of Education would be in fulfilling that vision.

Mr. Chavez stated that he wished to provide some background into the development of the school, which is associated with the Adolescent Counseling Exchange (ACE). He said that ACE was started as a grassroots organization in 1994 with a commitment to serving low-income and disenfranchised adolescents in the west Denver area. ACE, he said, has always been a family-oriented organization with the goal of providing students and their families with every educational opportunity available to them to reach their potential. He said that the aim in submitting the original CCS charter school application was to work cooperatively with the district to reach that goal.

Since the school's inception, Mr. Chavez said, the district has provided the necessary support to help CCS officials develop a solid curriculum that is aligned with district and state content standards. He said he feels that, with that curriculum, the school is now at a point where they can offer their students an excellent educational experience along with a means for students to become reengaged in their education through intense individual attention. CCS staff, he said, is very good at finding students who have not been successful in the mainstream educational program, recruiting them to CCS, and helping them modify their behavior so that they can learn what they need to know to be successful. He said that in the school's two years of operation, they have learned a great deal from district staff and with their support, have developed a program to serve their student population well.

He stated that ACE was a day treatment program that served 20 to 30 students and that in their first year as CCS, they served more than 100 students. That transition, he said, was difficult and a constant learning experience. He said that one of the most difficult aspects was working to overcome a very large and pervasive gang influence among their student population, and that he and his staff have had to deal with a number of different gang factions to convince their members to work together. Since the summer of 1993 when gang activity and violence was at an all-time high, he said, statistical data from the Mayor's Office of Youth Crime Prevention and Intervention show a dramatic decrease in gang activity over the past seven years since ACE's inception.
Mr. Chavez said that his immediate goal is to continue to work with the CCS executive management team to make collective, collaborative decisions, to allow input from CCS students and families and continue to value them as important members of a community working together with the best interests of CCS students in mind.

Rev. Guzman thanked Mr. Chavez for his hard work and said that she is very proud that a program of such high quality is in operation in west Denver. She said that west Denver is an area that has always been of great concern to the current Board of Education and that its members have been very mindful of the needs of that segment of the community. She said that CCS is providing a valuable service to many residents of west Denver and that she is very appreciative of the efforts of the school's staff.

She expressed her pride at the efforts and accomplishments of CCS students and said that many of them have faced great challenges to succeed and she commended them on the work they have put forth to complete their studies. She stated that many CCS students work while attending school and that some of them carry grave familial burdens that are obstacles to completing their education. She urged them to continue their hard work and to take advantage of the educational and social opportunities offered to them by CCS, and to use them to strengthen their character and academic abilities.

Ms. Gantz Berman said that starting a new school is never an easy task and that the CCS staff and administration have risen admirably to the challenge. She wished them well as they continue their efforts. She also thanked Ms. Raban for an excellent evaluation.

A copy of the report entitled *Community Challenge Charter School: Program Evaluation* is appended to the official minutes of this meeting as Appendix 02-15, VI-A-2.

B. Issues Requiring Action Following Public Input

1. Adoption/Revision/Deletion of Policies

   a. Revise - Policy EEAEAA - Alcohol and Drug Testing for Employees with Commercial Drivers Licenses - Proposed revisions to Policy EEAEAA - Alcohol and Drug Testing for Employees with Commercial Drivers Licenses - were accepted by the Board of Education. An opportunity for public comment and input will be provided at the September 5, 2002, Regular Meeting of the Board of Education; and action upon the proposed revisions will occur at the September 19, 2002, Regular Meeting of the Board of Education. A copy of the proposed revisions is appended to the official minutes of this meeting as Appendix 02-14, VI B-1a.
C. Consideration, Discussion, and Possible Action on English Language Education
Constitution Initiative

Ms. Berman said that the Board wished to discuss the English Only Amendment that would likely be on the ballot for the upcoming November election. She asked Mrs. Edwards to be the first to address the issue.

Mrs. Edwards said that she has no doubt that the Board of Education and the Denver Public Schools are committed to helping the students of the district who are English language learners acquire skills in the English language as rapidly and as sensibly as possible. However, she said, the Board and the district are also committed to choice opportunities for parents and students to acquire education, as well as being committed to local control for Colorado boards of education. Those three issues, she said, have provided the basis of the Board's discussions around the proposed Colorado constitutional amendment, and those discussions have raised serious concerns about various components of that particular initiative. One of those concerns, she said, centers on the issue of waivers and whether or not choice for their children truly exists for parents under the initiative. She said that there have also been discussions about whether or not programs in the district that meet student needs--such as the dual language Montessori program--would be allowed to continue should the amendment pass. There are also questions, she said, about how the amendment would affect the district's ongoing implementation of the United States District Court-approved English Language Acquisition Program, as well as the issue of personal liability for district teachers, principals, district administrators, and members of the Board of Education.

She said that the initiative contains areas of significant concern that Board members need to consider further. In order discuss the issues in an informed manner, she said, Board members have considered speaking with the drafters of the initiative, as well as seeking the opinion of independent counsel so that their decision regarding a public stance on the issue is based on sound advice and informed opinion. She said that the Board's stance must be formed with the best interests of Colorado's children and the future of public education within the Denver Public Schools in mind. She suggested that the Board continue to solicit sound information regarding the proposed amendment in an effort to publicly announce their stance at the September 5, 2002, Board of Education meeting.

Mr. Woodward agreed with Mrs. Edwards' suggestions. He said that he and other members of the Board had spent a great deal of time examining the proposed amendment and have spoken with several informed people about it. He said that they have also compared, to a limited extent, the proposed amendment with similar initiatives that passed in other states. There are significant differences, he said, between the way the proposed Colorado amendment has been drafted and initiatives passed in other states. He said that he would like further clarification of the reasons for the differences. The Board needs to be certain, he said, of the impact of the proposed amendment on the Denver Public Schools and on other school districts.
across the state because the amendment could have a significant influence on successful programs that are currently in place and on the students participating in those programs. He said that he agreed that the Board should not take a public stance prior to obtaining more information from informed sources, especially in regard to the issue of waivers and possible punitive action should it be determined that waivers are inappropriately granted. There are also concerns, he said, regarding the interrelationship of a state constitutional amendment and a federal district court order. He said that, in his opinion, the district's court-approved English Language Acquisition Program would not be in compliance with the proposed amendment. However, he recommended that the Board not try to understand all the implications of that question until after the November election because the issue is complicated and examining it would be too time consuming if the amendment is not passed by the voters. He gave his support of Mrs. Edwards' suggestion that the Board seek the advice of legal counsel that is completely independent of the Board or the district to ensure that the opinion rendered is free of the taint of any position of connection. He said that he would also support a conversation and appropriate comment from the people who have sponsored the amendment, as well as people and organizations within the community who oppose the measure.

Mr. Mejia expressed agreement with his colleagues that more information was needed, including information regarding the logistics of implementation should the measure pass the vote, as well as the fiscal impact on the district. He said that he was certain that the Board would make its decision not on a political basis, but on the basis of what best serves the needs of the children of the Denver Public Schools.

Rev. Guzman concurred with her colleagues that more information is needed in order to render an informed opinion. She said that she is appalled that the Board and district officials must take time and energy to examine what, to her, seems like a measure that is extremely punitive to Colorado school districts. That time and energy, she said, would be better used to continue to build a great English Language Acquisition Program within the district, and continue to move forward in the area of improving academic achievement. However, she said, the proposed amendment is extremely important and it is vital that the Board understand all its implications and its potential for damage for many years to come. She stated that the potential for personal liability could affect her personally, and could influence a decision about whether she or other Board members could continue in their positions, and would have the same affect on many district personnel. More information is needed, she said, so that decisions made are based on facts rather than emotions.

Mr. Patterson said that one of the directives given to Superintendent Wartgow by the Board of Education is to ensure that the district is in full compliance with the U.S. District Court order regarding the English Language Acquisition Program. It is important, he said, that the Board understand as many of the implications of the amendment in that area as possible. He urged the Board not to rush to judgment regarding their stance on the proposal and that they are as well informed as possible.
in making a decision that could have a profound impact on the lives of so many Denver children.

Dr. Wartgow agreed and said that the proposed amendment contains many issues that are of great concern to him and that he is not certain he fully understands. He said that he has been directed to ensure full compliance with the court order and that he is proceeding with that directive. He said that his understanding, and the opinions of informed people with whom he has spoken, is that the proposed amendment is in direct conflict with the federal court order, which places him, as superintendent, in the midst of a significant dilemma. He said that he would appreciate as much clarification in that area as possible.

He said that the proposed amendment has been presented as being similar to the proposition that passed several years ago in California. He stated that he has read the California proposition carefully, compared it with the proposed Colorado ballot initiative, and has found significant differences between them. The differences, he said, are punitive in nature and address issues of personal liability for district superintendents, which is a very important personal issue for him. He said that his understanding is that the proposed amendment would prohibit superintendents from being indemnified, which would supercede a right that is already guaranteed by the Colorado Constitution, and would prohibit a superintendent from obtaining liability coverage from a third party provider. Principals and teachers, he said, have expressed similar concerns about the potential for liability, especially given the fact that the danger for such action lasts for ten years after a waiver is granted and they are denied the possibility of obtaining liability coverage against such an action.

Dr. Wartgow said that that provision was not included in the California proposition and that he was not certain of the intent of the drafters of the proposed amendment for its inclusion in this case. That provision, he said, would make it very difficult, if not impossible, for a school official to approve a waiver, thus hindering parents' rights to choose what they feel is the best educational opportunity for their children. He said that he would like to hear from proponents of the amendment the reasoning behind including such a provision.

Ms. Gantz Berman said that it is clear that the Board is united in the idea that the best course of action would be to proceed in a very deliberate and thoughtful manner. She said that four attorneys closely associated with the district have already reviewed the initiative, but that the Board also feels that it is important to obtain the opinion of legal counsel not connected in any way to the district in order to obtain a completely objective opinion along with counsel and advice.

The district, she said, has more than 16,000 English language learners--more than any other district in Colorado; therefore, the proposed amendment must be taken very seriously and given thorough consideration. She said that, although 140,000 signatures have been presented to the Colorado Secretary of State, the proposed amendment has not yet been officially placed on the ballot for the upcoming election,
although it is likely that it will be placed there shortly. It would behoove the Board, she said, to wait until an announcement that the measure will appear on the ballot before rendering a public position on it.

Ms. Gantz Berman said that she is also in favor of hearing from both proponents and opponents of the initiative. She said that the Board would offer Ron Unz, the author of the amendment, and opponents of the measure to speak before the Board in a public forum to present their views and opinions, and that the Board would announce when such a meeting would occur. She said that the Superintendent and district legal counsel would also be directed to seek out independent counsel to provide the Board with an analysis of the proposed amendment. This initiative, she said, has the potential for serious impact on the district and it would be wise for the Board to proceed in a prudent and informed manner.

VI. *Adjournment*

Ms. Gantz Berman adjourned the meeting at 5:28 p.m.

Susan G. Edwards, Secretary
Board of Education