

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
PUEBLO SCHOOL DISTRICT 60
Tuesday, January 24, 2023 (5:30 PM)

1.0 CALL TO ORDER AND ROLL CALL

Board Chair Thomas Farrell called the meeting to order at 5:34 pm.

UPON THE ROLL BEING CALLED, THE FOLLOWING WERE PRESENT:

BOARD MEMBERS:

Barbara Clementi

Kathy DeNiro

Thomas Farrell

Anthony Perko

Soledad Sandoval Tafoya

ALSO IN ATTENDANCE: Mr. Richard E. Bump, Attorney

OPEN IN EXECUTIVE SESSION

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Anthony Perko)** Seconded to approve the **ORIGINAL** motion ' The Board of Education meets in executive session to confer with the School District's attorney for the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(4)(b) on the following specific legal question: the Board's authority, obligations, and remedies under the Chavez/Huerta K-12 Preparatory Academy Charter School Contract and the Colorado Charter School Emergency Powers Act with respect to the school's status and failure to meet its accounting and financial reporting requirements; and

To discuss an individual student recommended for expulsion where public disclosure would adversely affect the student involved pursuant to C.R.S. § 24-6-402(4)(h); and

To discuss a personnel matter, specifically Superintendent Macaluso's Midterm Evaluation pursuant to C.R.S. § 24-6-402(4)(f)(l)." Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

The Board of Education met in executive session to confer with the School District's attorney for the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(4)(b) on the following specific legal question: the Board's authority, obligations, and remedies under the Chavez/Huerta K-12 Preparatory Academy Charter School Contract and the Colorado Charter School Emergency Powers Act with respect to the school's status and failure to meet its accounting and financial reporting requirements; and

To discuss an individual student recommended for expulsion where public disclosure would adversely affect the student involved pursuant to C.R.S. § 24-6-402(4)(h); and

To discuss a personnel matter, specifically Superintendent Macaluso's Midterm Evaluation pursuant to C.R.S. § 24-6-402(4)(f)(l).

OPEN SESSION – The Board reconvened in Open Session at 6:06 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

2.0 CORRECTIONS AND MODIFICATIONS TO AGENDA

There were no corrections or modifications to the agenda at this time.

3.0 ADOPTION OF AGENDA

Adoption of Agenda

Recommendation: It is requested that the Board of Education adopts the agenda for January 24, 2023 as presented.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Thomas Farrell)** Seconded to approve the **ORIGINAL** motion 'It is requested that the Board of Education adopts the agenda for January 24, 2023 as presented.' Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

4.0 GIFTS TO SCHOOLS

Gifts to Schools

The Board of Education was asked to approve the following gifts to Pueblo School District No. 60 in the amount of \$85,298.66: 1. The Central High School Foundation donated \$1,000.00 to Central High School for sports and academic letters. 2. Ray Pusedu Memorial Fund donated \$10,000.00 to Central High School Baseball Program for a pitcher's mound and team. 3. Central High School Booster Club donated \$1,000.00 to Central High School Wrestling Program. 4. Central High School Booster Club donated \$1,000.00 to Central High School Girls' Wrestling Program. 5. Clay Ranson donated \$1,500.00 to Central High School. 6. Robert L. Belcher Family Foundation donated \$4,714.66 to Pueblo Academy of Arts for the 2023 University of Colorado-Boulder field trip. 7. H.W. Houston Construction donated \$500.00 to Bradford Elementary School for student activities. 8. Charles W. McCulley Inc. donated \$300.00 to Bessemer Academy. 9. Central High School Foundation purchased speakers valued at \$4,609.00 for Central High School. 10. Central High School Foundation donated \$775.00 to Central High School Boys' Wrestling Program. 11. Craig Law Insurance Agency donated \$400.00 to South High School Wrestling Program. 12. Centennial High School Foundation donated \$50,000.00 to Centennial High School for a new Daktronics scoreboard. 13. Steel City Eagles #3367 donated \$500.00 to South High School Cheer and Dance Programs. 14. TR Toppers, Inc. donated \$5,000.00 to East High School for two \$2,500.00 scholarships. 15. Greg Rode donated \$1,000.00 to East High School Wrestling Program. 16. Central High Foundation donated \$1,000.00 to Bessemer Academy. 17. Target Corporation donated \$2,000.00 to Baca Elementary School in recognition of outstanding community work.

Recommendation: The Board of Education approves and graciously accepts the gifts to schools as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Anthony Perko)** Moved, Member **(Kathy DeNiro)** Seconded to approve the **ORIGINAL** motion 'The Board of Education approves and graciously accepts the gifts to schools as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

5.0 RECOGNITION

Central High School Unified Bowling State Champions

For the third straight year, a Pueblo School District 60 high school captured the Unified Bowling State Championship in Englewood, Colorado. State qualifiers included Central, South, and first time qualifier Centennial. Central was crowned state champion after bowling their best game of the season. South earned runner-up honors, and Centennial was third. Eighteen teams from around the state competed in the CHSAA sanctioned state championship. Since the inception of Unified Bowling three years ago, Pueblo schools have claimed the top three spots at the state tournament except for last year - Windsor High School placed second. East High School was the sport's first ever state champion, followed by South High School last year, and Central High School this year.

Recommendation: The Board of Education recognizes Central High School as the 2022 Unified Bowling State Champions as presented in the January 24, 2023 Board materials.

Recognition of Colorado Association of School Boards (CASB) Convention Student Artists

Rylee Segarra (Belmont Elementary), Dimitri Ruybalid (Roncalli STEM Academy), and Maleena Romero (Centennial High School) were selected to feature their art during the 82st Annual Colorado Association of School Boards (CASB) Convention held in December, 2022.

Recommendation: The Board of Education recognizes and celebrates Rylee Segarra, Dimitri Ruybalid, and Maleena Romero as featured artists during the 82st Annual CASB Convention as presented in the January 24, 2023 Board materials.

PUBLIC COMMENTS

During this time the Board listens to comments from citizens in the community concerning school matters. Up to 30 minutes at each Board meeting are allotted for this purpose. There were no public comments to be heard. There were no public comments to be heard.

6.0 CITIZEN'S STATEMENT

9.0 REPORTS

World Language Curriculum Adoption Report

Krystal Rasmussen, Director of Curriculum and Instructional Programs, shared an overview of the new secondary World Language curriculum adoption. Director Rasmussen reported that a task force was formed in accordance with Board policy and the District 60 Strategic Plan. The task force was comprised of 13 members and included District content specialists, Director of Curriculum and Instruction, and World Language school staff to adopt curriculum for French, German, Italian and Spanish. Sixteen proposals from vendors were received, which required an extension of the process. Community stakeholder feedback was provided through curriculum stakeholder presentations. D'accord by Vista Higher Learning curriculum was chosen for French; Amici d'Italia by Carnegie was selected for Italian curriculum; Que Chevere was selected for Spanish curriculum; and Portfolio by Klett was selected for German curriculum. Maritza Villalobos, East High School Teacher and Department Chair, provided a task force member perspective. Ms. Villalobos expressed excitement with the curriculum and its relevance to the students' lives. The cost for the secondary World Language adoption for a five year period is approximately \$613,198.64: D'accord by Vista Higher Learning (French) \$163,358.96; Amici d'Italia and Que Chevere by Carnegie (Italian & Spanish) \$352,835.01; and Portfolio by Klett \$97,004.67.

Proposed Restrictive Covenant and Declaration of Carlile Elementary School Surplus

Robert Lawson, Executive Director of Facilities Management, presented a proposed Restrictive Covenant and Deed Restriction for comment and Board discussion, as well as a recommendation to declare the Carlile Elementary School property no longer needed within the foreseeable future for any purpose authorized by law and, thus, may be considered for marketing and sale.

In the Spring of 2021, the building experienced severe roof leaks due to damaged tiles and water damage and trusses throughout the years. A local contractor was contracted who determined that all tile sections along with the wooden roof trusses would need to be replaced. The repair estimates for what was known was \$750,000-\$800,00 and it not include wood truss replacement. In early June, the HVAC completed its inspection of the 1931 heating system and it was determined that the piping in the heating system was deteriorated and corroded. The District contacted a local mechanical system contractor and engineer to inspect the heating system. It was determined that the heating system was unsafe to operate due to corrosion of pipes, valves, steam traps and boilers. Heavy demolition and asbestos abatement would be necessary to make repairs and renovation of the building to meet code at an estimated cost of \$15-\$8 million. In July 2021, the Board of Education approved the closure of the school based on the assessment and costs for repair.

Attorney Bump stated that following the condition report and closure of Carlile Elementary School, the law allows for the building to be considered as surplus when there is no authorized use of the building in the foreseeable future and can be sold or leased subject to recommendation of the superintendent and action by the Board. It has been the District's practice to approve a Restrictive Covenant and Deed Restriction to be recorded against the real property, which is authorized by Colorado Law to restrict the use of not having a public school or private grade Pre-school through 12th grade. The limitations also included no marijuana facilities, gun or shooting facilities, or adult entertainment.

FY 2022-2023 Proposed Amended Budget

CFO David Horner reviewed the Appropriations Resolution for the Proposed Amended Budget Fiscal Year 2022-2023 in the amount of \$534,386,753, the Resolution Authorizing the Use of Portion of Beginning Fund Balance, Resolution Authorizing Interfund Borrowing, and Student Fee Resolution.

The information provided to the Board of Education included revenue adjustments for the 2022 - 2023 Proposed Amended Budget. These adjustments reflect actual student count and per pupil revenue versus budgeted. It will also include amended student fees as well as expenditure changes recommended to the FY 2022 - 2023 general fund adopted budget. An amended budget must be adopted before the end of January 2023.

7.0 COMMUNICATIONS/BOARD COMMENTS

The Superintendent and Board of Education may share communications.

Board Vice President DeNiro attended the MLK Walk and commented that there was more participation than last year. Board President Farrell and Board Vice President DeNiro attend the D60 Education Foundation meetings and requested an update on the upcoming

activities of the Foundation. Board Vice President DeNiro along with President Farrell and Superintendent Macaluso attended a joint meeting with D70 and Pueblo Urban Renewal Authority to determine the Board representative on the PURA Board. Board Member Clementi will be in Washington DC next week in her capacity as the president of the Colorado Association of School Boards. Board President Farrell and Board Vice President DeNiro attended the Central High School Unified State Bowling Championship Assembly. Dalton Sprouse, Director of Communications, announced that major upgrades and enhancements to Dutch Clark Stadium are being planned through the Pueblo Urban Renewal Authority. PURA also developed a logo for Dutch Clark Stadium. Director Sprouse thanked PURA for their support. Board President Farrell joined in expressing gratitude to PURA.

8.0 SPECIAL RESOLUTIONS

2023 National School Counseling Week Proclamation

Board Member Perko read the 2023 National School Counseling Week Proclamation.

The Board of Education was asked to adopt the 2023 National School Counseling Week Proclamation. 2023 National School Counseling Week Proclamation The Board of Education is asked to proclaim February 6-10, 2023 as National School Counseling Week to honor the work of counselors and focus public attention on the unique contributions of professional counselors in Pueblo School District No. 60. WHEREAS, school counselors are employed in public and private schools to help students reach their full potential; and WHEREAS, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and WHEREAS, school counselors help parents focus on ways to further the educational, personal and social growth of their children; and WHEREAS, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and WHEREAS, school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and WHEREAS, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; Therefore, we, the Pueblo School District No. 60 Board of Education, do hereby proclaim February 6-10 2023, as National School Counseling Week.

Recommendation: The Board of Education adopts the 2023 National School Counseling Week Proclamation as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Anthony Perko)** Moved, Member **(Thomas Farrell)** Seconded to approve the **ORIGINAL** motion 'The Board of Education adopts the 2023 National School Counseling Week Proclamation as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

2023 National Career and Technical Education CTE Month

Board Vice President DeNiro read the 2023 National Career and Technical Education CTE Month Proclamation.

The Board of Education was asked to proclaim February 2023 as Career and Technical Education Month. WHEREAS, February 2023, is designated Career and Technical Education Month by the Association for Career & Technical Education and the Colorado

Association for Career & Technical Education; and WHEREAS, Career and Technical Education (CTE) offers students the opportunity to gain the academic, technical and employable skills necessary for true career readiness; and WHEREAS, students in Career and Technical Education programs participate in authentic, meaningful experiences that improve the quality of their education and increase their engagement and achievement; and WHEREAS, Career and Technical Education provides students with career exploration opportunities earlier in their educational experience, which enables them to make informed and beneficial decisions about their academic coursework and pursue established programs of study and career pathways; and WHEREAS, leaders from business and industry nationwide and in Colorado report increasing challenges related to addressing the skills gap and connecting qualified professionals with available careers in critical and growing CTE related fields, including healthcare, energy, advanced manufacturing, cybersecurity and information technology; and WHEREAS, Career and Technical Education prepares students for these and other fulfilling careers by offering integrated programs of study that link secondary and postsecondary education and lead to the attainment of industry-recognized credentials. WHEREAS, Career and Technical Education programs ensure that employers have access to a qualified and thriving workforce, ensuring that America and Colorado have strong and competitive economies; THEREFORE, the Pueblo School District No. 60 Board of Education, does hereby proclaim February 2023, as CTE Month.

Recommendation: The Board of Education proclaims February 2023 as Career and Technical Education Month as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Kathy DeNiro)** Moved, Member **(Thomas Farrell)** Seconded to approve the **ORIGINAL** motion 'The Board of Education proclaims February 2023 as Career and Technical Education Month as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

2023 Black History Month Proclamation

Board Member Sandoval Tafoya read the 2023 Black History Month Proclamation.

The Board of Education was asked to proclaim the month of February 2023 as Black History Month in District 60 schools. BLACK HISTORY MONTH PROCLAMATION February 2023 WHEREAS, Harvard-trained historian Carter G. Woodson, noted Black Scholar and the son of formerly enslaved parents, first established Black History Week on February 12, 1926; and WHEREAS, this celebration was expanded into Black History Month in 1976; and WHEREAS, Black History Month is a time to reflect on, celebrate and learn about the many contributions and achievements of Black Americans throughout history; and WHEREAS, Black History Month is a time for all Americans to remember the stories, teachings, suffering, struggles, strengths and triumphs of Black Americans who gave a voice to the daily struggles for freedom, equality, diversity, equity and inclusion; and WHEREAS, the District is committed to celebrating and recognizing the contributions of Black Americans, Black Coloradans, and Black District 60 students and staff; THEREFORE, BE IT RESOLVED, that the Pueblo School District No. 60 Board of Education proclaims the month of February 2023 as Black History Month in District 60 schools.

Recommendation: The Board of Education proclaims the month of February 2023 as Black History Month in District 60 schools as presented January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Soledad Sandoval Tafoya)** Moved, Member **(Anthony Perko)** Seconded to approve the **ORIGINAL** motion 'The Board of Education proclaims the month of February 2023 as Black History Month in District 60 schools as presented January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

2023 School Board Appreciation Month

Director of Communications Sprouse read a Proclamation From Governor Jared Polis: WHEREAS, the education of our children is vital to the future of Colorado; and WHEREAS, a solid education establishes the foundation upon which society builds achievement and advancement, giving students' the tools to fulfill dreams and aspirations; and WHEREAS, local school board members are committed to children and the belief that all children can be successful learners with the intentional allocation of resources, instruction, and opportunities according to need; and WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our students; and WHEREAS, local school board members are responsible for crafting an educational structure that provides a solid foundation for our school system; and WHEREAS, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations to the district; and WHEREAS, school board members are extraordinary people who invest many hours of volunteer work to tackle the enormous job of governing our school districts and whose actions and decisions help impact the present and future lives of young Coloradans; and WHEREAS, the steadfast dedication of school board members across our state should be recognized and commended; THEREFORE, I, Jared Polis, Governor of the State of Colorado, do hereby proclaim January 2023 as School Board Appreciation Month.

Recommendation: The Board of Education acknowledges January as School Board Appreciation Month as presented in the January 24, 2023 Board materials.

10.0 POLICY

Board Policy FF-R-A, Administrative Guidelines for Selection of School Mascots & Colors---Second Reading

The Board of Education was asked to approve the new FF-R-A, Administrative Guideline for Selection of School Mascots & Colors, on second and final reading.

Recommendation: The Board of Education approves the new FF-R-A, Administrative Guideline for Selection of School Mascots & Colors, on the second and final reading as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Anthony Perko)** Seconded to approve the **ORIGINAL** motion 'The Board of Education approves the new FF-R-A, Administrative Guideline for Selection of School Mascots & Colors, on the second and final reading as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

Board Policy IC_ICA, School Year/School Calendar/Instruction Time---Second Reading

The Board of Education was asked to approve the modifications to Board Policy IC/ICA, School Year/School Calendar/Instruction Time, on second and final reading.

Recommendation: The Board of Education approves the modifications to Policy IC/ICA, School Year/School Calendar/Instruction Time, on second and final reading as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Thomas Farrell)** Moved, Member **(Anthony Perko)** Seconded to approve the **ORIGINAL** motion 'The Board of Education approves the modifications to Policy IC/ICA, School Year/School Calendar/Instruction Time, on second and final reading as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried. 5 - 0**

11.0 CONSENT AGENDA

1. APPROVAL OF CONSENT AGENDA

The Board of Education was asked to approve the Consent Agenda Items 2-14.

Recommendation: The Board of Education approves the Consent Agenda Items 2-14 as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Kathy DeNiro)** Seconded to approve the **ORIGINAL** motion 'The Board of Education approves the Consent Agenda Items 2-14 as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: 5 Nay: 0. The motion **Carried. 5 - 0**

2. Personnel Report

The Board of Education was asked to approve the report of personnel activity since December 13, 2022 including recommendations for appointments and transfers of certified and classified employees.

Recommendation: The Board of Education approves or acknowledges receipt of the information as indicated in the January 24, 2023 Board materials.

3. Approval of Minutes

Recommendation: The minutes of the school board meetings of December 13, 2022, December 14, 2022, January 12, 2023 and January 19, 2023 for Board approval.

4. Bills and Payroll

Be It Resolved By The Board of Education, School District No. 60, In the County of Pueblo Colorado, That checks numbered as shown on the bills list dated December 2022, which are attached hereto and made a part of these official minutes by reference aggregating \$8,080,261.04 and check numbers 1014624 - 1014990. Included are check numbers 1014991 - 1015024 which were issued as December 2022 payroll as authorized by designated administrators and reviewed by the Treasurer of the Board are hereby approved as issued. Be It Further Resolved By The Board Of Education, School District No. 60, In The County of Pueblo Colorado, That payrolls for employees for December 2022, aggregating \$5,620,847.95 for direct deposit check numbers 1000161 - 1002163 and check numbers 370480 - 370482 issued for December 31, 2022, which have been authorized by designated administrators and reviewed by the Treasurer of the Board are hereby approved as issued.

Recommendation: The Board of Education approves the Bills & Payroll Resolution as presented in the January 24, 2023 Board materials.

5. Contracts and Agreements: Independent Consulting Agreement between Dr. David K. Lerch Educational Consulting, Inc. and Pueblo School District No. 60

The Board of Education was asked to approve the Independent Consulting Agreement between Dr. David K. Lerch Educational Consulting, Inc and Pueblo School District No. 60 for the writing and submission of a federal Magnet Schools Assistance Program (MSAP) Grant Application Cycle 2023-2028.

Recommendation: The Board of Education approves the Independent Consulting Agreement between Dr. David K. Lerch Educational Consulting, Inc and Pueblo School District No. 60 as presented in the January 24, 2023 Board materials.

6. Contracts and Agreements: 2022-2027 Exclusive Sponsorship and Beverage Agreement Between Swire Pacific Holdings, Inc. doing business as Swire Coca-Cola, USA Coca-Cola and Pueblo School District No. 60

The Board of Education was asked to approve the 2022-2027 Exclusive Sponsorship and Beverage Agreement Between Swire Pacific Holdings, Inc. doing business as Swire Coca-Cola, USA Coca-Cola and Pueblo School District No. 60.

Recommendation: The Board of Education approves the 2022-2027 Exclusive Sponsorship and Beverage Agreement Between Swire Pacific Holdings, Inc. doing business as Swire Coca-Cola, USA Coca-Cola and Pueblo School District No. 60 as presented in the January 24, 2023 Board materials.

7. Contracts and Agreements: Independent Consulting Agreement and Addendum to Independent Consulting Agreement Between Measurement, Inc. and Pueblo School District No. 60

The Board of Education was asked to approve the Independent Consulting Agreement and the Addendum to Independent Consulting Agreement between Measurement, Inc. and Pueblo School District No. 60 to design and conduct an Internal Special Education Needs Assessment and deliver high quality Customized Professional Development & Site-Based Support in Multi-Tiered Systems of Support and Technical Assistance Services over a two-year period from March 1, 2023 through May 31, 2025. Year 1 (2023-2024) cost is \$282,645.29, Year 2 (2024-2025) cost is \$216,956.12 for a total cost of \$499,604.41.

Recommendation: The Board of Education approves the Independent Consulting Agreement and the Addendum to Independent Consulting Agreement between Measurement, Inc. and Pueblo School District No. 60 as presented in the January 24, 2023 Board materials.

8. Contracts and Agreements: Independent Consulting Agreement Between Carnegie Learning, Inc. and Colorado Public School Addendum and Pueblo School District No. 60

The Board of Education was asked to approve the Independent Consulting Agreement Between Carnegie Learning, Inc. and Colorado Public School Contract Addendum and Pueblo School District No. 60 in the amount of \$352,835.01 for the purchase of new World Language (Spanish and Italian) curriculum and professional services.

Recommendation: The Board of Education approves the Independent Consulting Agreement Between Carnegie Learning, Inc. and Colorado Public School Addendum and Pueblo School District No. 60 as presented in the January 24, 2023 Board materials.

9. Contracts and Agreements: Independent Consulting Agreement Between Vista Higher Learning, Inc. and Pueblo School District No. 60

The Board of Education was asked to approve the Independent Consulting Agreement Between Vista Higher Learning, Inc. and Pueblo School District No. 60 in the amount of \$163,358.96 for the purchase of new World Language (French) curriculum and professional services.

Recommendation: The Board of Education approves the Independent Consulting Agreement Between Vista Higher Learning, Inc. and Pueblo School District No. 60 as presented in the January 24, 2023 Board materials.

10. Contracts and Agreements: Independent Consulting Agreement Between Klett World Languages, Inc. and Pueblo School District No. 60

The Board of Education was asked to approve the Independent Consulting Agreement Between Klett World Languages, Inc. and Pueblo School District No. 60 in the amount of \$97,004.67 for the purchase of new World Language (German) curriculum and professional services, substantially in the form presented subject to final approval by legal counsel.

Recommendation: The Board of Education approves the Independent Consulting Agreement Between Klett World Languages, Inc. and Pueblo School District No. 60, substantially in the form presented subject to final approval by legal counsel, as presented in the January 24, 2023 Board materials.

11. Intergovernmental Agreement between Pueblo School District No. 60 and Pueblo County School District No. 70 Regarding Pueblo Urban Renewal Authority Representation

The Board of Education was asked to approve the Intergovernmental Agreement between Pueblo School District No. 60 and Pueblo County School District No. 70 Regarding Pueblo Urban Renewal Authority representation, substantially in the form presented subject to final approval by D70 legal counsel. The Colorado Urban Renewal Act provides that an urban renewal authority shall consist of thirteen commissioners, at least one of which shall be an elected member of a Board of Education of a school district levying a mill levy within the boundaries of the urban renewal authority area. If there two or more school districts within the boundaries, the school-district appointed seat must be filled by agreement of the affected school districts. Therefore, District 60 and District 70 desire to enter into this Agreement to define their respective rights to hold the school-district appointed seat as a commissioner on the Pueblo Urban Renewal Authority and to otherwise participate in meetings of the Authority and its committees. The term of this Agreement shall commence on the Effective Date and expire on January 31, 2025.

Recommendation: The Board of Education approves the Intergovernmental Agreement between Pueblo School District No. 60 and Pueblo County School District No. 70 Regarding Pueblo Urban Renewal Representation, substantially in the form presented subject to final approval by D70 legal counsel, as presented in the January 24, 2023 Board materials.

12. World Language Curriculum Adoption Recommendation

The Board of Education was asked to approve the recommendation of the World Language Adoption Task Force to adopt Vista Higher Learning (French), Klett (German), and Carnegie (Spanish and Italian) curriculum.

Recommendation: The Board of Education approves the recommendation of the World Language Adoption Task Force to adopt Vista Higher Learning (French), Klett (German), and Carnegie (Spanish and Italian) curriculum as presented in the January 24, 2023 Board materials.

13. Supplemental Budgets: Carl D. Perkins Grant

The Board of Education was asked to approve the Grant Recipient Agreement and accept the Carl D. Perkins funds for FY23 in the amount of \$235,843.00. The funds will be used to support the eight approved Career & Technical Education Pathways for East High School, South High School, Central High School and Centennial High School.

Recommendation: The Board of Education approves the Grant Recipient Agreement and accepts the Carl D. Perkins Grant Award in the amount of \$235,843.00 as presented in the January 24, 2023 Board materials.

14. Resolution Authorizing a Restrictive Covenant and Declaring Property Surplus

The Board of Education was asked to adopt a Resolution authorizing the recording of a Restrictive Covenant on the Carlile Elementary School property, declaring that it is no longer needed within the foreseeable future for any purpose authorized by law, and directing that the Superintendent develop a recommendation for its marketing and sale.

RESTRICTIVE COVENANT AND DEED RESTRICTION

This Restrictive Covenant and Deed Restriction ("Covenant") is made and entered into as of the 24 day of January, 2023 by the Pueblo School District No. 60, being the survivor of a merger/consolidation with School District Number 20, aka Pueblo City Schools, a public school district and political subdivision of the State of Colorado (the "School District"), 315 West 11th Street, Pueblo, Colorado 81003, and is for the benefit of and enforceable by the School District.

WHEREAS, the School District is the owner of the real property described on Exhibit A attached hereto and incorporated herein by reference, commonly known as Carlile Elementary School, located at 736 W. Evans, Pueblo, CO 81004. For purposes of this Covenant, the Property and all appurtenances, improvements and fixtures associated therewith shall hereinafter be referred to as the "Property"; and

WHEREAS, the School District desires to sell the Property and ensure that its future use and its redevelopment is compatible with the interests of the City of Pueblo community and the School District; and

WHEREAS, the School District desires to subject the Property to this Covenant in order to protect and preserve the interests referred to above once the Property is sold by the School District; and

WHEREAS, this Covenant is to be binding upon any subsequent buyer, devisee, transferee, grantee, owner or holder of title of the Property, or any portion thereof, and for purposes of this Covenant, the word "Owner," shall mean and include any entity or person who acquires an ownership interest in the Property, or any portion thereof, after the recording of this Covenant in the real estate records of the County of Pueblo, State of Colorado; and

WHEREAS, the Board of Education of the School District notified the public of its intent to impose this Covenant and discussed the issue in public at a regularly scheduled meeting of the Board.

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated by this reference, the School District as the owner of the Property, together with all rights and appurtenances thereto and improvements thereon, for itself, its successors and assigns and all subsequent owners, grantees, and transferees, declares, creates and imposes the following land use covenants, restrictions and limitations on the Property, and all portions thereof, and declares that the Property shall, from and after the date of the recording of this Covenant with the Clerk and Recorder of the County of Pueblo, Colorado, hereafter be subject to the terms and conditions of this Covenant. This Covenant shall run with the land and the Property, shall be binding upon the Property and shall be binding upon any subsequent Owner of the Property, or any portion thereof, and their heirs, successors, and assigns, and shall be for the benefit of the School District. Acceptance of a deed or other instrument of conveyance of the Property, or any portion thereof, shall constitute acceptance and approval of this Covenant and agreement to be bound by this Covenant without the necessity of expressly providing for such effect with respect to any particular provision herein.

1. Restrictions. The Property is subject to the following restrictions:
 - (a) No public or private school that provides educational programs for preschool through twelfth grade students or awards academic credit or credit toward vocational, professional, secondary or post-secondary degrees, licenses, or certifications shall be conducted in, on, from or through the Property, including, but not limited to, charter, online, virtual, electronic, learning center, drop-in center, correspondence, career or technical or other educational programs or course offerings, instructional or tutoring assistance, or academic activity, for any children or persons who would be eligible to enroll in, attend, or participate in preschool through twelfth grade or any one or combination of such grades, within or provided as part of the School District's schools or educational or instructional programs. As further explanation of this restriction, and not in limitation of it, the purpose of this restriction is not to allow activities to be carried on at the Property that would, directly or indirectly, enroll or serve students who would otherwise be eligible to enroll in and attend other School District schools, courses, programs or offerings.
 - (b) No marijuana dispensary or facility that sells, dispenses or grows marijuana or for the sale of items customarily used for the use or growth of marijuana shall be conducted in, on, or through the Property.
 - (c) No adult entertainment or adult novelty store of any kind shall be conducted in, on, or through the Property.
 - (d) No gun shop or shooting facility shall be conducted in, on, or through the Property.
2. Term. This Covenant and the restrictions contained therein shall be in full force and effect for a period of fifty (50) years from the date of the recording of this Covenant with the Pueblo County Clerk and Recorder's Office.
3. Binding Effect. This Covenant shall run with the land and the Property and shall be binding upon any transferee, grantee, or any future owner of the Property or any portion thereof. Any transfer of title to the Property, or any portion thereof, by deed or other instrument of conveyance, shall be subject to this Covenant and by acceptance of a deed or instrument of conveyance, the transferee, grantee or any future owner of the Property, or any portion thereof, shall be deemed to have consented to this Covenant and the restrictions contained therein.
4. Restrictions are for the Benefit of the School District. This Covenant and the restrictions contained herein are for the direct benefit of the School District and shall be binding upon and inure to the benefit of the School District.
5. Enforcement. This Covenant may be enforced by the School District and enforcement may be made by any lawful means, including a suit for injunctive relief and damages to reimburse the School District for enforcement costs, including reasonable attorney's fees. Venue for any suit to enforce compliance with this Covenant shall be proper in the District Court for the County of Pueblo, State of Colorado. As part of any enforcement action on the part of the School District, the party that does not prevail shall be

responsible for the payment of all court costs and reasonable attorney's fees incurred by the prevailing party, in connection with any action to enforce this Covenant.

6. Miscellaneous Provisions.

- a. Severability. Whenever possible, each provision of this Covenant and any other related document shall be interpreted in such a manner as to be valid under applicable law; but if any provision of any of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of such document.
- b. Governing Law. This Covenant and each and every related document is to be governed and construed in accordance with the laws of the State of Colorado.
- c. Binding Effect. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to the benefit of and be binding upon the School District.
- d. Section Headings. Paragraph or section headings within this Covenant are inserted solely for convenience of reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.
- e. Waiver. No claim of waiver, consent of acquiescence with respect to any provision of this Covenant shall be valid except on the basis of a written instrument executed by the School District recorded in the real estate records for Pueblo County.
- f. Modifications. Any modifications of this Covenant shall be effective only when made by writings approved by the School District' Board of Education, signed by an authorized officer of the Board, and recorded with the Clerk and Recorder of Pueblo County, Colorado.
- g. Owner and Successors Bound. The term "Owner" shall mean the person or persons who shall acquire an ownership interest in the Property, or any portion thereof, subject to this Covenant; it being understood that such person or persons shall be deemed an "Owner" hereunder only during the period of his, her or their ownership interest in the Property, or any portion thereof, and shall be obligated hereunder for the full and complete performance and observance of all covenants, conditions and restrictions contained herein during such period.

**EXHIBIT A
LEGAL DESCRIPTION**

LOTS 1 THROUGH 32, INCLUSIVE, BLOCK 55, COLORADO
COAL AND IRON COMPANY'S ADDITION NO. 3, COUNTY OF
PUEBLO, STATE OF COLORADO

With a street address of 736 W. Evans, Pueblo, CO 81004.

Recommendation: The Board of Education adopts the Resolution authorizing a Restrictive Covenant on the Carlile Elementary School property, determining that the property is no longer needed within the foreseeable future for any purpose authorized by law, and directing that the Superintendent develop a recommendation for its marketing and sale as presented in the January 24, 2023 Board materials.

11.1 CONSENT AGENDA ITEMS VOTED ON SEPARATELY

12.0 ACTION ITEMS

Expulsion of Student #154461

It is requested that the discipline matter, involving Student #154461 be presented to the Board of Education for the consideration of expulsion. Pueblo School District No. 60 Student Conduct and Discipline Code policy JKD/JKE Suspension and Expulsion of Students; JKD/JKE-E Grounds for Suspension and Expulsion, JICH-R Student Drug, Alcohol and Controlled Substance Offences

Recommendation: The Board of Education expels Student #154461 for one calendar year, pending review in 45 days as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Thomas Farrell)** Moved, Member **(Barbara Clementi)** Seconded to approve the **ORIGINAL** motion 'The Board of Education expels Student #154461 for one calendar year, pending review in 45 days as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

FY 2022 - 2023 Proposed Amended Budget, Adoption of Appropriations Resolution, Resolution Authorizing the Use of a Portion of Beginning Fund Balance, Resolution for Interfund Borrowing, and Resolution for Student Fees

On June 28, 2022, the Board adopted the budget for Fiscal Year 2022 - 2023. Prior to January 31st of the following year, school districts are allowed to adjust their adopted budget after they have received their final audit information to adjust beginning fund balances, certified mill levies, and their certified pupil count. Those three items, in addition to other revenue adjustments and unexpected expenditure needs, often require the budget to be adjusted.

Recommendation: The Board of Education adopts the FY 2022-2023 Proposed Amended Budget, Appropriations Resolution, Resolution Authorizing the Use of a Portion of Beginning Fund Balance, Resolution for Interfund Borrowing, and Resolution for Student Fees for FY 2022-2023 as presented in the January 24, 2023 Board materials.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Kathy DeNiro)** Seconded to approve the **ORIGINAL** motion 'The Board of Education adopts the FY 2022-2023 Proposed Amended Budget, and dispense with the reading of the Appropriations Resolution, Resolution Authorizing the Use of a Portion of Beginning Fund Balance, Resolution for Interfund Borrowing, and Resolution for Student Fees for FY 2022-2023 as presented in the January 24, 2023 Board materials'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**

13.0 BOARD DISCUSSION/RECOMMENDATIONS FOR AGENDA

Board Member Sandoval Tafoya asked for consideration and discussion for public comments to be given in-person in addition to the call in option. Board Member Sandoval commented that Board members received a letter from the East High School Alumni Foundation communicating concerns related to the new building, specifically historical and

commemorative items and artwork. Board Vice President DeNiro and Board Member Sandoval Tafoya met with representatives of the East High Alumni Foundation. Board Vice President DeNiro asked for communication to respond to the EHS Alumni Foundation concerns. Superintendent Macaluso stated that she responded to Mr. Wilcoxson regarding the concerns and a meeting is scheduled with the administrative team to address concerns. Board Vice President DeNiro stated that earlier this year she attended a breakfast for which Career Wise made a presentation and requested an update on CTE. Additionally, Board Vice President DeNiro asked that the District extend an invitation to the Career Wise Director. Superintendent Macaluso stated that an update on CTE was scheduled to be presented to the Board in February. Board Vice President DeNiro stated that she distributed information to Board members and superintendent regarding the development of a day treatment program. Board Vice President DeNiro asked for consideration of suicide prevention and intervention resources for District 60 and invited Board members to visit the Littleton Public Schools website.

14.0 ANNOUNCEMENTS

Announcements and Upcoming Events

January 25, 2023, 6:00 pm, District 60 Spelling Bee, Centennial High School Auditorium
January 27, 2023, 6:00 pm, Greater Pueblo Chamber 112th Annual Meeting & Citizen of the Year Presentation, Pueblo Convention Center
February 4, 2023, 8:00 am, Greater Pueblo Chamber Legislative Breakfast, Pueblo Convention Center
February 9, 2023, 2:00 pm, Special School Board Meeting, Administrative Services Center, Arapahoe Room
February 11, 2023, 6:00 pm, Latino Chamber 44th Annual Dinner Dance Celebration, Pueblo Convention Center
February 13, 2023, 3:30 pm, D60 Elementary STEM Fair, Occhiato University Center Ballroom
February 15, 2023, 3:30 pm, Southern Colorado Regional STEM Fair, Occhiato University Center Ballroom
February 21, 2023, 5:30 pm, School Board Meeting, Administrative Services Center, Arapahoe Room
February 23, 2023, 7:00 pm, All City Bands and Orchestras, South High School
February 25, 2023, 5:00 pm, United Way of Pueblo County Centennial Gala, CSU-Pueblo, Occhiato Room
March 2, 2023, Read Across America Celebrations, Minnequa Elementary School at 8:45 am; Columbian Elementary School at 10:15 am
March 2, 2023, 7:00 pm, Heaton Q3 Choir Concert
March 8, 2023, 6:00 pm, Belmont 2nd Grade Music & Art Performance on Africa
March 9, 2023, 5:30 pm, Boys and Girls Clubs of Pueblo County, Champions of Youth Dinner, Pueblo Convention Center
March 9, 2023, 7:00 pm, PAA Instrumental Music
March 14, 2023, 5:30 pm, School Board Meeting, Administrative Services Center, Arapahoe Room
March 17, 2023, 5:30 pm, Parkview Foundation 42nd Annual Starlight Gala, Pueblo Convention Center
March 18-22, 2023, Spring Break
April 1-3, 2023, National School Boards Association (NSBA) Conference, Orlando FL
April 5, 2023, 7:00 pm, Centennial Combined Concert
April 6, 2023, 2:00 pm, Special School Board Meeting, Administrative Services Center, Arapahoe Room
April 12, 2023, 6:30 pm, FIMS 1st Grade Musical, East High School
April 19, 2023, 6:00 pm, Belmont 4th Grade Music & Art Performance on South America
April 25, 2023, 5:30 pm, School Board Meeting, Administrative Services Center, Arapahoe Room
April 25, 2023, 6:00 pm, Baca - 1st and 2nd Grade Music

15.0 ADJOURNMENT

ORIGINAL - Motion

Member (**Kathy DeNiro**) Moved, Member (**Soledad Sandoval Tafoya**) Seconded to approve the **ORIGINAL** motion 'There being no further business, the meeting was adjourned

at 8:02 pm'. Upon a roll call vote being taken, the vote was: Aye: **5** Nay: **0**. The motion **Carried. 5 - 0**