I. Call to Order

A. Pledge of Allegiance

B. Roll Call

President Elaine Gantz Berman called the meeting to order at 5:25 p.m. 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.

C. Recognitions

There were none.

D. Approve Agenda

Mr. Patterson made and Mr. Mejia seconded a motion to approve the agenda for this meeting. A roll call vote was recorded, and the motion passed unanimously.

II. Board Member Reports

A. There were none.

III. Superintendent’s Reports

Superintendent Jerry Wartgow said they had new staff members to welcome to the Denver Public Schools (DPS), and he asked Richard Smith, Assistant Superintendent of the Northeast Area, to introduce those from that area. Mr. Smith introduced the following:

- Patricia Acuna who was with the Adams 12 School District and would become principal of the new Stapleton school that would open in 2003.
- Carlos Luna who was assistant principal at Ranum High School in Adams 12 and would become principal of Hallett Elementary School.
- John Youngquist who served as principal at Newlon Elementary and was returning to DPS after a year’s absence. Mr. Youngquist would become Assistant Superintendent in the Northeast Area.

Dr. Wartgow introduced Dr. Offie Hobbs who he said came to Denver from a variety of positions in the Midwest to be principal at North High School.
Dr. Wartgow said that during the next week, the community, the nation, and the world would be focused on remembering the tragedy and honoring the victims of September 11th. He said no words could describe the horror and grief that was felt one year ago as people witnessed unthinkable acts of terrorism within the borders of their country. He said the loss of lives had been mourned but not forgotten. They had asked schools to participate in the event on several levels. All flags would be flown at half-mast, and on September 11th, all schools would schedule a moment of silence as a school-wide event, and they were provided a script and other things that would be appropriate. He said they were proud of the way the students and faculties of DPS conducted themselves one year ago, and they were very proud of the way they continued to conduct themselves. He said he wanted people to know that DPS would be observing the anniversary along with the rest of the nation.

IV. Consent Agenda

Assistant Secretary Jacquie Lucero read the consent agenda items by number and sequence, in accordance with consent agenda procedures. No items were held for discussion:

The following items were included under the consent agenda:

A. Board of Education

1. Policy Adoption/Revision/Deletion

   a. Revise Policy GBEC- Drug and Alcohol Free Workplace – It was recommended that the Board of Education approve the policy revision, a copy of which is appended to the official minutes of this meeting as Appendix 02-16, IV-A-1a.

B. Superintendent

1. Resolution 2799 – It was recommended that the Board of Education approve a resolution revising Denver School of Science and Technology Charter School Application. A copy of Resolution 2799 is appended to the official minutes of this meeting as Appendix 02-16, IV-B-1.

2. Charter School Guidelines - It was recommended that the Board of Education approve the timelines for considering applications for the establishment of charter schools in the for the 2002-2003 and 2003-2004 school years and direct the administrative staff to begin implementation of such timelines. A copy of the Guidelines is appended to the official minutes of this meeting as Appendix 02-16, IV-B-2.

3. Single Assurance Form for State-Administered Federal Education Programs - It was recommended that the Board of Education provide the attached assurances to the Colorado Department of Education in consideration of participating in educational programs for which federal funds will be available. A copy of the Form is appended to the official minutes of this meeting as Appendix 02-16, IV-B-3.
4. **Grant Proposal – Preschool and School Aged Students with Disabilities, Individuals with Disabilities Education Act, Colorado Department of Education** - It was recommended that the Board of Education approve the actions of the Superintendent and appropriate officers of the district as they execute and deliver all documents necessary to apply for funding to the Colorado Department of Education to administer a grant entitled Individuals with Disabilities Education Act (IDEA): Preschool in the amount of $400,085. A copy of the report is appended to the official minutes of this meeting as Appendix 02-16, IV-B-4.

5. **Grant Proposal – Preschool Students with Disabilities, Individuals with Disabilities Education Act, Colorado Department of Education** - It was recommended that the Board of Education approve the actions of the Superintendent and appropriate officers of the district as they execute and deliver all documents necessary to apply for funding to the Colorado Department of Education to administer a grant entitled Individuals with Disabilities Education Act (IDEA): Part B in the amount of $9,928,446. A copy of the report is appended to the official minutes of this meeting as Appendix 02-16, IV-B-5.

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 02-16, 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 schedule is appended to the official minutes of this meeting as Appendix 02-16, IV-C-2a.

Mr. Mejia made and Mr. Patterson seconded a motion to approve the consent agenda as read. A roll call vote was recorded, and the motion passed unanimously.

V. **Old Business**

There was none.

VI. **New Business**

A. **Consideration, Discussion, and Possible Action on English Language Education Constitution Initiative** – Mr. Mejia read Resolution 2798 in its entirety and moved the
adoption of that Resolution. Mrs. Edwards seconded the motion. A copy of Resolution 2798 is appended to the official minutes of this meeting as Appendix 02-16, VI-A.

Mr. Mejia said that at a time when the United States President and the Secretary of Education had instituted a web site for Spanish-speaking people to access higher education, when in their own state, the election commissioners were being asked to have ballots in Spanish to reach a larger majority of the population, at a time when one of the top two radio stations in the country was in the Spanish language, and when marketing to potential consumers was at an all-time high, this initiative flew in the face of learning in any other language. This, he said, was an initiative that would stymie learning in any language other than English. Perhaps even more importantly, this school district had been built on choice, he said. Parents should have the right to choose where they send their children and under what curriculum their children should learn. A couple years ago, a group of parents in Northwest Denver came together to create another choice, and that was the Academia Ana Marie Sandoval, he said. The choice of Academia Sandoval would be denied by this initiative. He said he believed in Denver parents, he believed in choice, but he did not believe in this initiative.

Mr. Woodward said it was important for the people of the state to understand the scope of the proposed amendment regarding the limitations that it would place on the rights of parents to choose what manner of instruction their children would have. He said proponents of the amendment insisted that waivers were realistically provided for. He said he could not believe that anyone who carefully evaluated the proposed amendment could conclude that there was a reasonable possibility of having waivers, at least for children under age 10. It was so restrictive that the people who might grant a waiver, principals and superintendents, would be personally liable for having made an error of decision, and those who requested the waiver would be able to rethink their own request 10 years after the waiver was granted. To say that that was unusual would be a gross understatement, and he knew of nothing comparable to it. To add to the absurdity of it, they had decided that it was not proper for any of those school personnel who were acting in good faith to even be insured against an erroneous decision. Board members wanted to be sure that they were not going overboard as they read the language, so he said they asked a lawyer experienced in statutory interpretation who served on the state board that reviewed constitutional amendments and who had been involved with the application of laws in relation to the constitution to interpret it for them. He said the attorney did a thorough research job on the initiative and reached the conclusion that the amendment was too vague to be implemented, and there were terms throughout the amendment that would not be clear until some court had the opportunity, as the result of a lawsuit against a school official, to interpret it. Not a very satisfactory result, he said, for legislation that actually would become a constitutional provision and would be very difficult to change. The amendment was really bad constitutional law, and he said they needed to oppose it for that reason alone, in addition to all the reasons that had to do with the educational limitations it created.

Mrs. Edwards said that after consulting with attorneys, and after proponents and opponents shared their perspectives with the Board, all of the fears and concerns that
she previously had about the amendment prior to hearing from them had increased significantly. She said the only place where they agreed was that they all wanted students to acquire English language skills in order that they might successfully participate in the educational opportunities afforded in the state and that they might become productive members of society. But after that, she said, they diverged quickly. The points had already been made about the constraints on parental choice, the impact on local control, the potential financial burden on school districts, of making bad law and putting vague language into the constitution as fodder for numerous lawsuits. It was essential, she said, that they in public education focused energies on doing a better job of serving and meeting the needs of an ever-increasing number of students in the state. But the way to do that, she said, was not through this amendment. It was poorly crafted, poorly thought out, punitive in nature, and would not serve the children or public education well. She said she would be strongly voting no.

Mrs. Moss said that her greatest concern in the election was that the initiative would be passed without the citizens of Colorado fully understanding what it did. She believed, she said, that the initiative eliminated parent choice, removed local control, but more importantly, it tricked people into believing that there was only one way to teach children to learn English and that one year was long enough for all children to learn English. They knew that that simply was not true. She said all of them wanted children to learn English in the shortest amount of time possible. What they didn’t want was a one-size-fits-all program that may or may not meet the educational needs of all children. She said because of that, she would urge all the voters of Colorado to really look at the initiative and understand what it did. She said she believed that when voters did that, they would agree with the Board and reject the initiative.

Mr. Patterson said most of the things that he would have said had already been said. But about a year ago, one of the commitments that he made to his constituents was to increase the options and choice that parents had for their children’s educations. One of the primary reasons that he would vote to oppose this amendment, he said, was that it went against what he had planned to do as a member of the Board of Education. Also, he said, there was a history in America where there had been laws passed that did not stand up to a moral or higher standard than just being legal. Education was where a lot of those issues sometimes raised their heads, because that was where they had a large amount of diversity together in their neighborhoods. They had to remember, he said, that just because something might be legal did not mean that it was right. For those reasons, he said he would vote in favor of the resolution to oppose the amendment.

Rev. Guzman said that she continued to have a hard time understanding why someone who lived in a totally different state would put so much energy into designing that kind of an initiative, an amendment that placed barriers as opposed to offering support to building a greater process of public education. She said she could only hope that they were sincere when they said that they had the interest of the Hispanic Spanish-speaking child in mind. However, many of them, she said, had their own understanding of what it meant to be authentically responsible to all of the children in the district. Most of them on the Board spent a lot of time, energy, and money to become elected public officials
because they cared about building one of the finest urban school districts in the nation. She said she believed that the Board and the district had begun to move even more firmly in that direction with the kinds of changes that had been instituted, in the last year or two especially. The district’s English Language Acquisition program (ELA) certainly needed to be enlivened, and they needed to do what they said they would do for children who were speakers of another language. The passage of amendment 31 would endanger the DPS to the degree that it would become an endangered species, a school system in shambles and not very well equipped to serve children of the district. She said that they were working on a better solution to enhance and embrace the diversity of children coming into DPS. She would vote no at the polls, and she would support the resolution today, she said. The audacity that someone from California or wherever would try to pass an amendment that would rid this city of the great opportunity that they had built in Northwest Denver to improve the academic performance of their children, particularly Hispanic children, was unacceptable, she said.

Dr. Wartgow said that he had advocated an outside legal opinion, because he had legal questions and he wanted to understand fully the intent of the initiative. He had hoped for strong clarification from last night’s hearing, he said, and clarification did come in some parts, but not in others. Clarification from the independent attorney did nothing to alleviate the concerns that he had, but rather intensified them. The clear summary was that the amendment was poorly drafted, it was extremely ambiguous, there were numerous terms that were not defined, and it would almost certainly result in a legal quagmire that would bog down the state for years to come. It was clear to him after repeated questioning of Mr. Unz and Ms. Montero, he said, that there would be no choice for parents in DPS with respect to bilingual education. The extreme requirements for the waivers, the severe penalties personally and otherwise for people who would be involved in them, would effectively eliminate choice. The district prided itself on choice, as well they should, he said, because more than 23% of DPS students attended non-neighborhood schools. The amendment was not about immersion, he said, and it was not immersion or instruction methodologies that were causing him to recommend that people vote against the amendment. Rather it was the elimination of choice. Another concern that he had about the language was that DPS was currently operating under a federally imposed court order monitored and controlled by Judge Matsch. It was very clear, he said, that there were elements of the Unz initiative that were entirely incompatible with the elements of the current federal district court order. The court order provided that if a parent wished to have their child immersed in English, all they had to do was check it on the form, and their child would be immersed in English. There were over 4,000 students in Denver who had opted out of the bilingual program, he said, but unfortunately, the proposed amendment would not provide choice for people to go the other way. Not only was this not an English immersion issue, it was not a Latino issue, not a Mexican issue, but rather an issue for all students and parents in the state. If it passed, there would be impacts beyond the immediate issue of bogging down and taking time with everything that they did to decide whether a federal court order trumped an ambiguous constitutional amendment. It would affect all of the students in the district. Immersing students who spoke no English in great numbers into regular classrooms would have an impact on the students who did speak English. It would impact
the district’s ability to recruit. Potential principals would read the punitive nature of this, the personal liability that extends for 10 years without even the right to indemnify to protect oneself, and wonder why they ever should subject themselves to that kind of liability. So he would caution parents and his colleagues in the other 175 school districts throughout the state to look very carefully at this, because it would impact them. He said he was committed to complying with the current court order. They had not finished the job that they needed to do, but based upon the court monitor’s reports, they had made significant progress. He said DPS was committed to teaching English to students quickly and effectively and to transition them as fast as they could, and they had data to support great progress in that area. He said there was an H. L. Mencken quote that he liked and thought was relevant. Mr. Mencken said that, “for every complex problem, there is a solution that is neat, easy, and wrong.” This was a complex problem, Dr. Wartgow said. The solution appeared to be neat and easy, but it was wrong. He said it was in the best interest of every citizen in the state to vote against the amendment.

Ms. Gantz Berman said that she believed it had all been said, so her only comment would be to ask the voters of Colorado to read beyond the very beginning of the amendment, because what was up front was that this was about English Immersion, but it was a very dangerous law if it went into effect. It would be in the state constitution; it could not be taken out of the state constitution except by another vote of the people. It specifically dictated, she said, how they had to teach English, and it would impact every school district in the state. The devils are in the details of the amendment, she said, it was dangerous and would be harmful to kids. The district felt strongly and passionately that students should learn English as quickly as possible, and they would give their word that that would be their intent, but they also were trying to meet the individual needs of every student. She said she couldn’t really express how strongly she felt about the amendment. She would be working very hard until election day to defeat the amendment, because it would be bad law and bad for kids, she said.

A roll call vote was recorded, and the motion to adopt Resolution 2798 passed unanimously. A copy of Resolution 2798 is appended to the official minutes of this meeting as Appendix 02-16, VI-A.

B. CDM Waiver Request – Bromwell Elementary School *

Motion to Grant Waiver No. 1 – It was recommended that the Board of Education approve, as authorized by Article 5 of the Agreement between the Denver Public Schools and the Denver Classroom Teachers Association, the request submitted by Bromwell Elementary School to waive the requirement that the Bromwell CDM meet monthly. This waiver will be in effect through December 31, 2002. A copy of the waiver is appended to the official minutes of this meeting as Appendix 02-16, VI-B.

Mrs. Edwards moved and Mr. Woodward seconded the motion.
NOTE: The discussion and vote on this item took place out of order and after the Public Hearing.

Dr. Wartgow said that he strongly encouraged the Board to accept the waiver. It was discussed in the work session, and he believed it was necessary for the reasons cited by the principal, and that by everyone’s admission, the CDM at Bromwell was dysfunctional. They had to consider the larger interests of all the students in the school. He said the waiver required the approval of the Board and Denver Classroom Teachers Association (DCTA) the parties of interest and whom the contract was between. He asked Becky Wissink, President of DCTA, to share their position and action.

Ms. Wissink said they had a DCTA Board of Directors meeting and 90 minutes of deliberations on the waiver, because it would be the first one ever granted. They had a lot of thoughtful discussion and ultimately voted to grant the waiver. She said they had voted on both waivers as a package.

Dr. Wartgow said that the Bromwell experience of the last year had a positive side effect. In the negotiated contract they had formed a CDM Commission, and the situation at Bromwell was exactly why it was needed. He said that on September 19th they hoped to appoint the Commission members, and all CDMs and CDM processes would be fully evaluated by the Commission during the next year.

Mrs. Edwards said that one thing alluded to in an earlier presentation was a suggestion that parent terms on the CDM be limited to one year. She asked if anyone could speak to that. Jeanne Price said that in an April meeting it was proposed to limit parent terms to one year per parent per lifetime, with no chance of reelection. One reason stated was that if there were difficulties within the Committee, there would be turnover. Currently, they had two-year terms. They voted on that issue in May, knowing there would not be a consensus. Parent reps split on that, faculty and administration supported it, and the vote was 9 to 2, and there was impasse. Arnold Levinson said that the problem was that consensus was defined in the language as being either unanimity or a simple majority. However, it said that the dissenters would implement the majority decision. They had been told that they must interpret that to mean that if someone opposed a decision and chose not to implement it, it would cause a stalemate. That had occurred for a long time, to the point where people looked to drastic measures such as term limits, he said.

Mr. Woodward said he did not understand how that interpretation could have arisen out of that language. The language was fairly clear and said that if the majority had voted a particular way, and some process was being implemented, then everyone would have to go along with that process. Mr. Levinson responded that the language saying the dissenters “will implement,” was an act of will, not a requirement, and that was the ambiguity that people have been relying on. In terms of direction, they had had little or none, and internally the group came to the conclusion that that was what it meant.

Aaron Gray, Director of Community Relations, agreed there was an impasse among the CDM members, but taking the impasse all the way to the contract language, where the principal had to make a decision, did not occur. He said that since he had been working
with CDMs, they did what they understood the contract to say, and that was consensus. That meant that when a decision was made, the people who at first didn’t agree would then say they might not agree but they would go forward with implementation. He said they had two other impasses last year from the same school, and the vote was 8 to 1. The person who voted no said “I vote no; I cannot support it in any way and will tell my constituents that I cannot support it.” At that point the CDM said they were at impasse, the principal made the decision, and it was reported to Rev. Gray’s office what had taken place. His office was often called when CDMs got to that point, and they tried to mediate and encourage people to work together to obtain a consensus.

Mrs. Moss said that in looking at the contract, they read that paragraph where it said that the minority would participate. But, in looking at Section 5-6-1 of the contract, it talked about impasse decisions. If a majority ruled, there would not be a page describing impasse decisions that the principal would resolve. Dr. Wartgow said that was why they needed a CDM Commission. Ms. Wissink said that the contract was written in 1991 and that particular article had been renegotiated several times. Things were left in, taken out, and it was necessary to have the CDM Commission evaluate the process and language, decide what it should be, decide if it was still needed in the contract or should be Board policy, and define the CDM process as it related to all of DPS, she said.

A roll call vote was recorded, and the motion passed unanimously.

Motion to Grant Waiver No. 2 – It was recommended that the Board of Education approve, as authorized by Article 5 of the Agreement between the Denver Public Schools and the Denver Classroom Teachers Association, the request submitted by Bromwell Elementary School to specify that, when it begins its regular meeting schedule in January 2003, its decisions will be reached by majority rule. A copy of the waiver is appended to the official minutes of this meeting as Appendix 02-16, VI-B.

Mr. Patterson read and Rev. Guzman seconded the motion.

Mrs. Moss said she had two problems with the motion. The first was that the motion limited the principal’s authority in running the school. It said that decisions were made by majority rule of the CDM, and those decisions were binding. If the principal strongly disagreed with what CDM passed, he had no choice but to implement it. In an age where they were asking for greater accountability by the principals, it was wrong to take the decision-making process away from them. Her second problem with the motion was that CDMs were made up of 60% DPS employees, 40% parents. The ruling had the potential to eliminate parent voice from the decisions that were made in the CDMs. She knew that the CDM Commission would make changes, but her hope was that they would find some way for Bromwell to continue to operate as a CDM in the meantime. The motion was the wrong solution, it put too much power and control of the decisions of the building in a small group of hands, she said.

Mrs. Gantz Berman asked Mrs. Moss if she was saying that the only acceptable approach would be consensus, not even super majority. Mrs. Moss responded that was
in the contract, if both sections were taken together. If the CDM could not reach consensus they went to a majority vote if they chose, but essentially it was an impasse, and the principal made the decision. Essentially, when they said all the decisions were made by majority rule, that eliminated the principal’s role in making the final decision if they could not agree, and the principal might be in the minority, she said.

Mrs. Gantz Berman asked Mrs. Moss if the motion said the majority rule, including the principal, would be more acceptable to her. She asked her if her issue was consensus or was it the details within how majority was reached. Mrs. Moss said it would not be more acceptable. She said that she preferred the system they had now where they tried to reach consensus, and if they did not, it was the principal’s job.

Mr. Patterson said he heard concerns from parents about feeling outnumbered on CDMs. They needed to be careful that there were still the voices of parents that were part of the discussion, and that they were not ignored.

Dr. Wartgow said that he was having difficulty understanding what Mrs. Moss wanted, because on one hand she wanted parental involvement, but on the other to reserve the right of the principal to overrule anything anybody said, and her two problems seemed to be contradictory. Mrs. Moss said her second issue was the 60% vs 40%, and asked what would be the motivation of district employees to listen to parents when they knew they had the votes to overrule. Hopefully, it would be because they wanted to do what was right for kids, but she was not sure they had seen that. Dr. Wartgow said that could be said for the Board’s public hearings; why would anyone attend the meeting to speak when they did not have a vote on the Board. He said parents would have the power of presenting their position and the power of persuasion, which for good principals and well-functioning schools was very influential. Mrs. Moss said the difference was that the Board did not pretend that speakers would have a voice or a vote in the decision, but when CDMs were created, parents were invited and told they would have a vote.

Mrs. Edwards said it sounded like parents voted in blocs, though that was not her experience with CDMs. There were those who would argue that having 40% parents was too much, because they had no accountability in the situation. They were all there to work for the sake of kids, but if they had no confidence in the teachers and the staff on the CDM, why have their children in that school? If the Board approved the waiver, would that mean that if the principal were in the minority, he would not be able to implement his position? Ms. Wissink said that DCTA read the waiver as removing the consensus process, but the principal still had the ultimate authority to declare impasse.

Mary Ellen McEldowney, DPS Attorney, said that the contract defined consensus in two ways: one was unanimity, and the other was “a majority decision that the entire committee, including the dissenter, would implement.” She said that many thought that meant something other than simple majority, but she did not. To give the power to the dissenters to control whether or not there was a majority was to require a unanimous decision on every issue. She thought the language in the article gave the nod to a simple majority, just as any democratic process did. In regard to the second issue raised by
Mrs. Moss, she read the second paragraph of the article and said that apparently it had been interpreted as a veto, and that had been the practice; but, in her legal opinion, a simple majority was all that the contract required.

Rev. Gray said he felt the discussion was not helping Bromwell to go back to work to put together their CDM again. He was concerned that so many CDMs were making it up as they went, and he thought that troubled many. To think in terms of a common understanding across the city about how CDMs work was not the case. He urged the Board to work with the CDM Commission, but to vote that night for the children, the teachers, and the community of Bromwell. He encouraged them to vote for the waiver, but said that Bromwell needed a site-based decision on how it would govern itself.

Mrs. Edwards said she wanted to be sure of what she was voting on. Did it mean that Bromwell would take a vote and the majority would prevail, or did it mean that the majority would prevail unless the principal was in the minority and the principal declared an impasse? She said that the motion sounded as if that was the way the Bromwell CDM would be run forever, and was that the intent? Ms. Gantz Berman said until the CDM Commission made its findings. Mrs. Edwards said that should be included in the waiver, and Dr. Wartgow agreed. The response to her first question was that bylaws controlled what a quorum was, so some concerns would be addressed by a quorum.

Ms. Gantz Berman asked if the majority of the CDM made a decision that the principal could not live with, how would that be resolved? Dr. Wartgow said there was nothing in the contract that said if the principal was not in the majority that he had an overriding power; it was a simple majority.

Mrs. Edwards asked the principal, Dennis Thompson, if he could live with the language of the motion. He said yes, he could live with that for the year. He said they could not predict every situation, but if there were something he could not live with, he would seek higher counsel.

Ms. Gantz Berman suggested an amendment to the waiver, there was discussion about changes, and if DCTA would have to re-approve it, and decided to leave the waiver as it was. Ms. Gantz Berman withdrew her amendment.

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

VII. Public Comment (1st Thursday of Each Month)

Expect Success Project – Stephanie Hoy, director of training and community services at Assets for Colorado Youth, said that last fall they began working with Horace Mann Middle School, and then with four other schools, and formed the Expect Success Project. The overall goal of the Project was to impact student achievement by increasing parent engagement, she said. The University of Denver (D.U.) had completed an
outside evaluation of the Project, and they wanted to share a summary of those evaluation findings. The report is appended to the official minutes of this meeting. The final report would come to them shortly. The impact of the Project was significant, and each of the five schools involved spent only about $5,000 over the last seven to nine months. The Project impacted school climate, relationships between parents and staff, and school staff and parent expectations of one another and of students. The groundwork had been laid for sustained parent engagement, which research showed would impact student achievement. They were moving forward with all five schools, she said. They all had implemented action plans and strategies that they created, and they saw the need to continue with staff development, especially around strategies for parent involvement and around parent training and events. They were sharing what they had learned with the Community Relations office, the Northeast Denver Collaborative, and DCTA. Their recommendation to DPS would be that DPS use this information to guide its strategies around parent engagement throughout the district. For the parent compacts to be successful, there were specific infrastructure pieces that needed to be in place, so that compact could actually come to life and impact student achievement later on.

Ed Quintrell, 30-year teacher at Smedley Elementary School, said he first had the opportunity to examine the research behind Expect Success as an administrative intern at Horace Mann. The research was impressive; moreover, it made sense. It put together assets that were needed to support academic performance and the assets needed to become productive citizens. The next time he had the opportunity to view Expect Success was at a presentation at Smedley last January. The faculty became genuinely excited about the program. It made sense to even the most negative of the group. A small group of teachers volunteered to take a leadership role, and they met on a regular basis to create and support the implementation of Assets within the daily classroom life at Smedley. Implementation of the program spread throughout the school, ideas for communications with students and parents abounded, and they began to plan new ideas for back-to-school night that would bring parents on board. ECE classes invited the Assets team to a parent meeting, and it made sense to parents. He said that they in education were called upon to be more accountable, to show a return on investment. This program had a relatively low investment but a high return in the areas of student performance, high expectations, closing the gap, and most of all, it made sense, he said.

Jenny Goldberg, teacher at Kepner Middle School, said that when they were approached about this project last year, they decided to take it in a different direction, and they went directly to the students first, before they even approached the staff. They started a class called the Leadership Class wherein each grade level had a class, and she led it. She described how they created “asset builders,” and how the program had grown in the school. When they took the program to the staff early on, some of the staff’s comments were quite negative. But after just three hours of training by Ms. Hoy, the same people who were so negative actually stayed that day and wanted to be a part of the team. Their asset team doubled in size that day. She said they were trying to create an environment in which assets became a way of life. People from the secretarial staff, support staff, administrators, and teachers were all a part of the Assets Team, so when a student came into contact with almost anybody in the school, they came into
contact with an Asset Builder. She said they started slowly last year. This year those same staff members and parents want to be a part of and actually lead that effort and had joined them for their Asset meetings. If you empower children with assets, you empower them with the power of success, she said.

Maria Guajardo Lucero, Assets for Colorado Youth, said there was a lot of talk about parent engagement, about how important and valuable it was. The past year had really been a discovery process for them, she said. She said they had to move beyond the idea that parent engagement solely meant training parents how to show up at back-to-school. They needed to start talking about how to develop an infrastructure in schools that really allowed the connection, the relationship building to happen. For them it was an incredible learning process, she said, and she hoped the program would compliment and support how the district understood parent engagement. It was serious business.

Rev. Guzman thanked Dr. Guajardo for all of the work she had done through the Assets for Colorado Youth agency. Every time her program went into a school, church, or wherever, there seemed to be a great product that came out of it. She said their information on parent involvement was quite telling, because she often heard from schools that they were not making it because parents were not involved. Quite honestly, she said, she sometimes thought those were just excuses. As she read through their literature, she said it gave her a greater appreciation, not just in the sense that it was important, but also in terms of what could be done to promote it.

Mr. Woodward said he understood that the things they were learning were things that the district’s present staff could replicate to take advantage of opportunities with parents and the rest of the school community.

Dr. Wartgow thanked Maria and the others, and said they had wanted D.U. to participate because it was a pilot and they wanted to see what worked and what didn’t work. He said they learned a lot, and there was a lot more to learn. He said the program was complimentary to other things the district was doing with their parent compacts. He said he was pleased with the evaluation.

Darlene LeDoux, Assistant Superintendent for School Community Partnerships, said that she had the opportunity to meet with Maria Guajardo and her staff to talk about the actual pilot project, and she had also met with staff in the Community Relations office. The wonderful thing about the project was that it gave DPS new opportunities to look at ways of engaging parents.

Transportation Issues – Representatives of Amalgamated Transit Union, Local 1563 – Harry Hodges said he had been with the Transportation Department for over 20 years. What he wanted to speak about was the policy regarding ASEs. He said even though he was very well qualified in that area, there were many who weren’t and it kept them from receiving raises that they should have received. There was a mechanic who had been there for over 27 years, and hadn’t received a pay raise for two years. He said that mechanic and he were called in to give a deposition for a lawsuit that was being
filed. If he were to be held to a certain degree of accountability, he would like to be paid for that accountability. That could be handled at the bargaining table through renegotiating. They started the merit pay system two years ago, the original system did not work, and they have asked several times for it to be restructured, but it had not happened, he said, and it continued to adversely affect their workers. He said he asked once again for them to go to the bargaining table to renegotiate that. That was just one of many items in the bargaining agreement that needed to be handled and had not been handled properly or fairly.

Kirk Piffers, vice-president of ATU, asked the Board to imagine this scenario:
“Assistant principal tells bus driver to move her bus. Police say don’t move the bus. Driver doesn’t move the bus. Driver is charged with insubordination. Suspended without pay. Driver grieves. Level II appeals officer in his written ruling does not even mention the existence of a police officer. Denies the grievance. The clearly exonerating authority here not mentioned.” He said that was the Transportation Department’s opinion where incidents were commonly seized upon as an opportunity to punish people who were in the “un-degreed” class. So the union appealed to Level III upstairs, supposedly a fresh independent look at the issue. To make sure that the police directive was addressed at Level III, the union submitted a brief that talked about the superior authority of the police. The Level III ruling was published and still did not mention the police. How was that possible? That didn’t surprise them at all—that was standard practice. They were just jumping through the required hoops; that was the only reason they went to Level III, not for a remedy. Grievances were invariably denied on the most tortured logic or the most deft avoidance. He said they had nine or ten arbitrations lined up, including the ridiculous case he just related about the police. He asked if that was how the Board wanted to spend the public’s money, in all of these arbitrations? The grievance process was supposed to solve problems fairly, before they festered and to avoid litigation. The process was broken, he said. First they looked for technical flaws, ways to dismiss the issue instead of dealing with it—like requiring them to file within 10 days, while they routinely disregarded their own time requirements. Sometimes they issued a ruling without even meeting with the grievant. When a meeting with the grievant did occur, it was hostile, looking for vulnerabilities in their case. But when questioning of the policy maker occurred, that was friendly and perfunctory. At each appellate level, the good ol’ boys collude together to establish their strategy so they didn’t overrule each other. That’s called exparte communication, which was strictly forbidden by common due process. Even arbitrating didn’t settle anything, because it was non-binding. Arbitrators were disgusted when they came to town and discover that their work might just be thrown in the trash, and it might as well be, because arbitration findings were invariably “received” without comment and put in file 13. The whole procedure needed to be rewritten, or they could all save themselves the useless bother and take everything directly to court.

Bill Moland, president of ATU 1563, said he would love to be able to stand there and say some really positive things with a smile on his face and then go home happy. Unfortunately, he said, they still had some of the same things going on that they reported two years ago, a year ago, and the 4th of April this year. He said he wouldn’t
dwell on that, but would say that the approach by management to undermine the effectiveness of their stewards, by penalizing them, by withholding pay—and this was something new—by refusing to pay stewards who were attending call meetings by the district. The contract stated that for any call meeting by the district, stewards or persons called to those meetings would not suffer any loss of pay. They found out recently that the administration had been charging that to the 15 days that the contract gave them for conducting union business. He said he had challenged this practice only to be told that the district had the right to establish standards wherever and whenever they wanted to, and if they decided that they were going to take those days, then they would do so. That would be another grievance, another arbitration, something the union did not need. He said they began talking to Andre Pettigrew about demands for arbitration back in January. Andre indicated that he wanted to look at several prior to actual arbitration, and the union welcomed that—having someone really look at them rather than having the next person just substantiate what had happened at the lower level. He said their people were just so fed up with the treatment they were getting, that they knew that they couldn’t do anything but grieve and arbitrate their cause, and maybe, just maybe, someone would start looking at their complaints. He said they had been called “cry babies” because they kept coming to the Board, but they kept telling administration that they were not going away. They were going to continue to go to the Board, they were going to try to give documented evidence of things that were happening, and they hoped that the Board would do an investigation. They were only asking for an investigation, he said. If they found that the union’s allegations were true, then correct them. They held up on eight arbitrations because they thought that Andre was going to look at them and maybe get something done. But those people who had grieved, who felt that they were still being harassed, had been waiting since January or before. Was it the Board’s desire that they go ahead with the arbitrations? They could do that, he said, but it didn’t seem to be in anyone’s best interest to waste thousands of dollars on something that could be resolved if they sat down at the table and honestly dealt with them. It’s not going to happen with the administration. They have tried and tried and tried. Someone from a neutral position needed to look at those things and make some recommendations for a resolution. That was what they had consistently asked for and what they continued to ask for. He said he hoped that the Board this time would hear what they were saying and do something to correct the problem.

Ms. Gantz Berman said the Superintendent heard their remarks and would respond.

Mrs. Moss asked who the hearing officers were at the second and third levels of a grievance. Andre Pettigrew responded that according to the contract, the second level hearing officer was within the department at management level. The third level hearing officer was within Human Resources.

**Historic Denver Auditorium Renovation** – Clark Strickland, chair of the Arts Resource Council, one of the advisory groups that worked to support arts in education in DPS, said he would explain why the Board of Education should care about the renovation of Denver’s historic auditorium. He also requested that at a future date during a legislative meeting the Board would consider a resolution of support for the
renovation of the auditorium theater. City Council had voted unanimously to place renovation of the auditorium theater on the November ballot. There was a great deal of economic activity generated by the Denver Performing Arts Complex, of which the auditorium theater was the cornerstone. He said he hoped that the Board would join the three neighboring institutions of higher education that had endorsed the renovation of the auditorium theater. But for members of the Denver Board of Education the key was to realize that the arts performances for young people were of tremendous benefit to students. One need only see the buses lined up three deep on student performance days to know that if that theater were to go dark, that would be a tremendous loss for Denver students interested in seeing arts performances, he said. They had a resolution that others had adopted that they would offer for the Board’s consideration.

Chris Wineman said they had been working on the proposed renovation of the auditorium theater, and he made a visual presentation to the Board. The current theater was built inside the 1908 structure in 1955. The building did not adhere to the 1955 code; it did not meet 2000 codes. It was only minimally accessible to the public who had disabilities, he said. It was only barely technically capable for the performers and technicians who used it. The proposal in this renovation was literally to gut the interior of the building to its 1908 shell and build a new theater within that historic shell. That would include a rehearsal hall and studio theater of approximately 300 seats that would be accessible to groups that perform for smaller audiences, including school groups. That would offer the community a facility to be proud of. He said the city had come up with a financing scenario to fund the $75 million the project. Two-thirds of it would be funded by the existing seat tax paid by ticket buyers to performances in city facilities, and City Council had agreed to place a bond election on the November 5th ballot to fund the remaining $25 million. That bond could be covered within the city’s existing mill levy with no increase in taxes. As a result, the community and the students of the schools would get a facility that everyone could be proud of. It was not only a past asset, a historic landmark in downtown, but a positive future contributor to the cultural life of the community

Jim Copenhaver, a member of the Friends of Denver’s Historic Auditorium, said they had been working for a number of years on what was a community asset that had served the city and metropolitan community for almost 100 years. The structure’s first significant use was a 1908 National Democratic Convention. It was one of the oldest remaining municipal buildings in Denver, a community asset that they may have to shutter in a few years, he said. The fact that this was one of the few times when someone could say they had a $75 million project, and it wouldn’t cost you an additional cent, was a deal they couldn’t pass up. He said last evening he attended a benefit for Denver School of the Arts, and if you saw those kids on the stage being part of the big time performers for that evening, working with professionals on an equal basis, he said that was the kind of educational experience that they wanted to provide, and they thought this facility was a part of that experience. One of the great things about Denver was the collaboration that existed among all of the arts groups and the public school system, where they do programs both in city facilities and inside DPS facilities as well.
Mr. Woodward said it was interesting that they perceived that the community would be positively influenced by the fact that the DPS Board of Education endorsed the project. He asked them to give some idea of the scope of those opportunities that they might think they would have. If they are going to say something, he said he would want to bring some validity to what they say, that their interest was not just as seven citizens of Denver, but in their capacity as members of the School Board.

Mr. Strickland said that one example would be student performance of ballet, which was offered by Colorado Ballet at that facility. If that facility went down, Colorado Ballet would have no other place to perform the Nutcracker or its other works. Opera Colorado, which had a very active program for students, many of whom were DPS students who came on school trips, was many times assisted by the Scientific and Cultural Facilities District funds for education and took place in that facility. Those were some dangers that they faced, that some of the educational activities and the interchange that they had would be lost if that facility went down, he said, and that was a very immediate concern.

Mr. Wineman said that they look upon the Board, to some degree, as an advocate of life-long education in the community, and they believed that the programming provided by those organizations in those facilities for adults was, in fact, educational.

**Waiver of CDM at Bromwell Elementary School** – Jeanne Price said there were two separate waivers in front of them, one was for suspension of Bromwell CDM minutes until January. The other, and she thought more troubling, was a request for an indefinite exemption from the consensus decision-making requirement. The second waiver was being requested despite the fact that the principal already had override powers if there was a failure to reach consensus. The waiver request cited “many issues where a consensus could not be obtained last spring at Bromwell.” She said she knew that many of them had already accepted that statement at face value, but she felt that statement was false. There was one issue where they deadlocked during that period, one. She said many of them had already received an independent communication from another member of the Bromwell CDM, which confirmed her statement. Furthermore, Aaron Gray’s office records showed only two other Bromwell impasses since 1997—three impasses in six years—not much justification for a precedent setting waiver. The waiver also stated that numerous attempts to mediate problems last year failed. In truth, numerous attempts to schedule mediation were unsuccessful because one of the co-chairs refused to commit to a meeting. No mediation with the full CDM membership took place. None. She said the Board was being asked to give Bromwell the opportunity to make decisions by simple majority vote, the implication being that a minority of Bromwell CDM members had been a problem. In truth it was the majority of members last year that created quite a problem when they failed to operate properly. She opposed approving waiver number two because it would ultimately weaken every parent representative voice in the district.

Peter Kirsch, Bromwell parent, said he was speaking in enthusiastic support of the waiver request by Principal Dennis Thompson. He said he was a strong supporter, as
were most of the parents at Bromwell, for site-based governance. It was an important program, and DPS had shown how that kind of program could be very successful. What Principal Thomson had done was an extraordinary job of achieving a compromise as the result of objectively examining the situation at Bromwell and succeeding where others before him had failed at crafting a creative solution so that the school community could have a time for healing and begin anew with a new focus on consensus, a new focus on achieving what the CDM process was designed to achieve.

Ms. Gantz Berman said that Mr. Kirsch addressed the first waiver, but she didn’t believe he addressed the second waiver on majority vote. She asked him to comment on the second waiver.

Mr. Kirsch said that the principle of unanimity was a very good one, and one that they should strive for at all times; unfortunately on some issues unanimity was not always possible. He said he thought they had seen through experience at Bromwell that virtual unanimity was quite easy to achieve; complete unanimity wasn’t. Allowing a majority vote in certain instances would help to achieve the kind of healing that they needed so that they didn’t get back into the same kind of cycle that they were in last year. He said he fully supported the waiver for the purpose of a majority vote.

Arnold Levinson said that he was a parent at Bromwell and had also become a CDM member. He said he had been involved with the CDM for several years as a facilitator, as a strategic planner, and as an organizational development consultant, as a volunteer basically, trying to help them get through a difficult period. He said he saw things quite differently over the last several years than had been reported. His perception was that the trouble at Bromwell was limited to the CDM.

Social Workers’ Presentation – Joe Waldon, social worker at Martin Luther King Middle School (MLK), said he spoke to them last spring concerning the valuable social work services in the schools. At the time of that presentation, they were quite concerned about the funding for continued services, as major grant funding for the Truancy Reduction Project was ending. He said they were not there to ask for anything. They were there to offer their gratitude for hearing them. Because of the Board’s decision to provide substantial funding for the Truancy Reduction Project they were able to continue to have a full-time social worker in each of the middle schools.

Valene Raymer, social worker at Horace Mann Middle School, said that on behalf of DPS social workers, they extended a big thank you. Due to the district’s thoughtful efforts, social workers were returning to their buildings, providing on-going services so that all children had the opportunity to get what they need.

Rev. Guzman said she just wanted to let them know that the decision to put all that money back into social work came from her; she was the one who did that. On a serious note, she said the Board realized that their work was incredibly important, and she thanked them for all they did for the kids and families.
Mr. Patterson echoed his appreciation for the work that social workers do.

Dr. Wartgow said it was very thoughtful of them to take the time to come down there, not asking for anything, to thank the Board. He said it was also smart politics.

**Amendment 31** – Becky Wissink, a teacher on leave to serve as president of DCTA, said she was there to applaud the Board for taking a very strong stand against the proposed amendment to the constitution, number 31. As a bilingual teacher, she said she agreed that students should learn the English language. That was the right issue, but Amendment 31 was not the right solution. She said she heard and agreed with all of the Board’s opinions. She said she wanted to share DCTA’s position, which also was in opposition to the amendment. She said DCTA was an affiliate of the Colorado Education Association, and CEA had taken a position against Amendment 31 as well. The question now was what they would do together to defeat the amendment. She said they needed to get out the vote; they needed to have people registered to vote by October 7th. They needed to work on information dissemination. She said Ms. Berman said earlier that the devil was in the details. They needed to get out and explain to people the details of the amendment. And finally, they needed to get people to the polls on November 5th. She said they would work from now until election day to defeat Amendment 31.

Jorge Garcia said he represented English Plus, an organization of parents, students, community members, and business leaders who were concerned about Amendment 31 and who believed, as they did, that every child in Colorado must learn English. They knew that every child in DPS and every school across the state began to learn English on the first day of class.

Dr. Wartgow said he didn’t want to put a damper on the enthusiasm for opposing the amendment, but all of the principals, teachers, and employees out there needed to remember that they must comply with the Fair Campaign Practices Act, and he would provide guidelines within a day or two so they knew what they could do and wouldn’t raise unnecessary site issues that would detract from their ability to oppose the amendment.

**Concerns about Rachel B. Noel Middle School** – Mable Payne said she was a parent whose three children were supposed to attend Noel Middle School. They went to Maxwell and McGlone elementary schools, and their cums (cumulative records) went to Noel. When she went to Noel School on the 20th to register her kids, they were turned down. She asked why and was told that the school was capped. She later learned that they had choice children in the school, and she wanted to know why choice children had the right to attend that school before all neighborhood kids were allowed in the school. She said she asked those questions, and she got pushed around and, in her opinion, abused by DPS employees. She said she wouldn’t get into names, but she had typed up some information that she would like the Board to look over. She said she would like them to reply to that, because she felt this issue was very important.
Mr. Patterson said he had her letter and acknowledged that they had talked about it, and he wanted to make sure he understood her issue. He said he understood her frustration with the issue of the timing, but he knew from his own experience that there was early registration at every elementary school, and he knew there was a huge concerted effort to get information about early registration out to people who lived in the boundary. He said she stated in her letter that Rev. Gray would work something out to get her children into MLK, and it was his understanding that at that point, MLK was not capped. He said he was reading from her letter, and what he was asking was if she expected them to put her ahead of all those people who filled out all the papers and went through the application and followed the procedures. He said no one knew that kids were there unless there was registration, some paper work.

Ms. Payne said she just wanted them to follow the policy. She said the cums went to Noel from Maxwell and McGlone, with the children’s names on them, saying that they would possibly be going to that school. She said she never had any problem before registering her other kids in school. She thought because her kids went to the elementary schools, they would automatically go to that middle school. So how did her kids get kicked off the list? That was what she was trying to understand.

Mr. Patterson said he thought it was a process question, and asked Dr. Eckerling to respond. Dr. Eckerling said that unless a student registered, they really didn’t know that the child would be there. Many kids didn’t show up in the fall, and if DPS held spaces for every student who had been there in the spring, they would be very disappointed. It just didn’t work that way, and that was why they had a registration period to come in and say “I’m here and this is the school I’m going to.”

Ms. Gantz Berman asked if she could interject, because she was a little troubled by their own responses. She said her understanding of what had occurred was that they make projections for all of the schools, sometimes they’re correct and sometimes they’re not correct. They did allow choice students into Noel from out of the district, and what they were basically telling Ms. Payne was that she had neighborhood students who couldn’t attend their neighborhood school, was that correct? Mr. Patterson said yes, but that was what they were telling other parents in far Northeast. It was the same in Green Valley and in Marrama. There were overflow plans because they knew there weren’t enough spaces for every child in their own neighborhood school. That was not new information, he said. Ms. Gantz Berman said but what was new to her was that they accepted out-of-neighborhood kids before neighborhood kids, which was not DPS policy. Dr. Eckerling said they had students from the Noel area going to MLK, and they had students from the MLK area going to Noel. What Ms. Gantz Berman said was correct, that had they been able to look in January or February and know that that would happen, they would not have allowed choice one way. When they capped, they capped it to choice first and then to neighborhood, and then every student had to go to some other school. They didn’t have any space at MLK to accommodate more Noel students, so they had to send them to the overflow school, which was Gove.
Dr. Wartgow said it was a very complex issue and hard to explain, and they would have to do better on that. They even had a public hearing on the Montbello plan and the overflow, and that was one of the consequences of that. Mr. Patterson said that starting the second week of school, Rachel Noel School was nine students away from its capacity. They had 900 kids in the building, when the projection was 770.

Ms. Gantz Berman said that when they made a mistake, they should own up to making a mistake. It was at capacity because they accepted choice students from outside the neighborhood, and she thought what Ms. Payne was saying was that neighborhood kids should have the first right of entrance to their own school. Had they not accepted those choice kids, her kids would have gotten in. They projected wrong, she said, and they accepted choice kids and were turning away neighborhood kids, which was not their policy. Was she wrong on this, she asked? Dr. Eckerling said no, that was fair. Had they known they would have done it differently. Ms. Gantz Berman told Ms. Payne that they had to work on this; she had a legitimate concern.

Ms. Gantz Berman adjourned the meeting at 9:40 p.m.

Susan G. Edwards, Secretary
Board of Education