

# RECORD OF PROCEEDINGS

## PEYTON SCHOOL DISTRICT 23-JT Board of Education Minutes June 16, 2020 7:00pm Meeting via Zoom (due to COVID 19)

### I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Board President Hanks called the meeting to order at 7:02pm.

### II. ROLL CALL

Members present: Mr. Eckelberry is present at home on phone. He is alone. Mr. Hanks is present via zoom from home and is alone. Mr. Harfert is present on zoom at the CTEF Building in the Conference Room alone. Mrs. Harms is currently not present but is expected to join. Mrs. Mannering is present in her car alone on phone. Mrs. Harms did join the meeting via zoom at home and is also alone.

### III. APPROVAL OF AGENDA-Ms. Kirchner requested that Action Item L be moved to the Work Session at the end of the month, and that the second Item B under Discussion Items be renamed at Item G. RFP for New Auditing Firm. Mr. Harfert made the motion to approve agenda as revised. Mr. Hanks seconded the motion. All Board Members present voted "aye". The motion passed.

### IV. APPROVAL OF MINUTES-Mr. Hanks made the motion to table the May Board Minutes to the next meeting since Mr. Eckelberry sent an email regarding the Minutes a few hours before the meeting started. Mr. Hanks stated that he would like a chance to review the adjustments Mr. Eckelberry made. As the Board was discussing the item, Ms. Kirchner realized she attached the unedited copy of the minutes from May 19<sup>th</sup> and will send the correct copy for the next meeting. Mr. Hanks made the motion to table the May 19<sup>th</sup> Minutes to the next meeting. Mr. Harfert seconded the motion. All Board Members present voted "aye". The motion passed. The Board of Education also needed to vote to approve the Minutes of the May 21 Emergency Meeting. The May 21 Meeting followed an Emergency Executive Session in which the Administrative Contracts (Principals), Co-Superintendent Contract, and the Sick Leave/Vacation Buy of Days for Superintendent were discussed. (These items were tabled from the May 19<sup>th</sup> Board Meeting.) Mr. Eckelberry read an "Official Notice to Peyton School Board June 16, 2020). The Notice read, "In my capacity as Vice-President of Peyton School Board, I am hereby notifying the Peyton School Board, the Peyton community and all interested parties, that I believe, on May 21, 2020: Actions taken in regard to the Peyton School Board Special Board Meeting of May 21, 2020 by Board President Hanks, Board Secretary Harms and Superintendent Kistler, have resulted in violations of CRS 22-32-108: "Meetings of the Board of Education", see (1) below and CRS 24-6-402: "Open Meetings Law", see (2) below.

Violations:

(1) Failure to provide required notice of Special Board meetings to Board members "no later than twenty-four hours prior to the hour set for the meeting". Notification of change from In-Person meeting to be held at CTEF building to a Zoom meeting was not made until 12:28-12:45 pm on 5/21/2020, the day of the meeting. All Board members had agreed at the May 19, 2020 Board meeting, that the Special Board meeting of May 21, 2020 was to be an In-Person meeting. Once problem with holding it In-Person was identified, this meeting should have been postponed until such time as proper notification could be made.

(2) Failure to provide full and timely notice to Public of time, place and purpose of the Special Board meeting. "no less than twenty-four prior to holding of the meeting." See Violation (1) above and note that the Zoom meeting was not even setup until 12:28 on 5/21/2020, thus the public did not have 24 hour notice. Additionally, the actual written notice posted at the CTEF building listed the Executive Sessions as In-Person meetings to be held at the CTEF, so in fact, community members showed up at the CTEF building to attend the meetings.

As a result of these alleged violations, any and all Board Actions taken at the May 21, 2020 Special Board meeting would be legally **invalid**.

I recommend that those proposed Action Items in question, be scheduled for a upcoming Regular Board meeting to be properly addressed by Peyton School with the public properly notified.

By: James Eckelberry, Vice-President-Peyton School Board

Mr. Hanks responded to Mr. Eckelberry's letter stating that the meeting was scheduled as an in-person meeting with five members of the Board and the Administrators that would have put the district at 10 people in the meeting. Mr. Hanks was made aware around noon that day that Mr. Eckelberry had invited people to attend the meeting which would put the district out of compliance with COVID-19 restrictions of gatherings of no more than 10 people. Mr. Hanks further stated that it was Mr. Eckelberry; himself who would have put the district out of compliance if we would have opened the doors to the public. Mr. Hanks added that he made the decision to have the meeting via zoom, and he sent an email to the Board Members. Mr. Eckelberry replied to Mr. Kistler via email about the change of events for the meeting. Mr. Eckelberry stated that he did not reply to the email. A mass email was also sent to the community. Mr. Hanks added that he would not close the doors to anyone and be out of compliance. Mr. Eckelberry replied he was already out of compliance with the law. Mr. Hanks called Michelle Murphy, attorney with the Small Rural Alliance who told him that everything he did was fine. Mr. Hanks called for the Approval of the Minutes for May 21<sup>st</sup> since he followed the State and legal guidance that he was given. Mr. Harfert stated that if we have a disagreement on the minutes then we need to table them. Mrs. Mannering agreed with Mr. Harfert. Mr. Hanks made the motion to approve the Minutes from the May 21<sup>st</sup> meeting. With no second, Mrs. Mannering made the motion to table the Minutes from the May 21<sup>st</sup> meeting and Mr. Harfert seconded the motion. Roll Call: Mr. Eckelberry-"aye". Mr. Hanks-"nay". Mr. Harfert "aye". Mrs. Harms-abstained. Mrs. Mannering-"aye". The Minutes were tabled to the next meeting.

### V. APPROVAL OF FINANCIAL ITEMS-Mr. Eckelberry had a few questions on the Financial Items and wanted answers from last month's meeting. He questioned the payment to Mohawk Resources for the lift. The price seemed high to him, so he wanted to know if the price included installation. Ms. Kirchner stated that she believed so; but would double check. The item was reimbursed through the Perkins Grant. He asked about the payment to Harris School Solutions. Ms. Kirchner replied that is the annual service support agreement. He asked about the Maintenance Salary line item being over budget since the district had not hired any new employees under that category. A 32 hour person was moved to 40 hours a week and a slight raise to retain them. The Board did see the notice on this as a Discussion Item. He asked about the questions from last month. Ms. Kirchner could not reply the night of the Board Meeting since her microphone was not working. He asked about the Superintendent Salary line item being over budget. Ms. Kirchner replied it was due to the buy back of his vacation days and sick days. He asked about the Administrative Benefits being over budget which was due to the payment of the PERA employer portion being reimbursed on the Payment in Lieu of Benefits item on the Superintendent's Contract which the Board approved. Mr. Eckelberry then asked about the PERA on Behalf of Payments. He does not know why they would want us to "gross up" revenue. Ms. Kirchner stated that she sent an email that answered the previous month's Financial questions to which Mr. Eckelberry stated he did not receive. The other Board Members did receive it, and Mrs. Harms read Ms. Kirchner's response to this question from the email. He asked about the Perkins Grant Fund recording since again we are "grossing up" revenue and expenditures. Ms. Kirchner explained that Mrs. Krisko is the Consortium Director for Pikes Peak Region, so we take the funds and expend them through the x591 accounts per CDE guidelines. In the email, she attached the documentation to support this from the District Auditor and CDE's Financial Department. Ms. Kirchner stated she would resend this email to him. Mr. Harfert made the motion to approve the Financial Items with questions answered. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

### VI. COMMUNITY INPUT-none

#### SUPERINTENDENT'S REPORT-

Mr. Rea presented the Superintendent's report for the month in Mr. Kistler's absence. The superintendents had a conference call with the Governor on June 6th. At this time, Peyton School District is looking at a normal start to the school year on August 13<sup>th</sup>. The Superintendents are continuing to have conversations with the Governor. The district has purchased a sanitizing machine which allows all three buildings to be cleaned in a matter of hours. We have also ordered three portable machines for the buses to clean after each route. Twenty scanning thermometers have been purchased. The principals have purchased sanitizing bottles for every teacher and every classroom. Senator Bennett was on the last conference call with the governor, he stated that he was going to request to the Federal

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Department of Education to suspend state testing for one more year. For the Graduation ceremony, families will be able to attend. Masks are required for graduation. We have not heard about mask requirements for the start of school. Mr. Land thanked the volunteers who helped to organize and build the items needed for graduation. Mrs. Harms attended the Peyton Way Foundation Meeting last week. The Peyton Way is organizing a parade route along Bradshaw for family and friends who cannot attend graduation. The seniors will drive through the parked cars along Bradshaw. The seniors will arrive at CTEF, and Rizzuto's is providing free ice cream for the seniors.

### VII. BOARD REQUESTS AND REPORTS

#### A. Building Reports-

**Elementary School**-no report

**High School**- no report

**Peyton Online Academy Report**- no report

**B. District Maintenance Report**-Mr. Hanks noticed that the Maintenance Staff has been putting in a lot of work with the asphalt. BEST Grant was a disappointment with the huge budget cuts to the program. Grandview Reserve will make some big differences in the district if and when it comes in. The asphalt does have to be sifted. It is a labor intensive process, but the material did not cost us anything. The Custodial staff has been helping. Mr. Land has rented a Bobcat from Anderson Landscaping which more than doubled the productivity.

**C. District Advisory**-no meeting

**D. BOCES Report**-BOCES has final numbers; they are up 39 students in the Special Education Program. The IDEA Grant did not see budget cuts. They are not planning on giving steps to the staff with the budget cuts. The plan is to open as scheduled for the fall.

### VIII. ACTION ITEMS-entered at 7:53pm Action Items

**A. Third and Final Reading Policy JRA/JRC-Student Records/Release of Information on Students**-Mr. Hanks suggested approving Items A and B as Final Readings together then approving C,D, and E as First Readings. Mr. Eckelberry is okay with combining A and B for approvals, but has questions on Suspensions and Expulsions. Mr. Harfert had a question on Concurrent Enrollment. Mr. Harfert made the motion to approve Action Items A and B as Final Policy Readings. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

**B. Third and Final Reading Policy KBBA-Custodial and Noncustodial Parent Rights and Responsibilities**- Approved with Item A

**C. First Reading of Policy IHEDA-Concurrent Enrollment**-Mr. Harfert had a question about transportation. We do not pay for transportation for the UCCS students, but the district does transport AVP students. Ms. Pavetti stated that it has to do with the student's schedules. The students at UCCS schedule their own classes. Mr. Rea added that the changes to C, D, and E are statute changes.

**D. First Reading of Policy JICDA-Code of Conduct**- No questions were asked regarding the Code of Conduct during this meeting.

**E. First Reading of Policy JKD-JKE-Suspension/Expulsion of Students**-Mr. Eckelberry would like to see us continue to understand our students and community. The district has prided itself as having an approach of reasonableness and compassion as a small school district. It seems like some of the verbiage is stricter than it used to be. Mr. Rea said statute passed that takes effect in July that does not allow harsh discipline for Preschoolers through second graders. Mr. Harfert said for the second reading he would like to see input from staff members. Mr. Hanks added that Peyton is a smaller community, and the focus needs to be on the student and the district should continue to do that and not just be a "zero tolerance" district. We can always adjust the policy to align with our standards then have our legal team review. Mr. Harfert would like policies done by start of year, so handbooks can be put together and policies can be in place. Mr. Harfert made the motion to accept the First Reading of Policies C, D, and E input from the Staff, Administration, and the DAC. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

**F. Salary Schedules for 2020-2021 School Year**-Ms. Kirchner stated that each year the Board approves the Salary Schedules for the new fiscal year. The schedule does not reflect any changes in the base salaries. Mr. Rea asked about movement for educational pay increases. Mr. Harfert made the motion to approve the Salary Schedules with movement in pay for educational increases. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

**G. Consolidated Application Approval**-Ms. Kirchner stated that the Consolidated Application covers Title I, Title II, and Title IV for the district. This year the approval dates are a little different with COVID. Mr. Harfert made the motion to approve the Consolidated Application. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

**H. ESSER (Elementary and Secondary School Emergency Relief Funds) Approval**-The ESSER Funds are part of the COVID Funding allocated to the district. The funds are 90% of the districts Title I Funds. The application is similar to that of the Consolidated Application. The district also received a larger pot of money to spend on COVID related items under CRF (COVID Relief Funds). The CRF must be spent between the day of shut down through December 31, 2020 whereas the district has about two years to spend the ESSER Funds. The funds can only be spent on COVID related items. CDE is looking to send a matrix of how each fund can be spent. Mr. Harfert made the motion to approve the ESSER Funds Approval. Mr. Hanks seconded the motion. All Board Members present voted "aye". The motion passed.

**I. CO-Superintendent Amendment to Employment Contract**-Mr. Rea explained in the May 21<sup>st</sup> Board Meeting that he was going to put forth an amendment to freeze his pay for the 20-21 School Year. Mr. Harfert made the motion to approve the Amendment to the CO-Superintendent Employment Contract. Mrs. Mannering seconded the motion. Mr. Eckelberry wanted to explain his vote. He is abstaining because he believes that Mr. Rea has an invalid contract, but supports what Mr. Rea is doing. Roll Call: Mr. Eckelberry-"abstain". Mr. Hanks-"aye". Mr. Harfert-"aye". Mrs. Harms-"aye". Mrs. Mannering-"aye". The motion passed.

**J. Board Resolution for 2019-2020 to Spend-Down Bond Fund**-The intent is to pay off the Bonds on the High School, so since we are spending a portion of Fund Balance the district need a Spend-Down Authorization approval on file. Mr. Harfert made the motion to approve the Board Resolution to Spend-Down the Bond Fund. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

**K. Board Resolution for 2019-2020 to transfer \$200,000 from General Fund to Capital Reserve Projects Fund**-Years ago, school districts were required to set aside part of their per pupil funding for capital needs. That requirement is no longer required; however, the Board of Education determined that they would set aside up to \$200,000 each year for Capital Projects. Mr. Harfert asked if we should lower the transfer with the budget cuts in place for school districts. Ms. Kirchner explained that this transfer is for the 2019-2020 school year, but one of the items that have been suggested is to lower the transfer for the 2020-2021 year to \$100,000 to help the General Fund

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shortfalls due to state budget cuts. Mr. Harfert made the motion to approve the Board Resolution for 2019-2020 to transfer \$200,000 from General Fund to Capital Reserve Projects Fund-Certified New Hire. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

- L. **Adopted Budget Fiscal Year 2020-2021**-Mr. Harfert made the motion to table the Adopted Budget for Fiscal Year 2020-2021 to a Work Session at the end of the month. Mr. Hanks seconded the motion. All Board Members present voted "aye". The motion passed. The Board tentatively set the Work Session date for June 29<sup>th</sup>.

**Action Items ended at 8:37 pm.**

**IX. DISCUSSION ITEMS**

- A. **Policy Regulation-IHCDA-R-Concurrent Enrollment**-Mr. Harfert stated the Regulations will be determined by the Policies. Mr. Rea wanted to add these to the agenda, so the Board would have a chance to review.  
B. **Policy Regulation- JKD-JKE-R-Suspension/Expulsion of Students**  
C. **Policy Regulation-JLF-R-Reporting Child Abuse/Child Protection**  
D. **Policy Regulation- JRA/JRC-R-Student Records/Release of Information on Students**  
E. **Policy Regulation- KBBA-Custodial and Noncustodial Parent Rights and Responsibilities**  
F. **Classified Notice of Assignments**-Ms. Watts hired three new paraprofessionals to replace those that resigned.  
G. **RFPs for Auditing Firm**-Ms. Kirchner just wanted further clarification from the Board regarding sending out the RFPs. Ms. Kirchner has contacted a couple small/rural school districts who have gone out to bid in recent years. Mr. Eckelberry said to send one to everyone on the list and whoever replies then the Board can review.

**X. EXECUTIVE SESSION-none**

- XI. ADJOURN-** A motion to adjourn was made by Mr. Eckelberry and seconded by Mr. Harfert. All Board Members present voted "Aye". The motion passed.

**The meeting adjourned at 8:48pm.**

MINUTES APPROVED at the July 21, 2020 at Regular Board Meeting.

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President

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Secretary