

RECORD OF PROCEEDINGS

PEYTON SCHOOL DISTRICT 23-JT Board of Education Minutes July 21, 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 7:01pm.

II. ROLL CALL

Members present: Mr. Eckelberry was not present. Mr. Hanks is present via zoom from home and is alone. Mr. Harfert is present on zoom at home, and is alone. Mrs. Harms is in Nebraska present on zoom alone. Mrs. Mannering is present at home alone on zoom.

III. APPROVAL OF AGENDA- Mrs. Harms made the motion to approve agenda as revised. Mr. Harfert seconded the motion. All Board Members present voted "aye". The motion passed.

IV. APPROVAL OF MINUTES-

A. Approval of Minutes from May 19, 2020 Regular Board Meeting-Mr. Harfert made the motion to approve the Minutes from the May 19, 2020 Regular Board Meeting. Mr. Hanks seconded the motion. All Board Members present voted "aye". The motion passed.

B. Approval of Minutes from May 21, 2020 Emergency Board Meeting-Mr. Hanks made the motion to approve the Minutes from the May 21, 2020 Emergency Board Meeting. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

C. Approval of Minutes from June 16, 2020 Regular Board Meeting-Mr. Harfert made the motion to approve the Minutes from the June 16, 2020 Regular Board Meeting. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

D. Approval of Minutes from June 29, 2020 Special Board Meeting-Mr. Harfert made the motion to approve the Minutes from the June 29, 2020 Regular Board Meeting. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

V. APPROVAL OF FINANCIAL ITEMS-Ms. Kirchner sent an email to the Board confirming the answers to the questions that Mr. Eckelberry had last month. Mr. Hanks 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-

The Administrative Team is putting everything together to begin the new school year. Mr. Bershinsky is setting up a meeting with area Superintendents with Dr. Tomasulo (owner/CEO of Peak Med), Dr. Bill Plauth (Chief of Internal Medicine, Centura Health), and Dr. Kleiner (Infectious Disease, Centura Health) to discuss the different things that the districts can do to return to class safely. The doctors will make a statement after the meeting about their vision for students returning safely to in person learning. A survey was also sent to parents/guardians regarding in person learning.

1. Transportation Report- No reported driver complaints in the 4th quarter. All student transportation duties were suspended after 3-13-20 due to Covid-19.
2. No student discipline concerns in the 4th quarter.
3. We did not have staff changes in the 4th quarter. All driver evaluations were completed in May and June 2020. (Note, CDE has extended completion dates for ride evaluations, evacuation drills and DOT physicals)
4. CDE Annual inspections and District Fleet repairs are nearly current. Fleet Technician Derrick Lang resumed in shop repairs 4/20/20. (Note, CDE has extended completion dates for annual inspections)
5. A special needs route was added this summer for a new student that needs evaluation at Pikes Peak BOCES School of Excellence in Colorado Springs. Dates of transportation are 7/14, 7/15, 7/16 and 7/21, 7/22, 7/23.
6. News. We have added asphalt millings to the transportation lot this summer. We are hopeful that this will lessen the potential for slips and falls, shorten the labor time required for snow removal, and reduce the tracking of mud onto the buses during Elementary School fire drills. Special thanks to Jim and Diana, in maintenance, for their efforts in this large task.

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-

- HVAC controls update at the elementary school has been completed. Appears to have corrected the random problems we have been dealing with. The high school updates and upgrades are nearing completion.
 - Update on the Grandview Reserve project: They submitted some changes to the County. I have not had a chance to review everything to see what has changed; the number of acres and housing units has not changed (768.2 acres / 3260 dwelling units). Deadline for comments is August 4th.
 - Brian Lessig invested a significant amount of time leveling and compacting the asphalt millings at the transportation area.
 - We are experiencing issues with the sprinkler system for the baseball and football fields. The pump motor is tripping the breaker at times but there may be an issue with the well and cistern. The sprinkler pump is significantly outdated and may have to be replaced with the motor because parts are no longer available.
 - High school well pump tripped the breaker a few times in May and we ran low on water. We were unable to determine the cause. Colorado pump was called in and they could not identify any problem either. System has been running without error since the first of June.
 - Summer projects and maintenance are continuing. Plexiglas for the school secretary areas has been backordered again, new delivery date is August 18th.
 - State Fire Inspections were suspended in March. We typically try to schedule inspections before school starts. Our inspections may not be completed before school starts this year based on their schedules.
 - Waste Water Treatment Plant continues to pass state tests.
- Mr. Kistler gave "kudos" to Mr. Land and his team saying the asphalt patching looks great. Mr. Hanks agreed. Mr. Land said it was a group effort between Maintenance and Custodial staff.

C. District Advisory-no meeting

D. BOCES Report-Their next meeting is in August. Mr. Kistler spoke with Mr. Bershinsky who stated that everything is going well with BOCES East and the School of Excellence.

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Mr. Hanks letter to the Board-

Clarification of May 21, 2020 Board Meeting

- On June 16, 2020, Mr. Eckelberry, Vice President Peyton School Board, issued a public letter to our Board entitled “Official Notice to Peyton School Board”.
- In his Letter, Mr. Eckelberry asserted that the Notice of the board meeting held on May 21, 2020 was not compliant with state law and thus any decisions made at that meeting were, quote, “invalid.”
- However, there are several inaccuracies of both fact and conclusions in Mr. Eckelberry’s Letter.
- Additionally, I am personally, and as Peyton School Board President, professionally dedicated to serve this community with transparency and integrity to the law governing school board matters and Peyton School Board Policy.
- Therefore, my purpose in addressing his notice is twofold:
 - First, to publicly correct the inaccuracies reflected in the Letter by stating the facts of the Notice.
 - Second, to review the minutes and decisions made on May 21, 2020, and to reaffirm the decisions made on that date.
- This will accomplish two things:
 - Assure that the public record reflects what happened with the Notice of Meeting posted for the May 21, 2020 Board Meeting, and
 - 2. Reaffirm the decisions made during that meeting.
- Some Background Information
 - In light of the current Colorado COVID-19 restrictions, state and local agencies prohibit meetings of certain size for health and safety reasons. Thus, if public meetings are necessary, remote participation is encouraged.
 - To comply with these current state and local pandemic Restrictions and to continue to conduct the public business of public education, the Peyton School Board, has conducted its board meetings remotely by participation through telephone and the Zoom meeting platform.
 - The Board is familiar with and follows these Restrictions and practices in order to both conduct its public business and do so within the restrictions imposed on gatherings during the COVID-19 pandemic.
 - Since the Restrictions have been in place, four of the Peyton School Board members participate in board meetings by Zoom and Mr. Eckelberry participates remotely by phone.
 - Since the Colorado COVID-19 restrictions, the Peyton School District has provided all of its board members, including Mr. Eckelberry, with brand new computers with Zoom capabilities. Mr. Eckelberry, however chooses to not participate in Peyton School Board meetings by Zoom but prefers to participate by phone.
 - The public is also familiar with and participates in the Peyton School Board meetings through both phone and Zoom.
- Facts of May 21, 2020 Notice and Meeting
 - To conduct certain Peyton School Board business in accordance with both state law and Peyton School Board Policy BE, I as President of the Board, determined the need to schedule this Board Meeting.
 - On May 20, 2020, before 5:00 P.M. and in accordance with Policy BEDA, I issued a Notice for a Peyton School District 23-Jt Board of Education Emergency Board Meeting.
 - The Notice included this language.
 - The meeting was identified as an Emergency Board Meeting and scheduled for May 21, 2020 at 7:00 P.M.
 - The Notice also included a location as the “Board Room at CTEF” but that due to the COVID-19 Colorado Stay at Home Orders, it could be accessed and participated in by the public via Zoom.
 - The Notice further directed the public to contact Mr. Kistler’s email noted on the notice, email-kistler@peyton.k12.co.us to secure the Zoom remote location for participation.
 - The Notice also contained and identified the action items.
 - This Zoom address was identical to previous Peyton School Board board meetings and Board Members know how to participate and had participated in for several meetings in the past.
 - Board members considered attending the Board Meeting “in-person” but due to the anticipated number of attendees and the current Restrictions, I decided to continue with the Board’s practice to attend the Board Meeting in accordance with the COVID-19 Restrictions to conduct the meeting with remote access.
 - This was as the Board Meeting was originally planned and as the Notice reflected.
 - The Notice was not changed, it was accurate.
 - Mr. Eckelberry was made aware of how the events of that day were progressing, and responded to Tim Kistler’s email address at 12:53pm, and then again at 1:51pm on May 21, 2020 with his objections. An action he denied at the June 16th, 2020 School Board Meeting.
 - The Peyton School Board proceeded with the Board Meeting remotely as scheduled, previously practiced and publicly notified.
 - Unfortunately, although provided with a computer with Zoom software and being familiar with the events of the day, the remote Zoom address and telephone access, Mr. Eckelberry chose not to attend the meeting via Zoom nor participate in the scheduled meeting by phone and rather, chose to sit in his vehicle outside the CTEF building during the meeting.
 - The meeting was a quorum and able to act. It addressed the action items identified in the Notice and lasted approximately six minutes.
 - The minutes of the meeting accurately reflect the meeting and the unanimous vote approving the action items.
- My Closing Comments
 - State law and Peyton School Board policy requires that the Board give full and timely notice to the public of any Board Meeting. A notice is considered timely if it issued at least 24 hours before the scheduled meeting. Additionally, to the extent feasible, the notice must reflect the type of meeting, the date and time of meeting, agenda contents, and any other category deemed appropriate by the Board.
 - Generally, due to public health or other concerns and specifically under circumstances such as the COVID-19 pandemic, both school board members and public attendees may operate and participate in school board meetings remotely.
 - Given the concerns raised by Mr. Eckelberry, I felt compelled to engage the School District’s attorneys of Anderson, Dude & Lebel, P.C. for a legal review of this circumstance. After their review, the attorneys confirmed in a letter that, in accordance with state law, the Notice of the Board Meeting was full and timely. The Notice contained the name of the meeting and its date and time, its Zoom

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location, the rationale for conducting it by Zoom and contact information for the public to access its remote Zoom location. Each Peyton School Board member and the public knew of the meeting, its location and agenda and how to access it within the Restrictions imposed during this COVID-19 pandemic. Finally, it was issued over 24-hours before the meeting. This letter was included in each board members packet that was sent to current board members last Thursday, July 16th for their review.

- Lastly, My Appreciation
 - To my fellow school board members, our administration and to the Peyton School District community, I want to thank you for your patience and understanding by giving me time to bring clarity to this matter.
- We will proceed with this Board meeting.

VIII. ACTION ITEMS-entered at 7:18pm

- A. **Reaffirm Action Items from May 21, 2020 Emergency Board Meeting-** Mr. Harfert made the motion to reaffirm the Action Items from the May 21, 2020 Emergency Board Meeting. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.
- B. **Acceptance of Mr. Eckelberry's Resignation Letter-** Mr. Hanks made the motion to accept Mr. Eckelberry's Board of Education Resignation Letter. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.
- C. **Call/Posting for Vacant Board Seat-** Mr. Harfert made the motion to call/post the request for candidates for the vacant Board seat. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.
- D. **Second Reading of Policy IHEDA-Concurrent Enrollment-**
- E. **Second Reading of Policy JICDA-Code of Conduct**
- F. **Second Reading of Policy JKD-JKE-Suspension/Expulsion of Students-**Items D, E, and F were approved as a Second Readings. Mr. Harfert asked if the principals have reviewed the Code of Conduct. Mr. Rea stated that he, Mr. Burnside, and Mrs. Watts have reviewed some of the discipline policies to ensure the updated compliances of the Claire Davis Act. They agreed on the use of rational thinking verses zero tolerance and that each instance should be reviewed on a case by case basis. Mr. Harfert made the motion to accept the Second Reading of Policies D, E, and F. Mr. Hanks seconded the motion. All Board Members present voted "aye". The motion passed.
- G. **Quarterly Financial Statement-**Ms. Kirchner presented the Quarterly Financial Statement to the Board of Education. The district's revenues in the General Fund are higher due to grant carryovers for the year. Mr. Harfert made the motion to approve the Quarterly Financial Statement. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.
- H. **Certified Request for Sabbatical Leave-**Due to the COVID virus, a certified staff member requested sabbatical leave to care for and ensure the safety of those who are at high risk living in her home. Mr. Harfert made the motion to approve the Certified Sabbatical Leave Request. Mrs. Harms seconded the motion. All Board Members present voted "aye". The motion passed.

Action Items ended at 7:50pm.

IX. DISCUSSION ITEMS

- A. **Policy Regulation-IHEDA-R-Concurrent Enrollment-**Since Discussion Items A & B are the Regulation portion of the Action Items they are included with the Policy. The Board did not have comments or questions on these items.
- B. **Policy Regulation- JKD-JKE-R-Suspension/Expulsion of Students**

X. EXECUTIVE SESSION-none

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

The meeting adjourned at 7:52pm.

MINUTES APPROVED at the August 18, 2020 at Regular Board Meeting.

President

Secretary