



10850 East Woodmen Road • Falcon, CO 80831  
Tel: 719-495-1100 • Fax: 719-494-8900

#### Mission Statement

To prepare students, in a safe and caring environment, to be successful, competent and productive citizens in a global society.

**MINUTES**  
**SPECIAL BOARD OF EDUCATION MEETING**  
**February 25, 2015**  
**6:30 p.m.**  
**Central Administration – Board Room**

**1.00 Call to Order and Roll Call**

A special meeting of the Falcon Board of Education was called to order at 6:30 p.m. by the President, Tammy Harold. The following board members were present: Mr. Butcher, Ms. Harold, Mr. Irons, Mrs. LaVere-Wright and Mr. Moore.

**2.00 Welcome and Pledge of Allegiance**

**3.00 Approval of Agenda**

It was moved by LaVere-Wright, seconded by Irons to approve the agenda as presented. *The motion was put and carried with Butcher, aye; Harold, aye; Irons, aye; LaVere-Wright, aye; Moore, aye. Motion carried 5-0.*

**4.00 Open Forum (3 Minute Time Limit per Person)**

**Topic must be related to special meeting agenda items**

**5.00 Action Items – see attachments**

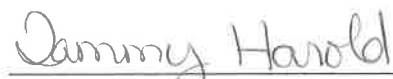
- 5.01 Amend Rocky Mountain Classical Academy Charter Contract
- 5.02 Action on Capital Lease for Pony Tracks Facility
- 5.03 Approval of Resolution Regarding Legal Name
- 5.04 Action on MLO-Op Money Allocation Basis


**6.00 Other Business**

**7.00 Adjournment**

It was moved by LaVere-Wright and seconded by Irons to adjourn the meeting at 6:48 p.m. *The motion was put and carried with Butcher, aye; Harold, aye; Irons, aye; LaVere-Wright, aye; Moore, aye.*

Respectfully submitted by Donna Richer,

  
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Tammy Harold, President

  
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Marie LaVere-Wright, Secretary

## **BOARD OF EDUCATION AGENDA ITEM 5.01 MINUTES**

<b>BOARD MEETING OF:</b>	February 25, 2015
<b>PREPARED BY:</b>	Brett Ridgway, Chief Business Officer
<b>TITLE OF AGENDA ITEM:</b>	Amend Rocky Mountain Classical Academy Charter Contract
<b>ACTION/INFORMATION/DISCUSSION:</b>	Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:** The D49 Board and Administration have been discussing “Post-Election Strategies” for the last four meetings going back to December 11, 2014; in response to the election results from the November 4, 2014 statewide election in which District 49 had two items on the ballot – El Paso County items 3A and 3B.

With the passage of Ballot Item 3A in November, the District’s constituents have authorized the District to begin using portions of the Mill Levy Override not needed to be used to satisfy annual debt service of the Certificates of Participation for operations. It is always prudent for the District to consider refinance options for existing debt and especially now with the passage of item 3A.

With the failure of Ballot Item 3B in November, D49 Administration has, at the behest of the Board of Education brought forth options for how to expand programs and accommodate student growth without the benefit of all the new construction that was proposed in Item 3B. The options presented were narrowed down to a preferred list of three:

- (1) Acquire and renovate modular space that Rocky Mountain Classical Academy (RMCA) has vacated at Horizon Middle School for the purpose of expanding capacity at Horizon Middle School to allow boundaries to be shifted to ‘normal’ patterns for the Sand Creek Zone;
- (2) Acquire, and repurpose as necessary, the building D49 leased beginning on July 1, 2014 at Pony Tracks Drive, leased with a purchase option that expires on February 28, 2015;
- (3) Pursue a new lease agreement with Pikes Peak Community College (PPCC) for them to place a program at the aforementioned Pony Tracks location, to replace the space PPCC has leased at Patriot Learning Center (PLC) for the last several years, but had already informed D49 of their intention to vacate that space due to the limitations inherent with the facility.
- (4) Expand Career-Technical Education (CTE) offerings at the PLC campus to utilize space that will be vacated by PPCC in an appropriate and programmatically-needed manner.

**RATIONALE:** Our constituents, through their non-approval of Item 3B, have asked us to again pursue innovative and cost-effective options to improve our educational program and expand our student capacity. As we have previously demonstrated with the acquisition of the space now occupied by Falcon Virtual Academy, D49 can successfully acquire building space, convert it for innovative (i.e. non-traditional) educational use, and do so in a manner that is more efficient than traditional school building space. The four options to be pursued will and do balance the needs of efficiency and effectiveness for educational programming.

**RELEVANT DATA AND EXPECTED OUTCOMES:** With this specific action item, we intend to pursue item #1 in the above list by accepting an amendment to the charter contract for RMCA where D49 will receive a donation of the modular space from RMCA in exchange for forgiveness of remediation requirements at the Horizon Middle School site the modular have occupied as well as assuming the lessee responsibilities RMCA has in relation to their previous lease for space at the Pony Tracks facility – a lease that expired June 30, 2014 but whose remediation requirements were extended as part of District 49’s subsequent lease of the facility that began on July 1, 2014.

### **IMPACTS ON THE DISTRICT’S STRATEGIC PRIORITIES—THE BIG ROCKS:**

<b>Rock #1</b> —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	<i>D49 has displayed full transparency of this proposal by discussing it at four consecutive board meetings over the last 60+ days.</i>
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BOE Special Meeting February 25, 2015  
Item 5.01 continued

<b>Rock #2</b> —Research, design and implement programs for intentional <u>community</u> participation	
<b>Rock #3</b> — Establish District 49 as the <u>best district</u> in Colorado to learn, work and lead	<i>D49 continues to pursue innovation and non-traditional ways to expand education programming and increase student capacity; both demonstrating that D49 will not be depressed by constituent feedback, but will instead keep moving forward with innovative, proactive and appropriate strategies to accommodate limitations and improve educational programs.</i>
<b>Rock #4</b> — Grow a robust portfolio of distinct and exceptional schools	
<b>Rock #5</b> — Customize our educational systems to launch each student toward success	

**FUNDING REQUIRED:** Yes, for renovations

**AMOUNT BUDGETED:** ~ \$400,000

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:** I move to approve the proposed amendment, as revised, to the charter contract for Rocky Mountain Classical Academy, according to terms previously discussed at D49 Board of Education meetings, translated to written contractual form by District Administration and Legal Counsel.

**APPROVED BY:** Brett Ridgway, Chief Business Officer  
Peter Hilts, Chief Education Officer  
Jack Bay, Chief Operations Officer

**DATE:** February 18, 2015

*La Vere-Wright made the motion; seconded by Irons. The motion passed 5-0.*

	BUTCHER	HAROLD	IRONS	LAVERE-WRIGHT	MOORE
VOTED AYE	X	X	X	X	X
VOTED NAY					
COMMENTED					

	BAY	HILTS	RIDGWAY		
COMMENTED					



## **BOARD OF EDUCATION AGENDA ITEM 5.02 MINUTES**

<b>BOARD MEETING OF:</b>	February 25, 2015
<b>PREPARED BY:</b>	Brett Ridgway, Chief Business Officer
<b>TITLE OF AGENDA ITEM:</b>	Action on Capital Lease for Pony Tracks Facility
<b>ACTION/INFORMATION/DISCUSSION:</b>	Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:** The D49 Board and Administration have been discussing “Post-Election Strategies” for the last four meetings going back to December 11, 2014; in response to the election results from the November 4, 2014 statewide election in which District 49 had two items on the ballot – El Paso County items 3A and 3B.

With the passage of Ballot Item 3A in November, the District’s constituents have authorized the District to begin using portions of the Mill Levy Override not needed to be used to satisfy annual debt service of the Certificates of Participation for operations. It is always prudent for the District to consider refinance options for existing debt and especially now with the passage of item 3A.

With the failure of Ballot Item 3B in November, D49 Administration has, at the behest of the Board of Education brought forth options for how to expand programs and accommodate student growth without the benefit of all the new construction that was proposed in Item 3B. The options presented were narrowed down to a preferred list of three:

- (1) Acquire and renovate modular space that Rocky Mountain Classical Academy (RMCA) has vacated at Horizon Middle School for the purpose of expanding capacity at Horizon Middle School to allow boundaries to be shifted to ‘normal’ patterns for the Sand Creek Zone;
- (2) Acquire, and repurpose as necessary, the building D49 leased beginning on July 1, 2014 at Pony Tracks Drive, leased with a purchase option that expires on February 28, 2015;
- (3) Pursue a new lease agreement with Pikes Peak Community College (PPCC) for them to place a program at the aforementioned Pony Tracks location, to replace the space PPCC has leased at Patriot Learning Center (PLC) for the last several years, but had already informed D49 of their intention to vacate that space due to the limitations inherent with the facility.
- (4) Expand Career-Technical Education (CTE) offerings at the PLC campus to utilize space that will be vacated by PPCC in an appropriate and programmatically-needed manner.

**RATIONALE:** Our constituents, through their non-approval of Item 3B, have asked us to again pursue innovative and cost-effective options to improve our educational program and expand our student capacity. As we have previously demonstrated with the acquisition of the space now occupied by Falcon Virtual Academy, D49 can successfully acquire building space, convert it for innovative (i.e. non-traditional) educational use, and do so in a manner that is more efficient than traditional school building space. The four options to be pursued will and do balance the needs of efficiency and effectiveness for educational programming.

**RELEVANT DATA AND EXPECTED OUTCOMES:** With this specific action item, we intend to exercise the purchase option for the Pony Tracks facility as written into article 23B, paragraphs a-g, of the lease contract entered into by the two parties; District 49 (lessee) and Springs Ranch Church (lessor) beginning on July 1, 2014. This acquisition is intended to be facilitated by Eastern Colorado Bank via a long-term capital lease that is completely consistent with a lease previously financed by ECB for the acquisition of the building currently occupied by Falcon Virtual Academy and approved by the D49 Board of Education at a meeting in November 2012.

### **IMPACTS ON THE DISTRICT’S STRATEGIC PRIORITIES—THE BIG ROCKS:**

<b>Rock #1</b> —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	<i>D49 has displayed full transparency of this proposal by discussing it at four consecutive board meetings over the last 60+ days.</i>
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BOE Special Meeting February 25, 2015  
Item 5.02 continued

<b>Rock #2</b> —Research, design and implement programs for intentional <u>community</u> participation	
<b>Rock #3</b> — Establish District 49 as the <u>best district</u> in Colorado to learn, work and lead	<i>D49 continues to pursue innovation and non-traditional ways to expand education programming and increase student capacity; both demonstrating that D49 will not be depressed by constituent feedback, but will instead keep moving forward with innovative, proactive and appropriate strategies to accommodate limitations and improve educational programs.</i>
<b>Rock #4</b> — Grow a robust portfolio of distinct and exceptional schools	
<b>Rock #5</b> — Customize our educational systems to launch each student toward success	.

**FUNDING REQUIRED:** Yes, for acquisition and renovations      **AMOUNT BUDGETED:** ~ \$3,650,000 acquisition  
~ \$104 per sq foot  
\$547,500 down paym't  
~ \$25,350 monthly pay

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:** I move to authorize the Chief Business Officer to exercise the 'Exclusive Option to Purchase' clause resident in the District's lease on the Pony Tracks facility originally entered into on June 9, 2014, effective July 1, 2014 with Springs Ranch Church; and to pursue financing with Eastern Colorado Bank – both according to terms previously discussed at D49 Board of Education meetings.

**APPROVED BY:**      Brett Ridgway, Chief Business Officer  
Peter Hilts, Chief Education Officer  
Jack Bay, Chief Operations Officer

**DATE:** February 18, 2015

*La Vere-Wright made the motion; seconded by Irons. Treasurer Butcher recused himself due to a business banking relationship with Eastern Colorado Bank. The motion passed 3-1.*

	BUTCHER	HAROLD	IRONS	LAVERE-WRIGHT	MOORE
<b>VOTED AYE</b>	Abstained	X		X	X
<b>VOTED NAY</b>			X		
<b>COMMENTED</b>	X		X	X	X

	BAY	HILTS	RIDGWAY	MILLER	
<b>COMMENTED</b>			X	X	



## **BOARD OF EDUCATION AGENDA ITEM 5.03 MINUTES**

<b>BOARD MEETING OF:</b>	February 25, 2015
<b>PREPARED BY:</b>	Brett Ridgway, Chief Business Officer
<b>TITLE OF AGENDA ITEM:</b>	Resolution re: Legal Name
<b>ACTION/INFORMATION/DISCUSSION:</b>	Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:** District 49, like many people and companies ends up being referred to by a number of names. Some derivations are due to intentional changes, some are unintentional, some are specific to certain audiences, etc.. Some legal transactions require a document to state that the entity that is party to the contract goes and/or has gone by various names but that those names refer to an entity that is ‘one and the same’.

As part of District 49’s recent refinance of Certificates of Participation (CoP’s), our Bond Counsel has requested that the Board of Education pass a resolution that the six names listed in the resolution refer to the entity of District 49 and that the names of the entity are not meant to distinguish it legally and that all of the names refer to an entity that is ‘one and the same’.

**RATIONALE:** This resolution has been drafted by Bond Counsel and the respectfully suggest that the Board of Education adopt the resolution to make purchasers of the new CoP’s comfortable that all of the listed entity names are, in fact, the same entity as ‘one and the same’.

**RELEVANT DATA AND EXPECTED OUTCOMES:** We expect this resolution will firmly establish District 49 as one and the same when referred to with any of the listed names.

### **IMPACTS ON THE DISTRICT’S STRATEGIC PRIORITIES—THE BIG ROCKS:**

<b>Rock #1</b> —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	<i>D49 has displayed full transparency of this proposal by discussing it at four consecutive board meetings over the last 60+ days.</i>
<b>Rock #2</b> —Research, design and implement programs for intentional <u>community</u> participation	
<b>Rock #3</b> — Establish District 49 as the <u>best district</u> in Colorado to learn, work and lead	
<b>Rock #4</b> — Grow a robust portfolio of distinct and exceptional schools	
<b>Rock #5</b> — Customize our educational systems to launch each student toward success	

**FUNDING REQUIRED:** No

**AMOUNT BUDGETED:** ~ N/A

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:** I move to approve a resolution of the Board of Education of El Paso County School District No. 49, in the county of El Paso, and the State of Colorado, relating to the legal name of the District as presented by Bond Counsel and approved by the Administration.

**APPROVED BY:** Brett Ridgway, Chief Business Officer

**DATE:** February 18, 2015

*La Vere-Wright made the motion; seconded by Irons. The motion passed 5-0.*

	BUTCHER	HAROLD	IRONS	LAVERE-WRIGHT	MOORE
VOTED AYE	X	X	X	X	X
VOTED NAY					
COMMENTED				X	

	BAY	HILTS	RIDGWAY		
COMMENTED			X		



## **BOARD OF EDUCATION AGENDA ITEM 5.04 MINUTES**

<b>BOARD MEETING OF:</b>	February 25, 2015
<b>PREPARED BY:</b>	Brett Ridgway, Chief Business Officer
<b>TITLE OF AGENDA ITEM:</b>	MLO-Op money allocation basis
<b>ACTION/INFORMATION/DISCUSSION:</b>	Action

**BACKGROUND INFORMATION, DESCRIPTION OF NEED:** The D49 Board and Administration have been discussing “Post-Election Strategies” for the last four meetings going back to December 11, 2014; in response to the election results from the November 4, 2014 statewide election in which District 49 had two items on the ballot – El Paso County items 3A and 3B.

With the passage of Ballot Item 3A in November, the District’s constituents have authorized the District to begin using portions of the Mill Levy Override not needed to be used to satisfy annual debt service of the Certificates of Participation for operations. The key question on this utilization is what allocation basis will be used to determine how much funding each of the charter schools will receive as well as the coordinated schools within their respective Zones.

Of particular interest in the discussion has been the ballot language that included the phrasing “. . . FOR ANY LEGALLY AUTHORIZED GENERAL FUND PURPOSES OF SCHOOLS OPERATED OR CHARTERED BY THE DISTRICT WITHIN DISTRICT BOUNDARIES INCLUDING...”. The question is whether this phrasing is meant to limit the benefits of said funding to only resident students or if the benefits apply to all students regardless of resident status, or if there is and should be an allocation that blends the two perspectives.

Previous board discussion from the December 11, 2014 board meeting included commentary where “. . . obviously the charters get to participate in those funds as well, and I would presume that the distribution to the individual charters would be based on the October count numbers relative to the total district. . .” (December vimeo part 2, 1:34). This quotation indicates that the board did, at that point, believe that all students would participate. Official October count results indicate that 67.03% of the students in District 49 are educated in coordinated schools and 32.97% are educated in district charter schools.

After introduction and discussion of the possibility of limiting the beneficiaries to resident students (which produces a 84/16 ratio between coordinated and charter schools) at the same December 11 meeting, a blended option was presented at the January 8, 2015 regular board meeting that would identify two pools of money; one pool, the larger (proposed at 80% of the total available), would be allocated based on resident students; the second, smaller pool (proposed at 20% of the total available), would be allocated based on total student count. Alternatives could also be quantified with different percentages allocated to each pool.

While it was always assumed through the course of the ballot language drafting and the election cycle that charters schools would definitely receive a portion of the available MLO-Op monies, the specific allocation basis was, unfortunately, never discussed. The Board of Education and Administration are now left to wade through not only legal analysis, but moral and political motivations/repercussions of a decision to definitively determine what allocation basis will be used.

**RATIONALE:** The basic question is whether the MLO monies, which are generated entirely by residents of District 49 are meant to only benefit resident students of District 49. The majority of MLO funds generated have been and will continue to be used to repay Certificates of Participation (CoP’s) that were issued in 2006 and 2007 in order to build buildings that were not able to be financed through a bond issue at that time because sufficient bonding capacity did not exist at that time to use the traditional method. The buildings built have not been limited to educating only resident students – instead students from outside the district are allowed to choice in to those buildings. This could infer that the precedent has been set that the MLO funds are intended to benefit all students of D49, regardless of resident status. Did Ballot issue 3A, passed in November 2014 intend to change that? This is the fundamental question.



**RELEVANT DATA AND EXPECTED OUTCOMES:** We expect to determine the allocation basis at this meeting, with this action item and to move forward with that decision as the firm precedent for all future, related, decisions.

**IMPACTS ON THE DISTRICT'S STRATEGIC PRIORITIES—THE BIG ROCKS:**

<b>Rock #1</b> —Reestablishing the district as a <u>trustworthy</u> recipient of taxpayer investment	<i>D49 has displayed full transparency of this proposal by discussing it at four consecutive board meetings over the last 60+ days.</i>
<b>Rock #2</b> —Research, design and implement programs for intentional <u>community</u> participation	
<b>Rock #3</b> — Establish District 49 as the <u>best</u> district in Colorado to learn, work and lead	
<b>Rock #4</b> — Grow a robust portfolio of distinct and exceptional schools	
<b>Rock #5</b> — Customize our educational systems to launch each student toward success	<i>A good opportunity to identify if there are limits to the 'every student' big rock.</i>

**FUNDING REQUIRED:** No

**AMOUNT BUDGETED:** ~ N/A

**RECOMMENDED COURSE OF ACTION/MOTION REQUESTED:** I move to allocate funds for MLO-Op monies to schools in a blended manner, consisting of two pools. One pool quantified at 80% of the total funds available to be allocated to schools by resident student count; a second pool, quantified at 20% of the total funds available to be allocated to schools by total funded student count.

**APPROVED BY:** Brett Ridgway, Chief Business Officer

**DATE:** February 18, 2015

*La Vere-Wright made the motion; seconded by Irons. The motion passed 4-1.*

	BUTCHER	HAROLD	IRONS	LAVERE-WRIGHT	MOORE
VOTED AYE	X	X		X	X
VOTED NAY			X		
COMMENTED		X			

	BAY	HILTS	RIDGWAY		
COMMENTED					