

Board of Education

Mesa County Valley School District 51

Board Work Session Minutes

October 4, 2022

Board Work Session Minutes

A - Doug Levinson
 B - Kari Sholtes
 C - Andrea Haitz
 D - Will Jones
 E - Angela Lema

Board of Education
Mesa County Valley School District 51
Board Work Session: October 4, 2022
Adopted: November 15, 2022

	A	B	C	D	E
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	AGENDA ITEMS					ACTION
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Present	x	x	x	x	x	
Absent						

BOARD WORK SESSION

6:06 p.m.

1. Family And Medical Leave Insurance (FAMLI) Program Presentation

- Ms. Nikki Jost, Human Resource Executive Director, shared information on the Family and Medical Leave Insurance (FAMLI) Act approved by voters in 2020. The program, designed by the state to implement the Act, allows employees to receive paid leave for approved absences. The cost of premiums are split equally between the employer and the employee and is based on the employee's wages. Municipalities and school districts have the option of opting out of the program. Ms. Jost reported the District is recommending opting out of the program and elaborated on the following reasons for the recommendation:
 - The amount of paid leave currently afforded to District employees
 - The cost the District would incur if implementing the program
 - The availability for the District to opt in at a later date
 - The availability for individual employees, who wish to join the program, to join through the state, at no additional cost

2. District Performance Framework/District Unified Improvement Plan Presentation

- Mrs. Jennifer Marsh, Chief Academic Officer, Mrs. Curry Newton, Assessment Director, and Mr. Paul Jebe, Site Director, explained aspects of the School and District Performance Framework and how the state calculates the ratings. Accreditation ratings were reviewed and data was displayed on what ratings the District schools fall under. The rating levels for schools are Performance Plan, Improvement Plan, Priority Improvement and Turnaround. The District has one school at the lowest level, Turnaround, and five smaller schools that were not rated due to insufficient data. The main reason for insufficient data is the lack of testing, over the past few years, due to the pandemic. Information was shared on the types of testing used at the different grade levels, elementary, middle and high, to calculate the ratings. Student testing participation is important to insure the data accurately reflects the student body and the rating is correctly calculated. Information was shared on how the District compares to other districts of comparable size and how the ratings have changed from 2019 to 2022. The District showed overall growth at both the elementary and middle school levels from 2019 to 2022.

[Recess 7:34 p.m. Resume 7:42 p.m.]

3. Superintendent 22-23 Goals Update

- Ms. Lema and Dr. Sholtes serve on a Board subcommittee to develop an evaluation system to set and measure goals for the Superintendent. They reported on researching guidebooks, reaching out to other districts and meeting with Superintendent Hill, over the past several weeks. They are hoping to develop a system, that has clear, concise obtainable goals, is tied to the Strategic Plan, is able to evaluate a superintendent on his or her ethics, governance and collaboration abilities and which can be used for years.

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AGENDA ITEMS	ACTION
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- 4. Policy First Reading
 - 4.a. BCB, Board Member Conduct/Conflict of Interest
 - 4.b. BEC, Executive Sessions/Open Meeting
 - 4.c. IMB, Teaching About Controversial Issues

- 5. Board Open Discussion
 - Mrs. Haitz, who serves on the Affordable Housing Committee, requested Board members share their thoughts and perceptions on the different scenarios, which may be proposed by the Affordable Housing Committee. Scenarios ranged from the District committing land only to the District committing land and paying for the cost to construct housing with the funds being recouped either through the sale of the homes or rental income.

6. Adjourn

8:17 p.m.

 Bridget Story, Assistant Secretary
 Board of Education

Board Training

The Board training is part of a yearlong grant funded series of trainings developed by the Colorado Department of Education and Colorado Association of School Boards. The purpose of the trainings are to support Board Directors with the development of effective governance practices and increase understanding of best practices associated with school turnaround work.

Board Member Conduct

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

In carrying out ~~his~~ the member's fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of ~~his~~ their official duties to further substantially ~~his~~ the member's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in ~~his~~ the position to depart from the faithful and impartial discharge of the Board member's public duties or which ~~he~~ the member knows or should know is primarily for the purpose of rewarding him for official action taken.
3. Engage in a substantial financial transaction for ~~his~~ the member's private business purposes with a person whom ~~he~~ they supervises in the course of ~~his~~ their official duties.
4. Perform an official act which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the member has a substantial financial interest or ~~in which he is~~ engaged as ~~a~~ counsel, consultant, representative or agent.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for a Board member to receive:

1. An occasional nonpecuniary gift which is insignificant in value.
2. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the member is scheduled to participate.
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of ~~his~~ the position.
5. Items of perishable or nonpermanent value including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.
6. Payment for speeches, debates or other public events reported as honorariums.
7. Reimbursement for authorized expenses in carrying out Board duties as provided by law.

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting ~~school district~~ District business.

Board Member Conflict of Interest

Public office is a trust created in the interest of the common good and for the benefit of the people. A conflict of interest can arise when a public officer is unable to devote himself/herself with complete loyalty and singleness of purpose to the general public interest.

It is the intent of this policy to protect the public trust placed in directors of this ~~school d~~ District. For purposes of this policy, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite and demonstrable and which is or may be in conflict with the public interest.

A Board member who has a personal or private interest in a matter proposed or pending before the Board shall disclose such interest to the Board, shall not vote on it and shall not attempt to influence the decisions of other Board members in voting on the matter.

However, if a Board member has complied with statutory disclosure requirements by notifying the ~~s~~Secretary of ~~s~~State of ~~his~~an interest in the matter, ~~he~~the member may vote if ~~his~~their participation is necessary to obtain a quorum or otherwise enable the Board to act. If a member votes under these circumstances, ~~he~~the member shall state for the record the fact and summary nature of the potential conflict of interest.

The written disclosure to the ~~s~~Secretary of ~~s~~State shall list as applicable the amount of the member's financial interest, the purpose and duration of any services rendered, compensation received for services or such other information necessary to describe the interest.

A Board member shall not serve as a member of a charter school's board of directors. If a charter school board member is elected or appointed to the District's board, the individual will resign from the charter school board prior to being installed as the Director's board member.

The Board considers it a conflict of interest for a Board member to also be employed by the District. Therefore, the Board shall not hire any of its members as an employee of the District (including employment of a member at any charter school of the District) nor shall the Board approve any compensation for a member for services rendered to the District as an employee except for services rendered by the Board as provided by law. Therefore, an employee elected to the Board, as of the November 2023 or appointed to a vacant position prior to the November 2023 election and thereafter, shall be required to relinquish employment with the District prior to taking office. Employees are encouraged to consider this prior to running for the Board. Board members may volunteer his/her time on behalf of the District without compensation.

The Board shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:

1. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures.
2. The merchandise is sold to the highest bidder at a public auction.
3. The transaction involves investing or depositing money in a financial institution which is in the business of loaning money or receiving money.
4. If, because of geographic restrictions, the ~~d~~District could not otherwise reasonably afford the contract because the additional cost to the ~~d~~District would be greater than 10 percent of the contract with the interested member or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services.
5. If the contract is one in which the Board member has disclosed a personal interest and is one on which he has not voted or has voted as allowed in state law following disclosure to the secretary of state and to the Board.

Except as described above, a Board member shall not be a purchaser at any sale or a vendor for any purchase made by the ~~d~~District.

A Board member of the Board may request an advisory opinion from the ~~s~~Secretary of ~~s~~State concerning issues relating to ~~his~~the member's conduct and potential conflict of interest.

Conflict of Interest – federally funded transactions

Separate from state law and the Board's policies concerning the Board's standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of Board members whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

Under the UGG, a Board members shall not participate in the selection, award or administration of a contract supported by a federal award if the Board members has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the Board member, any member of his or her immediate family, his or her business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract.

In addition, the UGG prohibits Board members from soliciting or accepting gratuities, favors or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

For purposes of this policy section only, "immediate family" means the Board member's spouse, partner in a civil union, children and parents. In determining whether a financial or other interest is "substantial" or whether anything solicited or accepted for private benefit is of "nominal value", the Board shall follow the standards of conduct and corresponding definitions applicable to local public officials under state law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

A Board member who violates the standards of conduct set forth in this policy's section may be subject to censure or other disciplinary action, in accordance with the Board's authority and state law.

Legal References:

- Colorado Constitution, Article X, Section 13
- C.R.S. 22-32-109 (1)(y) (duty of board to adopt bylaws on conflicts of interest)
- C.R.S. 24-18-109 ~~through 24-18-111~~ (government rules of conduct)
- C.R..S. 24-18-110 (voluntary disclosure)
- C.R.S. 24-18-201 (standards of conduct –interests in contracts)
- C.R.S. 24-18-202 (standards of conduct – interests in sales)

Cross References:

- BCB-E, Code of Ethics for School Board Meetings
- BEDF, Voting Method
- BID/BIE, School Board Member Compensation and Expenses/Insurance
- DJE, Bidding Requirements and Procedures
- DKC, Employee Travel

~~NOTE: C.R.S. 22-32-109 (1)(y) which was enacted in 1984 provided that a board of education would be exempt from C.R.S. 18-8-308 (1), the criminal law pertaining to failure to disclose a conflict of interest, if the board filed a copy of its conflict of interest policy with the Colorado Department of Education and received an acknowledgement of receipt of the policy. Although C.R.S. 22-32-109 (1)(y) was not repealed by H.B. 1209 in 1988, for all practical purposes it has been superseded by the new statutory provisions. However, CASB recommends that a board continue to file its conflict of interest policy with the department of education to be absolutely certain that the exemption from the criminal statute will continue.~~

Mesa County Valley School District 51

BEC

EXECUTIVE SESSIONS/OPEN MEETINGS

Adopted: October 10, 1972

Revised: October 15, 1996

Policy Manual Review: September 3, 2002

Adopted: February 20, 2018

Adopted: February 18, 2020

Policy First Reading: October 4, 2022

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All meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon the affirmative vote of two-thirds of the quorum present.

The Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.

Prior to convening in executive session, the Board shall announce the topic of the executive session, which shall be reflected in the minutes. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. 24-6-402 (4)(A).
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402 (4)(b). The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement.
3. Matters required to be kept confidential by federal or state laws or regulations. C.R.S. 24-6-402 (4)(c). An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential.
4. Specialized details of security arrangements or investigations. C.R.S. 24-6-402 (4)(d).
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, including strategy for negotiations relating to collective bargaining or employment contracts, and instruction of negotiators. Discussion of negotiations relating to collective bargaining or employment contracts, shall occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. 24-6-402 (4)(e).
6. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. C.R.S. 24-6-402 (4)(f). If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered "personnel matters."

The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings. (It provides that a dismissal hearing shall be open unless either the administration or employees requests the hearing be closed.)

Discussions concerning a member of the Board, any elected official or the appointment of a Board member are not considered "personnel matters".

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the

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governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. 24-6-402 (4)(g).

8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. 24-6-402 (4)(h).

9. Negotiations concerning the terms of an employment contract with one or more superintendent finalists if the Board has named more than one candidate as a finalist and has held a forum open to the public to conduct interviews with each of the finalists. C.R.S. 24-6-402(4)(i)(I).

In addition to interviewing finalists in a forum, the Board may interview finalists in executive session. C.R.S. 24-6-402(4)(i)(II).

The Board may also instruct personnel and representative to begin contract negotiations with one or more superintendent candidates in executive session, including the necessary process to prioritize, for the purposes of negotiation, one or more finalists after public forums have been completed. C.R.S. 26-6-402 (4)(i)(III).

Prioritizing among the finalists and beginning negotiations with one or more of the finalists shall not constitute formal action or adoption by the Board or governing body. Such formal action occurs only when the Board or governing body comes into public session and casts votes on their preferred next chief executive officer. No formal adoption is deemed to have taken place until a public vote has occurred.

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

The Board shall cause an electronic record to be made of the executive session in accordance with applicable law. Such records shall be retained by the Board for 90 days following the session.

Legal References:

C.R.S. 22-32-108 (5) (meetings of the board)

C.R.S. 22-32-108 (5)(d) (executive session minutes)

C.R.S. 22-32-109.4 (4) (board meeting "at which a collective bargaining agreement is discussed "must be open to the public)

C.R.S. 24-6-402 (open meeting law)

Cross References:

BEDG, Minutes

KDB, Public's Right to Know/Freedom of Information

Mesa County Valley School District 51
IMB
TEACHING ABOUT CONTROVERSIAL ISSUES

Adopted: September 19, 1989
Policy Manual Review: November 19, 2002
Policy First Reading: October 4, 2022

A controversial issue is any problem or subject invoking strong opposing viewpoints, ~~or any subject~~ likely to arise in ~~the a~~ classroom setting on which strong emotional bias is expressed or may be the subject of intense public argument, disagreement or disapproval. A topic or instructional resource discussing a controversial issue. They may be incorporated into the instructional program only when germane to the academic standards, established curriculum and are understandable by the pupils given their grade level or age.

1. Guiding Principles: Where controversial issues are dealt with in an instructional setting, instructional personnel shall:
 - a. Be objective and impartial;
 - b. Gather facts and opinions that represent various viewpoints on the issue;
 - c. Discuss the authority and reliability of facts and opinions;
 - d. Show respect for every person who discusses any aspect of the issue; and
 - e. Employ techniques designed to stimulate discussion and develop understanding of the various viewpoints.

2. Selection of ~~Materials~~Resources:
 - a. To the extent feasible and appropriate, instructional ~~materials-resources~~ representing various viewpoints shall be employed.
 - b. Textual material shall be screened in accordance with District procedures.
 - c. Supplementary instructional materials, including materials not owned by the ~~d~~District, shall be screened by the building principal who shall have final responsibility for selection and/or use.
 - d. Film, videos and other forms of digital media may be considered controversial. Use of film, videos and other forms of digital media in District schools shall be governed by Policy IMBA and Regulation IMBA-R.

If a teacher questions whether a topic or instructional resource is controversial within the meaning of this policy, the teacher shall contact the principal. The principal may instruct the teacher to notify students' parents/guardians and allow the student to opt-out prior to discussing the topic or using the instructional resources. When controversial topics or instructional resources are used as part of the instructional program, a student, or the student's parents/guardians, may request alternative learning resources or activities. The requested alternative resources or activities should be provided when feasible.

Teachers shall inform the principal of controversial topics that arise unexpectedly which cause, or are likely to cause, concern for students and/or their parents/guardians.

Cross Reference:

IMBA, Digital Media & Video Use
IMBA-R, Digital Media & Video Use Procedures
KE, Public Complaints
KEC, Public Concerns/Complaints About Instructional Resource
KEC-R, Public Concerns/Complaints About Instructional Resource