

**Margarita "Maggie" Lopez, Ph.D.**

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**Eagle County School District RE 50J  
BOARD OF EDUCATION**

Board Room, 757 East Third Street, Eagle  
Wednesday, August 23, 2017, 3:20 p.m.

**MINUTES**

**Board Members Present**

Felicia Battle  
Kate Cocchiarella  
Shelly Jarnot  
Tessa Kirchner  
Carolyn Knox Keep  
Kevin Kottenstette

**Administration Present**

Heather Eberts  
Chris Madison  
Maggie Lopez  
Sandy Mutchler  
Philip Qualman  
Tammy Schiff  
Traci Wodlinger

**Board Members Absent**

Patrick Hirn

**Administration Absent**

**A. General Function**

The meeting was called to order at 3:45 p.m.

**Procedural: 1. Roll Call**

Roll call was taken and all members were present in person except Carolyn Knox Keep who joined the meeting at 3:45 p.m. via phone and in person at 5:20 p.m. Patrick Hirn was absent and it was excused.

**B. Executive Session (3:45 p.m.)**

**Information: 1. Discrimination Complaint Regarding Individual Student and to Receive Legal Advice Regarding Discrimination Complaint.**

Kate Cocchiarella moved to approve to adjourn into executive session pursuant to 24-6-402(4)(h), C.R.S. and legal advice regarding discrimination complaint pursuant to 24-6-402(4)(b), C.R.S., Felicia Battle seconded the motion, all members present, voted aye on a roll call vote to convene the Executive Session. (6-o) **(Motion carried)**

The family, Adele Reester, Maggie Lopez, Amy Vanwel, were all invited to attend during the first portion of the executive session. That portion ended at: 3:45 p.m

The portion for legal counsel ended at: 4:29 p.m.

**(Attachment 08.23.B.1.)**

**C. Work Session (4:45 p.m.)**

**Discussion, Information: 1. System Academic Indicators and Student Achievement Update.**

Last spring, students in grades 3-9 took the PARCC English Language Arts (ELA) and Mathematics (Math) assessments. Students in grades 5 and 8 took the CMAS Science assessment. In addition, the state did a sampling of schools for the CMAS Social Studies assessment; therefore, only some students in grades 4 and 7 took the CMAS Social Studies assessment.

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Heather Eberts, Assistant Superintendent of Learning Services shared with the Board the results of the district and school level data. Also updating the members on the System Indicators and the students that are tested and what they are tested in.

Board members asked questions regarding the data and also requested a couple of items in the topic to come back at the retreat.

#### **D. Dinner for Board Members**

#### **E. Regular Session**

##### **Information, Procedural: 1. Call to Order and Pledge of Allegiance**

The meeting was called to order at 6:02 p.m.

#### **F. Public Participation**

##### **Information, Procedural: 1. Public Participation Guidelines.**

There was no public participation at this meeting.

#### **G. Consent Agenda**

##### **Action (Consent): 1. Approval of Agenda.\***

##### **Recommended Action: Move to approve the meeting agenda.**

This item was approved under the consent agenda.

##### **Action (Consent): 2. Approval of Minutes.\***

##### **Recommended Action: Move to approve the minutes from the August 23, 2017 Board of Education meeting.**

This item was approved under the consent agenda.

##### **Action (Consent): 3. Approval of Consent Items.\***

##### **Recommended Action: Move to approve the consent agenda items.**

#### **G. Consent Agenda Items**

1. Approval of Agenda.\*
2. Approval of Minutes.\*
3. Approval of Consent Items.\*

#### **M. Business and Operations**

##### **4. Approval of Development Agreement for the Red Sandstone Elementary School Parking Structure and Drive Improvements.\***

#### **N. Board Policies and Administrative Regulations.**

1. Approval of Monitoring Report for Governance Policy E-1, Student Results.\*
2. Approval of Monitoring Report for Governance Policy E-9, Asset Protection.\*

#### **O. Employee Relations**

1. Approval of Personnel List.\*

Kate Cocchiarella moved to approve the agenda pulling monitoring policy EL-9, Carolyn Knox Keep seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.)**

#### **H. Appeal Decision**

##### **Action, Discussion: 1. Board of Education's Decision to Determine Merit or No Merit to Discrimination Complaint.**

##### **Recommended Action: Move to reverse the decision of the Administration by finding merit to the discrimination complaint. OR Move to uphold the Administration decision by finding no merit to the discrimination complaint.**

Kate Cocchiarella, Board President spoke about the procedure of the discrimination hearing advising the Board to not reveal the student's identity.

Mrs. Jarnot spoke about the details of the incident and felt that the intention was to cause in a disruption in the school and that it is Board policy to protect students from disruptive behavior. Mr. Kottenstette felt that

the schools' responsibility to keep the school to running so that the kids can learn and to be proactive to keep disruptions. The members of the Board felt that the school Administration acted appropriately in repressing the disruption and that this is not a case of discrimination. Mrs. Battle spoke about that this was about keeping disruptive behavior out of the schools and that this was not a repression of the amendment rights.

Felicia Battle moved to **uphold the Administration decision by finding no merit to the discrimination complaint**, Shelly Jarnot seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.) (Attachment 08.23.H.1)**

### **I. Report of the Superintendent**

Dr. Maggie Lopez, Interim Superintendent shared with the Board her report of the work over the last few weeks.

Under school events and news as well as community news included excitement of the new year and being out in all of the schools in the first week, Educator Academy, meeting with the Colorado Department of Education representative, Eagle Valley Elementary Groundbreaking, Vail Daily Letter, Cordillera Motorcycle Appreciation Legacy Society Evening, PARCC Release, continuing the Community Partner meetings, eclipse watching event and turned the report over to Philip Qualman, Assistant Superintendent of Student Services reported about the \$160,000 awarded to the District from Colorado Department of Education through the Health Partnership Grant. This is currently a one-year grant.

State news included the announcement of the Performance Framework release on August 30<sup>th</sup>, the Colorado Every Student Succeeds Act reviewed by the Secretary of Education, and Dr. Lopez announced that she would attend training for new or returning Superintendents on Friday, August 25.

### **I. Board Reports**

Felicia Battle spoke about the ground breaking ceremony at Eagle Valley Elementary School and thanked our supporters for the funding that 3A and 3B.

Shelly Jarnot, Carolyn Knox Keep, Kevin Kottenstette and Tessa Kirchner did not have a report to share.

Shelly Jarnot and Tessa Kirchner did thank the supporters of the 3A and 3B and the volunteers who worked hard to make that happen.

Kate Cocchiarella shared she attended Educator Academy, Buck Institute and spoke about the Board work that she has been doing. Wrapped up with sharing a review of a few books she has been reading regarding education.

### **K. General Administration**

#### **Discussion, Information: 1. Old/New Business**

Kate Cocchiarella, Board President, spoke about the upcoming September 13, 2017 meeting and the tentative topics.

Mrs. Cocchiarella spoke about concerned parents/families about class size within certain grades and schools; thanking their families for their patience while we see watch the count. Dr. Lopez, Interim Superintendent spoke about that staff is meeting in the morning to go over enrollment numbers and to address some of those concerns.

### **L. Public Interest Items for Discussion**

**Action, Discussion: 1. Approval of Letter of Agreement with Hazard, Young, Attea and Associates.**

**Recommended Action: Move to approve the letter of agreement with Hazard, Young, Attea and Associates as presented.**

Kate Cocchiarella, Board President spoke about the final letter of agreement presented for approval. Tessa Kirchner also reminded the Board and public that this is the final step in the process to begin the Superintendent search for 2018-19 school year.

Shelly Jarnot moved to approve the letter of agreement with Hazard, Young, Attea and Associates as presented, Carolyn Knox Keep seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.) (Attachment 08.23.L.1.)**

**Discussion, Information: 2. Strategic Plan Update - Finance Tactic 6 - Facilities Master Plan.**

Sandra Mutchler, Chief Operations Officer spoke about the tactic of the long-range Facilities Master Plan and the goal to annual fund and complete 90% of planned priority 1 and 2 facility needs, as defined in the Facility Master Plan. Ms. Mutchler shared with the Board the identified priorities across the District, the items that are being taken care of through the bond by year. The Board thanked Ms. Mutchler for her work.

**Discussion, Information: 3. Strategic Plan Update - Learners Tactic 1 - Response to Instruction.**

Heather Eberts, Assistant Superintendent of Learning Services presented to the Board of Education information around the implementation of a robust Response to Instruction system in every school to create a multi-step, fail-safe processes. Ms. Eberts spoke about the work in progress, work over the last year and what the year ahead will bring. There has been progress that has been made but there is still lots of work ahead. Wrapping up Ms. Eberts shared the tool that Principals used to score the practice currently in place in their buildings and a short video of Principals, Roy Getchell and Matt Abramowitz speaking about the RtI work.

Board members asked about the alignment and how the work of Learning Service team looks for this year. Members thanked Ms. Eberts for her presentation and work to move the needle on the tactic.

**Discussion, Information: 4. Footsteps2Brilliance Update.**

Heather Eberts, Assistant Superintendent of Learning Services updated the members about the planning work that has been done and the topics discussed. Community partners, formal launch and strategic planning work were discussed. At Educator Academy several Principals were in attendance of at that class and there has been excitement around the use. Information was disseminated to schools and will be shared or has been shared with families.

Ms. Eberts will participate in the bi-monthly call this next week and will delve into the user numbers.

**Discussion, Information: 5. Board of Education Retreat Agenda Discussion.**

Kate Cocchiarella, Board President shared the outline draft of the agenda for August 30, 2017. The members reviewed and gave input about the draft.

**M. Business and Operations**

**Action, Discussion: 1. Annual Financial Auditor Discussion and Staff Direction.**

**Recommended Action: The board of education directs Sandra Mutchler to initiate an RFP process for an Independent Auditor. Or The board of education directs Sandra Mutchler to initiate the creation of an agreement for continued services with Swanhorst and Company.**

Sandy Mutchler, Chief Operations Officer addressed the Board of Education regarding the financial auditor. Eagle County School District has currently used Swanhorst and Company, LLC as their financial auditor since 2009 (9 years) and the question has come up about whether we should pursue an RFP and determine if it is in our best interest to continue using Swanhorst and Company, LLC or to work with another independent auditor.

The auditor works for the board and reports to the board even though they work closely with the finance department therefore it is the Board of Education that would determine what is in the district's best interest. If the board decides that they would like to go out to an RFP additional time will be needed in the transition process for the new auditor to gain the organizational knowledge needed to perform the audit. This would be for the 2017-18 fiscal year.

Board members voiced input regarding the competitive portion, other members shared their ideas to move forward, and others felt that during the year of transition isn't the best time but do agree with the other items.

Felicia Battle moved The board of education directs Sandra Mutchler to initiate an RFP process for an Independent Auditor, Kevin Kottenstette seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.)**

**Action, Discussion: 2. Approval of Award for the Eagle Valley Elementary School – Bid Package #2 Limited Scope and Guaranteed Maximum Price. (5 min)**

**Recommended Action: Move to approve Eagle Valley Elementary School BP #2 Limited Scope and GMP with the CMGC Team of Haselden Construction\RA Nelson in the amount of \$19,915,202.**

Jeff Chamberlin presented to the Board about the item brought in front of the Board for approval of the guaranteed maximum price proposal bid.

The November 2016 Bond Program identified capital construction improvements at Eagle Valley Elementary School that were based upon priorities established within the Eagle County Schools Facilities Master Plan. The team of Haselden Construction / RA Nelson Construction was selected in November 2016 to act as Construction Manager General Contractor (CMGC) to provide preconstruction services, secure proposals, and manage the construction of the improvements using a CMGC Cost Plus Guaranteed Maximum Price contract. The project architect (DLR Group / Tab Architects) held multiple user group meetings to develop schematic design, design development, and construction documents for the improvements which were completed and reviewed by the facility teams. The CMGC team provided preconstruction services for cost estimating, constructability, and value engineering recommendations in support of the design. The project scope has been solicited for bidding and a formal Guaranteed Maximum Price proposal has been prepared for approval by the Board of Education. The project scope is consistent with the improvements identified in the Bond and the proposal is within the budget established for the work.

This is higher than originally planned due to the soil conditions but still within the scope and budget of the work proposal. This has gone through the Design Discovery Group. This is also a schedule commitment by August 16, 2018 the school will be complete outside minor punch list items. New furnishings should be able to begin moving in on August 6, 2018.

Mr. Chamberlin spoke to the questions around the other projects.

Shelly Jarrot moved to approve Eagle Valley Elementary School BP #2 Limited Scope and GMP with the CMGC Team of Haselden Construction\RA Nelson in the amount of \$19,915,202, Carolyn Knox Keep seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.) (Attachment 08.23.M.2.)**

**Action, Discussion: 3. Approval of Award to Iconergy for Implementation Phase One for District Design Build Retrofit Construction for Retrofit I – LED Lighting. (5 min)**

**Recommended Action: Move to approve Iconergy, Ltd. for LED Lighting Retrofit at the following facilities; Avon ES, Berry Creek MS, Brush Creek ES, District Office, Eagle Valley HS, East Bus Barn / Food Services, Edwards ES, Gypsum Creek MS, Gypsum ES, Homestake Peak School, June Creek ES, Red Canyon HS East, and Red Hill ES. The total cost for the work is \$3,448,011, with the rebate in amount of \$280,000; the Net Cost is \$3,168,011.**

Jeff Chamberlin introduced Chuck Jordan and Lee Macke of Iconergy.

A competitive selection process was held in early 2017 and Iconergy was selected to complete an audit of the District energy use and prepare a plan / proposal for the installation of those upgrades. This motion is made to authorize the implementation of lighting system upgrades as Phase One of Energy Efficiency and Sustainability projects approved as part of the November 2016 Bond Program in 14 facilities across the District.

Retrofit 1 – LED Lighting is funded primarily from bond funds with supplemental funding from a \$280,000 energy efficiency grant from Holy Cross Electric, which was applied for and secured by the Contractor

specifically for the Lighting Retrofit project. This will be done during the nights and over the weekends with little interruptions to daily work at the schools.

Contractor will comply with the terms and conditions of the grant award to receive the funding available from the energy efficiency grant program.

Mr. Jordan spoke a bit about the program and the work ahead. Due to the grants, rebates, and savings the team will move forward with the work Board members asked questions about some of the work.

Shelly Jarnot moved approve Iconergy, Ltd. for LED Lighting Retrofit at the following facilities; Avon ES, Berry Creek MS, Brush Creek ES, District Office, Eagle Valley HS, East Bus Barn / Food Services, Edwards ES, Gypsum Creek MS, Gypsum ES, Homestake Peak School, June Creek ES, Red Canyon HS East, and Red Hill ES. The total cost for the work is \$3,448,011, with the rebate in amount of \$280,000; the Net Cost is \$3,168,011, Carolyn Knox Keep seconded the motion. All members present voted aye on a roll call vote. (6-0) **(Motion carried.) (Attachment 08.23.M.3.)**

Board member Kate Cocchiarella asked for an update on the other energy items. Mr. Chamberlin spoke about the work already done and the recycling that is in process for all of the items taken from the buildings. Mrs. Cocchiarella reminded the staff of Climate Action Plan that the Board agreed to so that it is kept at the forefront of the work that is being completed. Mrs. Jarnot asked for an update on the work still being done in the schools that could impact the students during the day. The construction activities will remain after hours and with permission of the Principal first; there is still items that are being completed. Painting in various buildings were a part of the maintenance up keep.

**Action (Consent): 4. Approval of Development Agreement for the Red Sandstone Elementary School Parking Structure and Drive Improvements.\***

**Recommended Action: Move to approve the August 9, 2017 Intergovernmental Development Agreement with the Town of Vail and the Vail Reinvestment Authority for the parking, driveway, and other related improvements on the Red Sandstone Elementary School site.**

This item was approved on the consent agenda.

**(Attachment 08.23.M.4.)**

#### **N. Board Policies and Administrative Regulations**

**Action (Consent): 1. Approval of Monitoring Report for Governance Policy E-1, Student Results.\***

**Recommended Action: Move to approve the monitoring report for Governance Policy EL-1, Student Results, as presented.**

This item was approved under the consent agenda.

**Action (Consent): 2. Approval of Monitoring Report for Governance Policy EL-9, Asset Protection.**

**Recommended Action: Move to approve the monitoring report for Governance Policy EL-9, Asset Protection as presented.**

This item was pulled from the consent agenda and Kate Cocchiarella, Board President spoke about why she asked for it to be pulled from the consent agenda.

Kate Cocchiarella moved to approve the monitoring report for Governance Policy EL-9, Asset Protection as presented, Tessa Kirchner seconded the motion. All members present voted aye on a roll call vote. (6-0)

**(Motion carried.)**

#### **O. Employee Relations**

**Action (Consent): 1. Approval of Personnel List.\***

**Recommended Action: Move to approve the revised personnel list as presented.**

This item was approved under the consent agenda.

**P. Feedback and Evaluation of Meeting**

**Discussion, Information, Procedural: 1. Evaluate Decisions of the Board Meeting in Terms of Governance Policies**

**Discussion, Information, Procedural: 2. Did the Meeting Advance the goals and Mission of the District?**

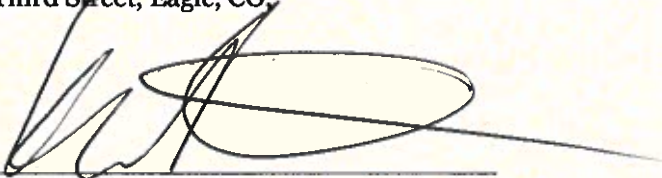
**Q. Adjournment**

**Procedural: 1. Meeting Adjournment**

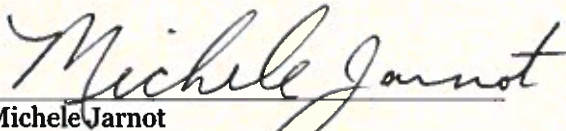
The meeting was adjourned at 8:30 p.m.

**Information: 2. Upcoming Board of Education Meetings**

The next regularly scheduled BOE meeting is: Wednesday, September 13, 2017 3:00 P.M. at Board Room, 757 East Third Street, Eagle, CO.



Kate Cocchiarella  
President of the Board of Education



Michele Jarnot  
Secretary/Treasurer of the Board of Education



Melissa Gerard, Executive Assistant