MINUTES OF THE REGULAR MEETING (03-03) 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, FEBRUARY 6, 2003

I. Call to Order

A. Pledge of Allegiance

B. Roll Call

President Elaine Gantz Berman called the meeting to order at 5:08 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. Recognitions

Mrs. Edwards read a proclamation stating that the Board of Education joined the Governor of Colorado in recognizing February 5, 2003, as National Girls and Women in Sports Day. She presented proclamations and certificates to one outstanding female athlete from each Denver High School. She introduced the students and gave a brief summary of their accomplishments.

Ms. Gantz Berman said the DPS Foundation dinner held on January 22, 2003, at the Downtown Marriott had over 900 attendees and raised over one-half million dollars. She said they had planned to show a video at the event, but were unable to do so because of technical difficulties. Karen Kennedy, Executive Director of the DPS Foundation, introduced the video by saying it was produced as a tribute to 100 years of the DPS and to introduce the DPS Foundation.

Lita Weinstein, Director of Employee Benefits, introduced Doreen Bovey and Annette Solano from the Worker’s Compensation Department. She said that the previous month the organization for Professionals in Workers Compensation (PWC) presented the “2002 Outstanding Employer of the Year” award to DPS. She expressed her appreciation to the two employees from the department who were responsible for winning the award.

D. Approve Agenda

Mrs. Edwards moved that the Board of Education approve the agenda for this meeting. Mr. Patterson seconded the motion. A roll call vote was recorded as follows: voting “aye” were Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Mr. Mejia was absent and excused. The motion was declared duly carried.
II. **Board Member Reports**

There were none.

III. **Superintendent’s Reports**

Jerry Wartgow, Superintendent, distributed to the Board a recommendation on a teacher dismissal. A copy of the recommendation is appended to the official minutes of this meeting as Appendix 03-03, III.

IV. **Consent Agenda**

Assistant Secretary Jacquie Lucero read the consent agenda items by number and sequence, in accordance with consent agenda procedures. The following items were held for discussion.

IV-C-2b  Revision to Green Valley Ranch Design-Build

IV-C-3a  Action on AAA Case No. 77 300 00017 01 Denver Public Schools and Amalgamated Transit Union, Local 1563, Individual Contract Arbitration

The following items were included in the consent agenda:

A. **Board of Education**

There were no reports.

B. **Superintendent’s Office**

There were no reports.

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 the report is appended to the official minutes of this meeting as Appendix 03-03, IV-C-1a.

2. **Facility Management**

   a. **Final Settlements** – It was recommended that the Board of Education approve the Final Settlements for Contracted Services as described on the attached
schedule. A copy of the motion is appended to the official minutes of this meeting as Appendix 03-03, IV-C-2a.

D. Budget and Finance

1. Resolution------ Approving Debt Service Forward Delivery Agreement Among JP Morgan Chase Bank, Bank One Trust Company, and Denver School Facilities Leasing Corporation – It was recommended that the Board of Education approve Resolution---- approving a Debt Service Forward Delivery Agreement Among JP Morgan Chase Bank, Bank One Trust Company, and Denver School Facilities Leasing Corporation. A copy of the resolution is appended to the official minutes of this meeting as Appendix 03-03, IV-D-1.

2. Resolution---- authorizing the execution and Delivery by the District of an “Amendment and Addendum: Lease Schedule No. 9” to an equipment Lease Agreement – It was recommended that the Board of Education approve Resolution - ------ authorizing the execution and Delivery by the District of an “Amendment and Addendum: Lease Schedule No. 9” to an equipment Lease Agreement between Unisys Leasing Corporation and the District, and certain other documents in connection with the lease purchase of certain equipment described therein; and making certain findings and determinations in connection therewith. A copy of the resolution is appended to the official minutes of this meeting as Appendix 03-03, IV-D-2.

3. Recommendation of Special/Disclosure Counsel Firm, Underwriting Firm and Trustee/Registrar/Paying Agent Bank for Certificates of Participation Issue – It was recommended that the Board of Education approve the following firms be appointed to provide he services specified for the upcoming certificates of participation issuance: Kutak Rock, as special and disclosure counsel; A.G. Edwards & Sons, Inc., as underwriter; and US Bank as trustee, registrar, and paying agent. A copy of the resolution is appended to the official minutes of this meeting as Appendix 03-03, IV-D-3.

Mrs. Edwards moved and Mr. Patterson seconded a motion to approve the consent agenda as modified. A roll call vote was recorded as follows: voting “aye” were Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Mr. Mejía was absent and excused. The motion was declared duly carried.

DISCUSSION AGENDA

IV-C-2b Revision to Green Valley Ranch Design-Build – It was recommended that the Board of Education approve a revised design-build construction contract for the new Green Valley Ranch Town Center K-8 School with the firm of Oakwood Homes, LLC, and that the amount of $14,257,489 be approved as the revised not-to-exceed construction budget. Such budget to be allocated as follows:
$13,578,561 (Construction and DoTS), and a contingency of five percent (5%) of $678,928. A copy of the revision is appended to the official minutes of this meeting as Appendix 03-03, IV-C-2b.

Mr. Patterson asked Mike Langley, Executive Director of Facility Management, to give a brief description of the revision. Mr. Langley said the motion was to increase the scope on the K-8 school that was to be built at the Green Valley Ranch Town Center. He said the project was a synergy between DPS and the City and County of Denver, where several public facilities would be blended into one project. The school would be located adjacent to a parks and recreation center, and the students would be using the gymnasium and locker rooms of the center. The district would not have to build the facilities in the school and that would be a savings of a couple million dollars. He said there also would be parks, amphitheaters, and playgrounds programmed together so there would be no duplicity of efforts. He said it would be a united community facility for multi-purposes.

Mr. Patterson said that some residents in the area felt that with the recreation center located by the school, the school would use it all day and there would not be any public use during that time. Mr. Langley said that was not the case, that the only facilities used during the school day would be the gymnasium and locker rooms. Mr. Patterson asked what the process would be to involve the community in discussions about the project. Mr. Langley said the motion was that the school would be built to the standards of DPS, but the program still had to be ascertained and they would follow normal DPS procedures for that.

Mr. Patterson made and Mrs. Moss seconded a motion to approve the revision. A roll call vote was recorded as follows: voting “aye” were Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Mr. Mejía was absent and excused. The motion was declared duly carried.

IV-C-3a Action on AAA Case No. 773000001701, Denver Public Schools and Amalgamated Transit Union, Local 1563, Individual Contract Arbitration – It was recommended that the Board of Education reject the Opinion and Award of the Arbitrator in the matter of ATU grievance regarding Individual Side Contracts. A copy of the Opinion and Award is appended to the official minutes of this meeting as Appendix 03-03, IV-C-2b.

Mrs. Edwards said the Board rejected the opinion of the arbitrator because the opinion improperly interpreted public sector bargaining. She said that she was happy to say that the DPS Transportation Department had agreed to remove the offensive language from the Rules of Work Memorandum concerning athletic bus drivers.

Mrs. Edwards made and Mr. Patterson seconded a motion to approve the recommendation. A roll call vote was recorded as follows: voting “aye” were Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Mr. Mejía was absent and excused. The motion was declared duly carried.
V. **Old Business**

There was none.

VI. **New Business**

A. **Educational Services**

1. **Action on AAA Case No. 77 300 00089-02, DCTA and DPS, Barrett/Teller/CLA Grievance.** A copy of this motion is appended to the official minutes of this meeting as Appendix 03-03, VI-A-1.

   Ms. Edwards made and Mr. Patterson seconded a motion to accept the arbitrator’s opinion and award. A roll call vote was recorded as follows: voting “aye” were Ms. Gantz Berman, Mrs. Edwards, Rev. Guzman, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Mr. Mejía was absent and excused. The motion was declared duly carried.

2. **Charter School Renewals**

   a. **Odyssey Charter School Renewal Application: Staff Analysis** – It will be recommended that the renewal application be approved. A copy of the report is appended to the official minutes of this meeting as Appendix 03-03, VI-A-2a.

   b. **Wyatt–Edison Charter School Renewal Application: Staff Analysis** – It will be recommended that the renewal application be approved. A copy of the report is appended to the official minutes of this meeting as Appendix 03-03, VI-A-2b.

B. **Policies and Procedures**

1. **First Reading of Proposed Policy Change on School Advertising** – It will be recommended that the Board of Education approve revisions to Policy KHB – Advertising in Schools. A copy of the revision is appended to the official minutes of this meeting as Appendix 03-03, VI-B-1.

2. **First Reading of Proposed Policy Change on Revenue from Non-Tax Sources** – It will be recommended that the Board of Education approve revisions to Policy DF – Revenue from Non-Tax Sources (Sponsorship of District/School Programs, Events, and Activities). A copy of the revision is appended to the official minutes of this meeting as Appendix 03-03, VI-B-2.

C. **School/Community Partnerships**
1. **Soft Drink Contract**

Dr. Wartgow said the soft drink contract between DPS and Pepsi Cola will expire at the end of 2002-2003 school year, and they were evaluating and preparing recommendations on how to proceed. He said he would like to present to the Board the staff recommendations as an opening point for discussions. He said they were aware that health and obesity were an increasing concern, and teachers and staff could play an important role in addressing that problem. However, vending machines and beverage contracts in schools were not where the problem of obesity and public health began. He said there were several reasons why he believed that to be the case. First, research was mixed and unclear about effective strategies for dealing with obesity, and evidence suggested that exercise was a more effective method than dieting for controlling weight gain, especially for school age children. He said that was why they were working to encourage participation in projects such as Colorado on the Move. Throughout the district, he said, schools had embraced a variety of programs to promote healthy approaches to diet and exercise.

Secondly, he said that there was strong evidence that eating and health habits were formed during early years and were much more heavily influenced by family, friends, and society than by the schools. He said that would not set aside the district’s responsibility, but students were in the district’s responsibility for only a small fraction of time. He said that what was important for DPS was to provide nutritional information and life skills education so that students would be more likely to make the right choices for their diet and their health.

He said the third reason was that two independent analyses on the consumption of beverages from vending machines located within the DPS during the term of the contract had concluded that the average student consumed less than one 12-ounce beverage per week. That included water, juices, and carbonated beverages. The calculation of that average did not include the thousands of staff members, parents, and community members who bought products from vending machines. He said they would continue to monitor the consumption rate, but it did not seem alarming or to be characterized as a public health issue within DPS.

Dr. Wartgow said that in spite of the low consumption, the revenue stream was sizable. It created a substantial source of funds that supported many programs, helped buy physical education equipment, supported clubs, and funded activities such as field trips, school speakers, and the like. Schools relied on that money, and eliminating that revenue would put extra pressure on the district’s already strained general fund and on the schools’ budgets. He said the Superintendent’s Principals Council unanimously supported the proposal on proceed.

He said there were important conditions that DPS could place on vending contracts that would help alleviate many identified concerns. The following conditions should be included: 1) no vending machines selling products other than water would be permitted in any elementary school, except in teachers’ lounges; 2) the cost for a
bottle of water would not exceed the cost of other beverages; 3) when new vending machines were placed in schools the front panel would display water and other beverages; and 4) the district would manage and enforce the provisions of the contract, including service and location of machines and product placement at all DPS facilities. In addition, they recommended that there would be internal DPS procedures to implement the following: 1) there would be a to-be-determined percentage of proceeds of the contract that would be designated for educational programs on healthy lifestyles and good nutrition, and 2) that a portion of the proceeds from the contract would be reallocated to elementary schools to offset any loss of revenue that might result from elimination of soda and juice sales.

He assured the Board that there would be further opportunities to discuss the recommendations, the report was to inform everyone at once and then there was time to go through the discussion process.

Rev. Guzman said she appreciated the recommendations, especially the one regarding elementary schools. Regarding the funds received from the machines, she said she was amazed that one high school earned $75,000 a year, and she wanted to see an itemized accounting on how much money was received and how it was used. She said it was important as part of school district accountability that the Board and the district know how the funds were used. She said she and other Board members had met with Food Services staff about concerns regarding some of the snacks in the machines, and discussed an idea where students would be involved in a pilot project where they would work with nutritionists to see what type of nutritious foods would or would not work in schools. Dr. Wartgow said they would collect the information on expenditures by schools, though up to that point it had been a site-based decision how the money was spent.

Mrs. Edwards said the Student Board of Education had strong opinions about machines being taken out of high schools. She said she was surprised about taking vending machines out of elementary schools, and hoped that before discussion they would receive information from staff on who purchased sodas—students or staff and community people who were in the school. Dr. Wartgow said that at Kennedy High School all of the vending machines except those on first floor were replaced with water machines, and that the amount of revenue did not drop off.

Ms. Gantz Berman said her position on the beverage contract and vending machines had shifted. She said she was very concerned about childhood obesity, and understood that it had to with quantity, exercise, and the amount of time spent in front of a television or computer. She said she had not realized that the juices had as much or more sugar than soda pop and milk was high in fat—the only healthy drink was water. She said the district needed to evaluate the type and quantity of exercise the students were receiving.
Rev. Guzman said it was narrow to say that children were obese because of lack of exercise. She said there might be other issues, such as health problems, heredity, and diet. Ms. Gantz Berman said that was not what she meant to imply.

**RECESS**

Ms. Gantz Berman recessed the meeting and explained that the Board would reconvene at 7:00 p.m. for the Public Hearing segment of the meeting.

**RECOVENE**

**VII. Public Comment (First Thursday of Each Month)**

A clarinet trio from Morey Middle School performed for the Board and audience.

**Edgar Benton – Soft Drink Contract** – Mr. Benton was a member of the DPS Board of Education, 1961-1969. Mr. Benton commended the Board and the district for their devotion to nutritional programs, but was concerned about the notion of revenues derived from the sale of beverages and food that might not meet the best standards. He urged the Board to meet the best standards and not become diverted by revenue that might be derived.

**Sugar Manley – After-School Program Activity** – Ms. Manley gave an overview of a word game she created called “Scummy.” She said it was a learning tool for teachers to use along with existing curriculum, it was both challenging and fun, and required students to engage in the constant use of a dictionary, therefore building vocabulary skills and creating confidence and self-esteem. She said her goal was to work with DPS to implement the game for use during classes and after-school activities.

Mrs. Edwards asked where the game was available, and Ms. Manley said it was on her web site, but it was her goal to work with the district for implementation.

Ms. Gantz Berman introduced Ms. Manley to Darlene LeDoux, Assistant Superintendent for School Community Partnerships, and said they might talk and investigate the possibilities.

**Bill Weller and Robert Parker - Dual Language Program at Fairmont Elementary School** – Mr. Weller, ECE teacher at Fairmont, spoke on behalf of Rocio Olivas, who could not attend. He said her family moved to Denver from Texas a year ago, her fourth grade child was in a dual language school in Texas, and did well there and in Denver. Ms. Olivas wanted her younger daughter, who was in his ECE class, to have the same opportunity in a dual language school. He said the Baker community was a natural environment for a dual language school. He said the Baker community was a natural environment for a dual language school, they had many native Spanish speakers and many new English speaking families, and it would be a great place for those families to work together. It would allow Spanish speakers to be proud of and share their language and culture.
Mr. Parker, kindergarten teacher at Fairmont, said that he and his colleagues had prepared research about dual language programs that worked, why they worked for non-English speakers, why they worked for English speakers, why they worked for parents, and why they worked for communities. He said that in his 20 years at Fairmont, through the years with court ordered busing, becoming a neighborhood school, learning to empower Spanish speaking parents to know their rights in advocating for their children, they had done a lot to educate their community about good educational practices. He said it might be asked why they would embark on another change when everyone was under pressure for raising CSAP scores and delivering more intensive literacy programs. He said it was because the staff at Fairmont was committed and dedicated to the students, families, and community. He said it was a school where many teachers landed and never left. He said the job was not easy, it was a challenge, and they were willing to take that challenge. He said he hoped the Board would consider approving a dual language program for Fairmont.

A third speaker spoke through a Spanish translator. He said he was a father, and he needed and wanted his children to speak both languages so that they could communicate with their family here and family in Mexico. He was very happy that dual language would be offered in kindergarten. The translator said the speaker was her husband and her son was “choiced” into ECE at Fairmont from Cory.

Mr. Woodward asked if the proposal for a dual language program had been discussed with the Fairmont CDM and the community. He said he supported the idea of schools developing a program, but that it should not be directed by the Board. He asked what work had been done within the community. The response was that the proposal had been presented a few weeks prior when Mr. Woodward was out of town. It was explained that they were looking at a dual language component within their school, however, they would still offer Fairmont as a neighborhood school because it had met the needs of the community. There had been meetings with families and parents to discuss the program.

Mr. Mejía voiced his support for the program and said he was excited about the prospect of more dual language program in the district. He said that considering the success they had at Ana Marie Sandoval School, more programs were needed.

Ms. Gantz Berman said there would be a special presentation on an initiative to raise math achievement in the district. Rosanne Fulton, Executive Director for Curriculum and Instruction, and Sally Mentor Hay, Chief Academic Officer, made the presentation.

Ms. Fulton said they were dedicated to raising achievement in mathematics in DPS. She said staff met on a regular basis to discuss ways to provide support to principals and teachers to deliver quality math instruction. She said they were careful about what kind of support would be provided to schools for mathematics, and they tried to ensure that it was not an interruption in terms of work being done on literacy. She said a decision had been made to provide support for implementation of Everyday Math for grades four and five at the elementary level and Connected Math at the middle school level. Both programs were standards based and closely aligned with CSAP expectations. She said one of the huge
issues they had was that math curriculum was very repetitive from one grade level to the next. She said through their support to teachers and principals in using the Everyday Math and Connected Math programs, they hoped to reduce the amount of repetition kids experienced so that time was spent more wisely and students developed understandings.

Ms. Fulton introduced Debbie Hearty, Math Specialist, to speak to the professional development provided for math teachers. Ms. Hearty said that having rigorous programs for students required new vigor or teachers of math. They had intensive professional development offered through the fourth and fifth grade math initiative and the middle school initiative. The professional development was designed to be program specific, and teachers met every five weeks to determine what worked, what did not, and what would be done during the next five weeks. Another consideration was how to support second language learners, and both programs were available in English and Spanish.

Ms. Fulton introduced Jim Loetz from Metropolitan State College who was working with the district for one year, and who had been visiting with high school principals to look at what could be done about math programs to move them closer to becoming more standards based. He said he was only working with the district because of the decision that was made to go with one curriculum, and that allowed them to provide professional development for teachers in line with that one curriculum. He described the professional development that had been done. He said that in visiting high schools he had made two observations: the district was a long way from having standards based mathematics instruction at the high school level, though there were some outstanding programs, and that he was surprised at how ready the high school math people were to consider something new.

Mr. Woodward said that there would be a number of children entering fourth grade who were significantly deficient in math, and asked if the program dealt with those students to bring them up to grade level. The response was that the decision to start at grades four and five was because at that level it was effective to encourage schools to use staff allocations in a way that they could have some teachers specializing in math. If professional development were provided to those teachers, it would not be an additional burden on top of the expectations around the new literacy program.

Mr. Patterson said he was a firm supporter of the literacy plan, but had been waiting for that kind of a mathematics plan on a district-wide level. He said he was familiar with both of the programs and knew there was a transition period because it was a different way to look at math. He said the program addressed matriculation patterns, mobility, and it was a way to focus efforts for professional development and provide teacher support. He was excited to see implementation of the program and asked when it would begin. The response was that it had already started with professional development, and that instructional materials were being purchased as funding became available.

Rev. Guzman asked if the program was for all schools or just for low performing schools. The response was that many schools had already purchased Everyday Math materials, and they were in all four quadrants. Rev. Guzman said there were schools in Northwest Denver who told her they did not have the funds to purchase all of the math
and science books that were needed. She asked if they were paying particular attention to the schools needing to make major improvement in the math area, even if those schools had not purchased the program materials. The response was that it was the school’s decision to participate in Everyday Math. They said that four years ago the district adopted five different textbook titles at the elementary level and schools made a choice on how to spend the money provided for math textbooks. In the initiative there were no funds provided for the purchase of textbooks. Rev. Guzman asked for a list the schools that did not have the Every Day math books.

Mrs. Moss said that five years ago the state standards existed and they knew they would do CSAP on math, and asked why books that did not support them were on the approved buying list. The response was that when the standards movement began, teachers did not understand the implications of having a state testing system directly attached to the standards. After the state testing began, they had a better understanding of what was required. Mrs. Moss asked if, as a district, they would change textbook adoption policy to align the books purchased to the standards tests. The response was that they would be looking at ways to sharpen the process to ensure alignment with expectations of the standards.

Mrs. Edwards asked how the program dealt with students who were below or past grade level. The response was that the recommendation was that children would be heterogeneously grouped, that with facilitation they could learn a great deal from each other. She said they encouraged teachers to look at the work of each child, and then to plan the next instructional steps based on that. They said they encouraged flexible grouping. Mrs. Edwards said she saw eighth grade students whose fundamental skills were so lacking, and said she was concerned about those students who kept getting further behind but were moved ahead. The response was that a large part of learning in the program was students sharing and learning from one another, not like traditional math instruction where the teacher did all the talking.

Ms. Gantz Berman said she agreed with Mr. Patterson that she was excited about the program and thanked them for their presentation.

Dr. Wartgow announced that there would be an executive session upstairs.

VII. Adjournment

Ms. Gantz Berman adjourned the meeting at 8:24 p.m.

Susan G. Edwards, Secretary Board of Education