



Board of Education  
Minutes  
Monday, May 8, 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.

Call to Order and Roll Call

1. Call to Order

RECOMMENDATION: Presiding Board Member calls the meeting to order.

A Special Meeting of the Board of Education of Douglas County School District (DCSD) Number RE-1, held at 620 Wilcox St., Castle Rock, CO, 80104, was called to order by President Peterson at 4:04 p.m.

2. Roll Call

RECOMMENDATION: Presiding Board Member calls roll.

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

BOARD MEMBERS EXCUSED: N/A

ALSO IN ATTENDANCE: Superintendent Kane, Deputy Superintendent Hiatt, Learning Services Officer Reynolds, General Counsel Klimesh, Chief Technology Officer Blair, Chief Human Resources Officer Thompson, Communications Officer Rader and Board Assistant Secretary Brockman.

Pledge of Allegiance

3. Pledge of Allegiance

RECOMMENDATION: The presiding Board member leads the Pledge of Allegiance.

President Peterson led the Pledge of Allegiance.

Study/Work Session

4. Superintendent Performance Rubric

RECOMMENDATION: That the Board discuss the timing and plan to complete the required Superintendent Performance Evaluation.

- Attachment #1: Superintendent Performance Rating Rubric 05.08.2023

The Board discussed the plan forward to complete the Superintendent Performance Evaluation for school year 22-23 in June and the use of rubric derived from Board Policy CBA/CBC, Qualifications/Powers and Responsibilities of Superintendent (Job Description). Board member recommendations included adding sections to the rubric on "Professional Growth and Development", "Policy Governance" and "General Comments"; having the Superintendent provide a self-reflection on the categories in the Superintendent Performance Rubric; renaming the document "Superintendent Summative Evaluation" to align with the Superintendent's contract language; and aligning evaluation scoring with other DCSD staff evaluations. President Peterson

stated that the summative evaluation will be a combination of assessed job performance and a summary of the Superintendent's monitoring reports.

The Board members expressed general agreement with Director Peterson's proposed evaluation timing:

- Superintendent's self-reflection due on June 16, 2023,
- Conduct the evaluation in a Board Executive Session with legal counsel on June 20, 2023, and
- Place the written evaluation on a Consent Agenda in August 2023.

5. Policy ADB, Educational Equity

RECOMMENDATION: That the Board consider modifications to Policy ADB to include focus group and survey feedback.

- Attachment #1: ADB - Educational Equity (Redline) 04.25.2023

The Board considered President Peterson's proposed revisions to Policy ADB, Educational Equity, and suggested additional modifications. The Board will consider adopting the revised policy at their May 23, 2023 meeting.

Recess

President Peterson called a recess at 6:50 p.m. and reconvened the meeting at 7:02 p.m.

Public Comment

6. Public Public Comment on Item #8 Only (Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County; Case No. 2022-cv-30071).

RECOMMENDATION: Information only

- Attachment #1: Public Comment Roster (No Public)

The Board heard public comment on Agenda Item #8, (Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County; Case No. 2022-cv-30071). Public commenters included Jen Iverson of Castle Pines, Robert Marshall of Highlands Ranch (whose public comments were read by Jen Iverson), Meg Furlow of Highlands Ranch, and Tiffany Baker of Highlands Ranch.

Convene in Executive Session (a closed session)

7. Convene 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)

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).

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 Myers moved; Director Winegar 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).

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

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion carried 7-0.

EXECUTIVE SESSION ATTENDANCE: Hanson, Meek, Myers, Peterson, Ray, Williams, Winegar, and Outside Legal Counsel Geoff Blue

Executive Session Time: 7:19 p.m. to 7:50 p.m. on Monday, May 8, 2023.

The Executive Session concluded at 7:50 p.m. on Monday, May 8, 2023.

Re-Convene Regular Session

8. Board Discussion and Action Regarding Settlement Offer in the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071)

RECOMMENDATION: That the Board take action regarding the Settlement Offer in the matter of Marshall v. Douglas County Board of Education et al., pending in District Court, Douglas County (Case No. 2022-cv-30071).

- Attachment #1: 23.05.08 - Proposed Settlement Agreement

The Board of Education reconvened in public session at 7:53 p.m.

The Board discussed action regarding the Settlement and Release Agreement in the matter of Marshall v. Douglas County Board of Education et al, pending in District Court, Douglas County (Case No. 2022-cv-30071). President Peterson stated that the Board did not have the ability to modify, amend or wordsmith the Settlement and Release Agreement and could only accept it or reject it. The key requirements in the Settlement and Release Agreement are:

- The Defendants are enjoined from engaging in discussions of public business or taking formal action by three or more members of the Board of Education either as a group or through a series of meetings by less than three members at a time, except in public meetings open to the public.

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- The Defendants acknowledge that pursuant to the legal advice of counsel, they had non-public discussions among three or more members concerning public business in violation of the Colorado Open Meetings Law.
- The Board will pay \$66,000 to the plaintiff, which are the legal fees he has incurred to date.

NEW - Motion

Director Williams moved; Director Winegar seconded the NEW motion that the Board of Education reject the Settlement and Release Agreement 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, no; Meek, no; Myers, aye; Peterson, aye; Ray, no; Williams, aye; Winegar, aye.

Upon a roll call vote being taken, the vote was: Aye: 4 Nay: 3. The motion carried 4-3.

Adjournment

9. Adjournment

RECOMMENDATION: That the Board President adjourns the meeting.

ORIGINAL - Motion

Director Winegar moved; Director Myers seconded the ORIGINAL motion that the Board of Education adjourn the meeting.

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

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion carried 7-0.

President Peterson adjourned the meeting at 8:30 p.m. on Monday, May 8, 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=OlcTKhs7Iu8>.

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

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Mike Peterson  
Board of Education President

ATTEST

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Becky Myers  
Board of Education Secretary