



Board of Education
Minutes
Special Meeting
Wednesday, January 11, 2023

Available seating is contingent on room capacity restrictions and provided on a first-come basis or lottery system, if necessary. Community members can also view this meeting via livestream via YouTube.

The Board of Education conducted a meeting on Wednesday, January 11, 2023 at 620 Wilcox Street, Castle Rock, CO 80104.

Call to Order and Roll Call

1. Call to Order

RECOMMENDATION: Presiding Board Member calls the meeting to order.

The meeting of the Board of Education of Douglas County School District Number RE-1 was called to order by President Peterson at 1:16 p.m.

2. Roll Call

RECOMMENDATION: Presiding Board Member calls roll.

BOARD MEMBERS PRESENT: Hanson, Meek, Myers, Peterson, Williams, Winegar

BOARD MEMBERS EXCUSED: Ray

ALSO IN ATTENDANCE: Superintendent Kane, General Counsel Klimesh, Chief Technology Officer Blair, and Board Assistant Secretary Brockman

Convene in Executive Session

3. Convene in Executive Session (a closed session)

RECOMMENDATION: That the Board of Education convenes in Executive Session (a closed session) for purposes of holding conference with the District's attorney(s) to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4) (b), regarding pending litigation, specifically Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071); and, pursuant to C.R.S. § 24-6-402(4) (c), for the purposes of participating in a matter required to be kept confidential by state law, specifically, to participate in a mediation to be held regarding the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071) in which information and communications related to such mediation are prohibited from disclosure pursuant to Colorado law at C.R.S. § 13-22-307(2) which provides that "[a]ny party . . . in a mediation service proceeding or a dispute resolution proceeding shall not voluntarily disclose or through discovery or compulsory process be required to disclose any information concerning any mediation communication or any communication provided in confidence to the mediator or a mediation organization" except in limited circumstances which are not applicable to the circumstances presented; and, pursuant to C.R.S. § 24-6-402(4) (e) (I), for the purposes of conferencing with its negotiator/attorney to

discuss and adopt positions related to negotiations being conducted related to the mediation in the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071).

The Board may hold an executive session for considering limited matters, including: Real Estate matters e.g. the purchase, acquisition, lease, transfer or sale of real, personal or other property pursuant to C.R.S. § 24-6-402(4) (a); to hold conference with the Board's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4) (b); matters required to be kept confidential by federal or state law or rules and regulations pursuant to C.R.S. § 24-6-402(4) (c); to be advised on specialized details of security arrangements and investigations pursuant to C.R.S. § 24-6-402(4) (d); to determine positions relative to matters that are or will be subject to contract negotiations, developing strategy for those negotiations, and instructing negotiators, pursuant to C.R.S. § 24-6-402(4) (e); personnel matters, including actions, updates, and Superintendent recommendations involving individual employees, pursuant to C.R.S. § 24-6-402(4) (f); to consider documents protected by non-disclosure provisions of Colorado Open Records Act pursuant to C.R.S. § 24-6-402(4) (g); and/or to be advised on individual student matters, where public disclosure would adversely affect the person or persons involved, pursuant to C.R.S. § 24-6-402(4) (h).

ORIGINAL - Motion

Director Winegar moved, Director Williams seconded to approve the ORIGINAL motion That the Board of Education convenes in Executive Session (a closed session) for purposes of holding conference with the District's attorney(s) to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4) (b), regarding pending litigation, specifically Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071); and, pursuant to C.R.S. § 24-6-402(4) (c), for the purposes of participating in a matter required to be kept confidential by state law, specifically, to participate in a mediation to be held regarding the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071) in which information and communications related to such mediation are prohibited from disclosure pursuant to Colorado law at C.R.S. § 13-22-307(2) which provides that "[a]ny party . . . in a mediation service proceeding or a dispute resolution proceeding shall not voluntarily disclose or through discovery or compulsory process be required to disclose any information concerning any mediation communication or any communication provided in confidence to the mediator or a mediation organization" except in limited circumstances which are not applicable to the circumstances presented; and, pursuant to C.R.S. § 24-6-402(4) (e) (I), for the purposes of conferencing with its negotiator/attorney to discuss and adopt positions related to negotiations being conducted related to the mediation in the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071)

Hanson, aye; Meek, aye; Myers, aye; Peterson, aye; Williams, aye; Winegar, aye.

Upon a roll call vote being taken, the vote was: Aye: 6 Nay: 0. The motion carried 6 - 0

President Peterson adjourned the Special Meeting to Executive Session at 1:22 p.m. on Wednesday, January 11, 2023.

EXECUTIVE SESSION ATTENDANCE: Hanson (virtual), Meek (virtual), Myers (virtual), Peterson, Williams (virtual), Winegar, Superintendent Kane, General Counsel Klimesh, and Outside Legal Counsel Geoff Blue.

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Executive Session Time: 1:39 p.m. to 1:49 p.m. The Executive Session paused from 1:49 p.m. to 2:22 p.m. and then resumed at 2:22 p.m.

The Executive Session concluded at 7:03 p.m. on Wednesday, January 11, 2023.

Adjournment

Adjournment

RECOMMENDATION: That the Board of Education adjourns the meeting.

President Peterson adjourned the Special Meeting to Executive Session at 1:22 p.m. on Wednesday, January 11, 2023.

These minutes summarize the final decisions made by the Board of Education at the referenced meeting. View the meeting via You Tube by accessing the following link: <https://www.youtube.com/watch?v=t8a0QIMlluA&list=PLyjVvMhp58liz3QmZQeX7QUKKhYfNu4Rb&index=1>

Supporting document(s) attached to the agenda <https://douglas.ic-board.com>

Mike Peterson
Board of Education President

ATTEST

Becky Myers
Board of Education Secretary