I. Call to Order – 5:00 PM

A. Recognitions

Assistant Area Superintendent Dave Debus introduced the new principal for Smedley Elementary School, Mr. Mark Hernandez. Mr. Hernandez is currently an assistant principal at Munroe Elementary and said he is looking forward to making Smedley Elementary a great school.

Dr. Wartgow congratulated Mr. Hernandez on his appointment.

B. Recitation of the Pledge of Allegiance

C. Roll Call

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

D. Approve Agenda

Mr. Mejia made a motion to approve the agenda. A roll-call vote was taken, and the motion passed unanimously.

II. Board Member Reports

There were none at this time.

III. Superintendent’s Reports

Dr. Wartgow said he talked to many parents who just love Lowry Elementary School.

He reported that the legislature will end next week. The School Finance Act has been passed, so we can get on with our budget setting process. We still have negotiations with our unions, but we know what some of the numbers are, and they’re not much different than we had predicted.
He also mentioned that many of our schools will be participating in the upcoming Cinco de Mayo celebrations.

**IV. Consent Agenda**

Assistant Secretary Jacquie Lucero read the Consent Agenda:

A. Administrative Services
   1. Human Resources
      a. Personnel Transaction Report (IV-A-1a) – This report contains information regarding employee activity such as appointments, resignations and transfers.
      b. Subsidy Amounts for Retirees Medical Plans (IV-A-1b) – This item would align the health insurance subsidy for DPS retirees with the health insurance subsidy received for PERA retirees.

B. Schools/Community Partnerships
   1. Soft Drink Contract (IV-B-1) – This bid is authorizing the Superintendent to negotiate and sign a beverage contract with Pepsi consistent with the parameters which are attached to this motion.

C. Legal Services
   1. Intergovernmental Agreement with the City and County of Denver (IV-C-1) – This agreement authorizes the Superintendent to negotiate an Intergovernmental Agreement with the City and County of Denver concerning the joint use of a gym located in a city recreational facility which will serve as the gymnasium for the new K-8 Green Valley Ranch school. The IGA shall be consistent with the parameters described in the attachment.

Board members requested that the following items be held for discussion:

B-1   Soft Drink Contract
C-1   Intergovernmental Agreement with the City and County of Denver

Rev. Guzman made a motion to approve the Consent Agenda as modified, which was seconded by Mr. Woodward. A roll-call vote was taken and the motion passed unanimously.

Ms. Gantz Berman announced that the Board will wait to vote on the first held item (IV-B-1) until after the public hearing, because people are signed up to talk about it at the public hearing.

**Held Item:** Intergovernmental Agreement with the City and County of Denver (IV-C-1)
Mr. Patterson read the motion Appendix 03-09, IV-C-1. It was seconded by Mr. Woodward. Mr. Patterson referred to the great deal of discussion that has taken place regarding the new K-8 facility that’s going up in Green Valley Ranch, which proposes to utilize the gym in the adjacent city owned recreation center, and noted that one of the conditions the Board had was that we were going to have an agreement between the City and the School District to determine how some of the operational issues concerning the shared gym would be done. Mr. Patterson asked for a report on the intergovernmental agreement.

Ms. McEldowney reviewed the Intergovernmental Agreement for Shared Use of City Facilities, New K-8 School at Green Valley Ranch (Appendix 03-09, IV-C-1). After discussing the first two points of the agreement, she added that the agreement required the establishment of an advisory committee, consisting of three people from the City and three from the School District, which will help to maintain and enhance this partnership with the City; any conflicts the advisory committee is not able to resolve would go up the chain, ultimately to the superintendent and the mayor.

Mr. Patterson asked what “priority use” of the gym means. Ms. McEldowney said that we did talk at one point about exclusive use for the school, but then agreed to priority use since the Physical Education curriculum doesn’t have the students in the gym 100% of the school calendar.

Ms. Gantz Berman added that this is the District’s first such intergovernmental agreement, and it will allow DPS students to use a Parks and Recreation City facility, and we hope it will be the first of many similar types of intergovernmental agreements. She also took this opportunity to compliment their colleague, James Mejia, who played a pivotal yet impartial role in this, because he is also the manager of Denver Parks and Recreation.

A roll-call vote was taken and the motion passed unanimously.

V. New Business

Dr. Wartgow advised the Board about the Great Outdoors grant competition (VI-A-1-a). First reading for the Proposed Policy Revision on Entrance Age Requirements (VI-B-1). Ms. Gantz Berman called on staff to review the proposed policy.

Ms. Caldwell stated that the present policy in DPS is that all children must be five years of age by September 15th in order to enroll. This is true at the kindergarten, ECE, and first grade level. That particular cut off date varies greatly from state to state - one of the earliest cut off dates is June 1st and December 31st is one of the latest. National research indicates that the earlier we intervene with kids, especially those that are at-risk, the more likely they will have positive outcomes later in school, and the research also shows that while there is a widespread belief that older children do better initially, but those results fade over time, so there’s no real reason to believe that just because you’re older you’re going to end up doing better in the long run. Because we have such a high number of at-risk kids and kids on free and reduced lunch, we believe that the earlier we can begin enrolling them in school, the greater the difference we’ll be able to make for them in the long run. Therefore, staff is recommending that we move the admission date from September 15th to November 15th beginning in the 2003-2004 school year.
Dr. Wartgow advised that compulsory attendance doesn’t apply until a child is seven. Parents may enroll their children at an earlier age, but are not required to.

Mr. Patterson asked staff to analyze potential impacts of this proposal by school. Dr. Eckerling agreed to provide such analysis prior to action on the proposal.

Ms. Gantz Berman stated that her understanding is that the elimination of all-day kindergarten is just for unsatisfactory; we never had the Amendment 23 funding for it in the low schools. Dr. Eckerling confirmed this.

Mr. Patterson asked whether there is a “maturity gap”. Dr. Eckerling said that if parents have a concern about whether their child is mature enough, that’s something that they should address with the school. Questions such as whether their child should be in an ECE class, or move ahead to kindergarten, are things that the parents and the schools should look at for each individual child.

Mr. Woodward said he’s had inquiries as to whether the same timeline change might apply to ECE classes. Dr. Eckerling said we are planning to have parallel changes in ECE, K, and First Grade.

Ms. Gantz Berman asked, if we changed it for ECE, wouldn’t it predominately apply for the tuition-based? Would we then give first priority to the older children? Ms. Caldwell said it would vary depending upon the funding source for the school’s program. Dr. Eckerling added that all age eligible children would be selected by lottery.

Ms. Gantz Berman clarified that they’re not voting on ECE tonight. She responded to the lottery concept by saying that if it’s a lottery, and we’re letting kids in that are younger, then they might have a second chance the next year, but the four-year-olds won’t. Dr. Eckerling noted that they can also go to kindergarten the following year, so the youngest could go to kindergarten.

Mrs. Moss clarified that the proposal modifies the date for ECE, kindergarten, and first grade. Dr. Eckerling said that is correct.

Mrs. Moss referred to the studies they cited that showed that the difference between the older children and the younger children fades over time. She asked whether the research indicates at what grade that happens, and to what extent? Ms. Caldwell replied that it happens by second and third grade, and to the extent that there is no significant difference.

Mrs. Moss asked how well suited the curriculum in kindergarten might be for a very young child entering that grade, and questioned the developmental appropriateness of that curriculum for those children. Her concern is that we’ve pushed the curricula down so much already, and now we’re going to push younger kids into that curriculum, and she asked if that’s appropriate for very young children.

Ms. Caldwell replied that the curriculum we have, when implemented in the way that it’s designed to be implemented, definitely addresses that issue. We have a lot of language development, and oral language, and all of that that’s implicit in the new standards, in the speaking and listening sections, which are for preschool through grade three. So actually the kids should be developing those oral language skills and vocabulary in preschool and kindergarten. There’s an overlap of the curriculum to allow for that.
Mrs. Moss said she’s not as concerned about the oral language skills, as the reading and writing skills. Ms. Caldwell said she’s very comfortable because the design of our literacy program provides the mechanism for essentially teaching in small groups and in one-on-ones, so it provides for a range of student readiness. She said we’re very fortunate that DPS has had a strong ECE/kindergarten system, and the teachers have had frequent training sessions to work on their teaching strategies. If she hadn’t seen that in action and trusted it, she wouldn’t have felt comfortable bringing this recommendation forward.

Mrs. Edwards said it should be stressed that this is optional, and allows families to look at the programming and the timing that best meets their child’s needs. She stated that she is supportive of this initiative.

Mr. Woodward commented that if in fact a child is less mature than some of the other children, he could repeat kindergarten rather than moving on to first grade the next year. He thinks that it’s important for the educational establishment to recognize that letting the child be in a class appropriate to his development is something that the parents can do without some sense of shame about it.

Ms. Gantz Berman announced that the Board will not be voting on this item tonight, but will be voting on it at their next meeting in two weeks. She said that Dr. Eckerling and Ms. Caldwell will come back with information on some of the issues regarding space and choice, as well as some of the other challenges to implementation.

Mr. Nordin, the principal of Lowry, introduced Dr. Diego, one of the school’s CDM members. Dr. Diego thanked Dr. Wartgow and the Board for coming to visit the school. He reported that there is economic integration at Lowry; with some students coming from million dollar homes to students in transitional housing. He said their goals are: 1) to build bridges with the Homeless Coalition, Catholic charities, those organizations that work with families in transitional housing; 2) to have all kids meet the new dress code standard since the recent opportunity to clarify the dress code; 3) to leverage the technology that is in the school; and 4) he asked for flexibility to meet their local, unique needs. He summarized by saying he thinks it’s a wonderful place to live and a true neighborhood school.

Rev. Guzman asked him to elaborate a little more on Lowry’s dress code. He said that the initial dress code was very similar to the standard DPS dress code; a lot of parents said that they needed further clarification about it, so they ended up offering a choice between two different dress codes, one very similar to the standard DPS dress code, and one more restrictive code which consisted of collars, red, white and blue shirts, which are the colors of the school. There was close to 100% response from parents, who voted to go with the more restricted dress code. He said he believes that it will promote economic integration, and the bridges they are building with various charitable organizations will allow them to ensure that all students are able to meet the new dress code.

Mr. Patterson said he had the opportunity earlier to visit a second grade classroom, and he confirmed that he had the impression of economic equity, and he thinks it has a very positive impact.

Recess for Dinner
VI. Public Hearing – 7:00 PM (1st Thursday of Each Month)

Referring to the remaining held item B-1 from the Consent Agenda, Ms. Gantz Berman announced that following the public hearing, the Board will entertain the motion for the Soft Drink contract, and if there are any questions regarding it, they will ask the staff at that time, and then the Board will vote on the contract tonight following the public hearing.

Ms. Gantz Berman reviewed the rules for the public hearing.

Eileen Feltman (individual from Denver School of the Arts, “DSA”) said she’s concerned about the current DSA administration’s decision to release the two key art faculty members, and since the program is about to be expanded by over 200 children and to be moved to a new building, that it’s a bad time to lose key faculty. She asked that the Board consider keeping this tenured teacher for the sake of the students and faculty and the stability of the school.

Ms. Gantz Berman established that other speakers want to speak on the same issue, and asked that they meet with staff. She informed the group that school personnel decisions are made by Superintendent Dr. Wartgow and his staff, and not by the Board of Education.

The other people from Denver School of the Arts who did not speak, were: Carol Brussel (parent); Joe Brussel and Leo Brussel (students); Joan and Humphrey Phillips (parents); Ross Phillips (student); Stephanie Dimmer (parent). This group left the room and met with Area Superintendent Dr. Irene Jordan, Assistant Area Superintendent Beth Biggs, and Mary Ellen McEldowney.

Maria Gomez was not present.

Dr. Frank Deserino, of the Social Studies Working Group, is a teacher at South High School. He spoke of his concern about the eradication and/or replacement of Social Studies programs from curriculum, especially in the middle schools. He suggested that the District raise the high school graduation requirement in Social Studies to 30 credit hours.

Roseanne Fulton, District staff, said they agree that it’s a problem that in some cases kids aren’t getting as much time in social studies as they used to because of increased time given to literacy instruction. She said the intention is to work with the Social Studies Working Group and to begin to solve the issues as they are identified.

Dr. Wartgow agreed that this is an issue of concern for the staff and it has been discussed as the speaker pointed out; one of the difficulties is that so many of these kids in social studies classes in middle school are not reading at a high enough level to comprehend and understand the subject matter; so it’s a transitional thing where more time is being allocated to literacy, so that they can read, and then hopefully they can take advantage of the social studies curriculum when it’s offered.

Mrs. Edwards said she’s encouraged to hear that it’s being addressed, and agrees that it’s a necessary component of the curriculum. She asked whether it’s appropriate, or allowable, for a school to decide to cut social studies when it’s part of the content standards that are adopted for our District.

Ms. Fulton replied that it’s not appropriate, and that what sometimes happens is that kids don’t have an allotted social studies time, but what some of the middle school faculty are doing is
integrating social studies experiences into other time during the day, and people like Dr. Deserino are concerned, and rightly so, because that’s a watered-down opportunity for kids.

Members of the Board thanked Dr. Deserino for bringing this issue to the Board’s attention.

Ms. Gantz Berman asked whether the people who were present to speak on the Pepsi contract would be staying to hear the vote. They said yes. She said that she would therefore ask the other speakers present tonight to speak first.

Speaking on Age Entrance Requirements for Kindergarten:

_Ruth Montoya Starr and Kurt Starr_ expressed some concerns about agenda item VI-B-1, such as: the increased numbers of kids in the classroom; the possibility that all-day kindergartens might become half-day, meaning the kids won’t be ready for first grade; and the chance that neighborhood kids might be turned away. They asked that it not be implemented in September 2003, but be delayed at least one year, to allow time to prepare for the challenges it would present.

Mrs. Moss asked if Bromwell offers only full-day kindergarten and doesn’t offer half-day. Mr. Starr said all but two children go full day. Those two go half day. He said they could convert to half day, but they’d be in a rush to do it at this point, and their real concern is the reduction of academic standards.

Mrs. Moss asked how it is that everyone in the school can afford full day kindergarten, except for maybe two, and she asked if they offer scholarships. They replied that there are some scholarships, but it’s mostly choiced in students and they’ve already paid. They said there are also a lot of fundraisers, and parents give a lot of money. They added that ECE is not offered at Bromwell because there is not enough space.

Mrs. Edwards asked how many of the kids are neighborhood and how many are choice, but it was not known. She repeated her earlier point that this is an opportunity, not a requirement. She did concede that it presents a challenge for schools that are at capacity at the kindergarten level, especially at those that have chosen to be full-day only, as opposed to half-day. She also noted that when the issue was discussed earlier in the meeting, the staff was asked to come back and let the Board know how the problems will be dealt with. She thanked them for coming.

_Abby Humphrey_ expressed concerns such as: families that would have liked to choice in have already missed that opportunity, as well as the opportunity to choose a private school; affluent families generally choose to wait to start their children in kindergarten, while families who need childcare will be starting their children very young in kindergarten, and that will create an even wider gap than we already have; and there is too much academic pressure on very young children.

Sally Mentor Hay, the District’s Chief Academic Officer, said that the District’s kindergarten programs, in terms of curriculum and expectations for teachers, call for a very broad range. Such programs as ECE, K, 1, with all of those students in the same classroom, one of the reasons programs are structured that way is that there really is that continuum and sometimes 4-year-olds and 5-year-olds are working together, doing the same things. So regardless of the age span in a kindergarten classroom, multiple activities are provided, and teaching targets quite a range. She said the approach we have to our early literacy programs calls for a significant amount of oral language development, through songs, rhymes, and reading books aloud to them, and a lot has been invested in professional development of the ECE and kindergarten teachers. She said that
instructional standards are clearly defined at the kindergarten level. She said it’s important to do this because research shows that students benefit from early enrollment in the school system, and providing this educational service is an opportunity to meet the needs of the community.

Audrey Douthit said she believes that this class of students will be disadvantaged by larger class sizes.

Ms. Gantz Berman replied that the class sizes will not be larger, the ratio will be the same. Ms. Douthit said she doesn’t understand the mechanics of that. Ms. Gantz Berman suggested that this group meet with the staff after they speak, because the staff can probably answer their questions.

Mr. Woodward reiterated that this is an opportunity, not a requirement. Parents who are sending their children to a good preschool clearly ought to continue to do that, but there are thousands of families in Denver that do not have that opportunity. He said he’s grieved to give up on a program where Denver led the way in the state, and we have a state required obligation to serve children K-12, not ECE. We get very limited resources for ECE, and they will be smaller this year. The goal here is not to disadvantage the children that will otherwise go to Bromwell, but to advantage some children who will otherwise spend time this year out of a learning opportunity. To the extent that we can give that opportunity, maybe we can teach our kindergarten teachers to help parents understand when a child should go on to first grade and when they should not.

Melissa Darzino said she is concerned about the impact on the Class of 2016, and asked if there is way to gradually implement this, for example October this year, and November next year. She also asked why the date of November 15th was selected as the cut off, when some schools go all the way to December 31st. She thinks it is unfair that the impact is going to be felt unfairly by one class of kids throughout the next 13 years of their academic career.

Mr. Mejia said that moving a couple of months rather than all the way to December 31st was seen as a gradual measure, allowing us to see how it works and the impact it has, with the option, at some point, if indeed we wanted to go that way, to extend it all the way to December 31st.

Ms. Gantz Berman again suggested that this group meet with staff afterwards to talk about some of their specific issues.

Susan Jenkins said she’s confused because in prior meetings, the Board said that families that meet the eligibility requirements will be able to go to ECE programs and not be charged, and then say children are going to be left out because of the drop in funding in ECE. She also said she doesn’t understand how, given the current situations at the various elementary schools, the Board can keep the commitment made in their last meeting to keep the ratios the same in elementary schools.

Ms. Mentor Hay said essentially if we bring in more kindergarten students to a school, then we would need to add an additional classroom space and an additional teacher.

Dr. Eckerling said they’re staffed at 25 to one.

Ms. Gantz Berman asked what the maximum number of students a kindergarten class could have is. Dr. Eckerling said we certainly don’t go over 30. Ms. Mentor Hay said the practice at elementary schools is to do everything you can to keep down class size in early grades.
Ms. Gantz Berman said that she was bringing this discussion to a close, saying that we try very hard not to have debates at public hearings. She noted that there are some points that the Board obviously needs to do a better job of clarifying and communicating. She said the Board has asked the staff for more information regarding some of the questions raised, such as how we deal with the space issue, and the Board has not voted on this yet.

Joaquin Gonzales, a CDM member from North High School, spoke about some of the positive changes that are happening at North. There are new coaches, and some parents even sat in on the interview committee for the new coaches. He said that Padres Unidos has been working with North, and they surveyed over 700 students, asking them what would make North a better school. The students said they want better teachers, who care, and who engage the students, and they also want more interesting and challenging classes. Mr. Gonzales said they are continuing on the path of reform at North.

Gloria Semien and her son Lee spoke on General Middle School Issues. Ms. Semien made the following complaints: the principal at Slavens refused to allow her son into his classes; there are differences between northeast Denver schools and southeast Denver schools; at Morey, they have “tardy detention” where mostly black and Latino students were not allowed into class if they came in tardy, but the High Stride program at Morey is primarily white kids, and they were exempt from tardy detention; they have “lunchroom detention” where kids were refused access to food, food was taken away from them. She said she invited Mr. Patterson to come and observe lunch and part of the day at Morey. She also complained that Morey’s CDM has never allowed black or Latino parents to be elected onto the CDM.

Ms. Gantz Berman reminded her that she has shared all of this information with the Board previously.

Ms. Semien said she’s never had access to the Board of Education, so she’s here to recap her son’s experience as a result of not having the same access that other parents and students have had. She said that she submitted her name to the Family Community Parent Liaison at Morey, and the election process was scrapped as soon as it was apparent that she was going to become a Parent Elect on the Morey CDM. She’s concerned because she considers some of the practices at Morey to be racist. She said she has obtained attorney representation for her son and hopes that those kids and families they represent will have some kind of access.

Speaking on the Soft Drink Contract:

Jeff Peckman expressed concern about the negative effects on students of junk foods and beverages. He said that improving school food quality and eliminating junk foods and beverages has been shown to dramatically reduce violent and aggressive behavior, and substance abuse, as well as improving student intelligence and academic performance. If the Pepsi contract is renewed, they ask that the Board please require that it: 1) be extended for a maximum of only one year, to allow for further review of potential health hazards; 2) expressly prohibit the sale of any beverage that contains artificial sweeteners, caffeine, or other additives which may be potentially hazardous to the health; 3) prohibit the sale of refrigerated cold beverages, except to prevent spoilage or deteriorated nutritional value, due to the negative effects on the digestion process.

Kelly Haverman is a nutritional consultant, and she presented arguments about the negative physical and behavioral effects of soda consumption. She believes that presenting soda as a choice for children is not in their best interest, and that the District should look to other sources for funding.
Ed Benton had a question about the motion, and asked whether this is the final action that the Board of Education would take with respect to the contract.

Ms. McEldowney explained that the motion in front of the Board calls for the Board president to sign the contract that has been negotiated by the Superintendent consistent with the parameters that are included in the motion. If the motion passes, the contract will not come back to the Board for additional action.

Mr. Benton said the Board should consider the views of the court concerning the protection of the public’s right to be informed as to the decisions elected bodies are making within their jurisdiction. Every effort must be made to keep the process open. He also agreed with the previous speaker, saying that there is a body of evidence developing on the negative health consequences of junk food, and by signing up for a 5-year agreement with Pepsi, this Board may find that it is regrettable out of step with a very substantial position in the country and there may not be a way out of the contract. He also read from the Colorado Comprehensive Health Education of 1990, which asserts that the school system is a logical vehicle for conveying to children and parents significant health information and promoting healthy behavior, and that many serious health problems such as high-risk behaviors are directly attributable to the insufficient health knowledge and motivation of the school-age population. Mr. Benton said this creates a conflict, because the students will be learning in classrooms about the adverse health effects of the same soft drinks that are being made available by the District in the machines in the hallways. He urged the Board to reduce the term of this contract to one year and address an extension at that time.

Mr. Woodward read the motion, Appendix 03-09, IV-G-1. It was seconded by Mrs. Moss.

Dr. Wartgow said that there have been at least two public meetings spanning over a period of several months, and numerous public meetings as far back as February 6th, 2003, as well as extensive coverage of the proposal in the news. He said that this isn’t an issue about whether or not there is an obesity crisis in the schools. He is very concerned about the health of our students, and the research indicates that there is a concern for over-consumption of these beverages, but our research also indicates that the average DPS student consumption is less than one 12-ounce soft drink per week. He said this is a community effort, and he noted that students arrive at the schools with cups of lattes, and leave the schools and by a 64-ounce soft drinks at the local convenience store. Public schools have students in their care for less than 12% of the time that they are awake during the year. He also noted that the research varies, and a prominent physician testified at an earlier Board hearing that diet soda is preferable to sugar. He said what it comes down to in the end is making a judgment over all things about what is in the best interest for the students of DPS. He said that within the last three months, this Board went through difficult decision-making on balancing the budget this year, by taking $11.6 million out of the operating budget, and are in the process right now of taking another $30 million out of the operating budget for ’03-’04, and this Pepsi contract would provide an opportunity to bring between $8 million and $12 million to the School District over the next five years. What that represents for individual schools, if compared to the average of the past five years, is that schools like our high schools have generated between $50,000 and $60,000 per year to support other educational endeavors that could not otherwise be funded in this environment, and in the foreseeable future, for that matter, by the General Fund or by DPS, so what is weighed is the relative impact of a Pepsi contract versus the returns. He said he believes that the staff proposal is very reasonable, and a measured response to the concerns (see attached parameters - Appendix 03-09, IV-B-1). The Superintendent encouraged the Board to support the motion.
Ms. Gantz Berman asked the Board members if they have any questions regarding this proposal.

Rev. Guzman asked what will be done to ensure that the funds are spent predominantly on academic and supportive programs for students.

Dr. Wartgow said that is not a part of the contract with Pepsi, but it is an important part of what we will do. He said our proposal is, and if it’s necessary to back this up with Board policy we certainly can do it, but it’s certainly administrative policy, that the proceeds from these machines, in every school, stay with the school. The proceeds from the vending machine in the teachers’ lounges may be used to support things that are important to the teachers, such as sending teachers to a professional conference. With respect to those in the public places, those are under the responsibility of a committee which consists of students for student purposes. He said he has asked for an accounting of how these funds were spent, and the majority were used to support athletic endeavors, to send our students to national competitions. He said it’s backed up with a procedure, and he certainly would support making that a Board policy if we want to be sure there’s no question about the use of funds.

Rev. Guzman said it was her understanding that the current contract allows for an elementary school to have only one soda machine in the faculty lounge, and asked if that is correct. Dr. Wartgow said that’s not correct.

Rev. Guzman said that’s what she was told, and that’s what happened at Sandoval Elementary, when they decided that they would remove the pop machine from the main hall and put it in the teachers’ lounge.

Chris Smith, who has been working on the contract, said the contract requires one machine in every elementary school. The placement is determined by the school. Some elementary schools have opted to have two machines, because they’re large, with one at one end and one at the other, or one in the faculty lounge and one available to the public. In an elementary school, any machine available in a public area will carry only water.

A Board member asked if the fruit juices are real fruit juice, or are they mostly sugar water. Ms. Smith answered that they’re Dole fruit juices, real fruit juice with additives, and she doesn’t believe sugar is added but she does believe water is added to them.

Ms. Gantz Berman asked if there were any other questions. There being none, she invited Board members to make comments.

Mr. Mejia said that the current parameters are better than the last contract, so there is some progress, but not enough in his opinion. He believes that DPS staff have outlined parameters for this agreement, that if successfully negotiated will be favorable terms if, and only if, you believe the District should be selling this product to children. He said this is where he departs with some of his colleagues on whether or not this proposal should pass. He said he does not believe we should be selling this product to children, with its over-use resulting in rotten teeth and obese, hyper students. There are many ways to raise sponsorship dollars for schools, and because the money would be missed by schools if the Board does not approve this contract, so he is not opposed to other sorts of sponsorship in schools, however, he finds this contract unpalatable. He said we are sending mixed signals to students by mandating physical education classes while promoting an unhealthy product, and we’re bemoaning poor dental care while selling something that unfortunately leads to poor dental care if proper care is not taken thereafter. He summarized
by saying he thinks we are accepting low-hanging fruit to fix budgetary problems instead of taking a much harder look at where else sponsorship dollars could come from, and he therefore strongly oppose this initiative.

Mr. Patterson referred back to Mr. Benton’s remarks, and said the parameters would create a Pedometer Program to try to address health education. He said the schools are asked to do so much for children in terms of educational programs that there are some things we need to ask parents to provide a little more direction. He expressed concern about the format of the proposal, and asked if it is any kind of concern that we don’t have the final contract, that it doesn’t come back to the Board again before anything else happens. Ms. McEldowney replied that the motion that’s in front of the Board now is legally sufficient. Mr. Mejia said that he’s satisfied with the process, just not with the product.

Mr. Woodward said he will vote in favor of the contract, adding that he wishes he felt that he could take what he thinks would be the higher road, without having adverse consequences, which would be to say forego the $12 million. He said there may well be other sources, but given where we are today, it is not educationally responsible to deny the kids the benefit of those additional dollars in the program that’s available. This is not one of those things where you choose the benefit versus the risk, it’s one of those where you think it’s bad, but, okay, we can overcome it to some extent, by limiting how it’s done. He said he’s pleased that it will be essentially terminable annually, which allows the Board an opportunity to re-evaluate based on continuing information.

Rev. Guzman commended Mr. Mejia for his comments, saying she feels very much the same. She thanked Ms. Smith and Dr. Ledoux for all of the work that they do of building partnerships in the greater community that have enhanced our schools and programs over the years. She said she’s not convinced that the students of DPS will ever benefit as much from this contract as the Pepsi Company will. She asked what do we need to do as a public school system, what is our responsibility in terms of offering educational opportunities for our kids, to learn about health, and to address the issue of consumerism, which is another major issue. She said she will be voting non-supportive of this proposal, only because she’s thinking of the greater steps that we could be taking down the road.

Ms. Gantz Berman said that since being in this position as president she’s always voted for what she thinks is best for the School District, and not on personal values, but that today she is going to vote with her personal values, and won’t be supporting the contract. She said she could be redundant, and talk about why she’s gravely concerned about childhood obesity, about the nutrition of our kids, about the lack of exercise, but it’s all been said. She announced that it was time for the vote.

A roll-call vote was taken. Voting “aye” were Mrs. Edwards, Mrs. Moss, Mr. Patterson, and Mr. Woodward. Voting “no” were Ms. Gantz Berman, Rev. Guzman, and Mr. Mejia. Ms. Gantz Berman announced that the Pepsi contract will be renewed on a 4-3 vote.

**VII. Adjournment**

Ms. Gantz Berman adjourned the meeting at 9:21 PM.

Susan G. Edwards, Secretary