

<b>DISTRICT COURT, TELLER COUNTY, COLORADO</b> Court address: <b>101 West Bennett Ave., P.O. Box 997, Cripple Creek, CO 80813</b> Phone Number: <b>(719) 689-7360</b>	DATE FILED: April 29, 2022 9:20 AM CASE NUMBER: 2022CV30023
ERIN O'CONNELL, Plaintiff,  Vs  WOODLAND PARK SCHOOL DISTRICT BOARD OF EDUCATION and CHRIS AUSTIN in his official capacity as Board Member; GARY BROVETTO in his official capacity as Board Member; DAVID ILLINGWORTH II in his official capacity as Board Member; SUZANNE PATTERSON in her official capacity as Board Member; DAVID RUSTERHOLTZ in his official capacity as Board Member, Defendants.	<p style="text-align: center;"><b>Court Use Only</b></p> <hr/> District Court Case Number: <b>2022CV30023</b> Division <b>11</b>
<b>ORDER RE: PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION</b>	

THIS MATTER came before the Court on April 26, 2022 on Plaintiff's Emergency Motion for Preliminary Injunction Prohibiting Further Violations of the Colorado Open Meetings Law. Plaintiff was represented by Mr. Maxfield, Defendants by Mr. Carlson.

I have considered the testimony of the witnesses, admitted exhibits, statement of counsel, the applicable law and FIND and ORDER as follows:

THE PARTIES AND JURISDICTION

Plaintiff Erin O'Connell (hereafter "O'Connell") is a resident of Teller County, Colorado and parent of three children in the school district. Defendant Woodland Park School District Board of Education (hereafter "Board") is a local public government body in Teller County. The Board members are Chris Austin (hereafter "Austin"), Gary Brovetto (hereafter "Brovetto"), David Illingworth II, Board Vice-President (hereafter "Illingworth"), Suzanne Patterson (hereafter "Patterson") and David Rusterholtz, Board President (hereafter "Rusterholtz") are the five members of the Board. Brovetto resigned from the Board on April 14, 2022. This Court has subject matter and personal jurisdiction over the parties

and Plaintiff has standing to challenge a violation of the Open Meetings (hereafter “OML”) as per C.R.S. 24-6-402(9)(a).

### BACKGROUND AND HISTORY

Board members Brovetto, Illingworth, Patterson and Rusterholtz were newly elected to the Board in November, 2021 and sworn in to join incumbent Austin on November 19, 2021. Merit Academy (hereafter “Merit”) is an existing contract school of the Education reEnvisioned BOCES. Merit operates in Woodland Park but is not a district authorized charter school. Prior to the election of the present Board, Merit applied to the prior Board to be chartered and its application was denied. At the December 8, 2021 Board meeting Illingworth stated he wanted to charter Merit (Exhibit 4 Board meeting minutes).

The Board held a special Board meeting on January 26, 2022. The AGENDA for that meeting, Item V was BOARD HOUSEKEEPING. The agenda did not mention Merit. The Board voted to approve a Memorandum of Understanding (hereafter “MOU”). The MOU was approved by the Board. On the following day, at the Board’s January 27, 2022 work session, Rusterholtz opened the work session by apologizing for the lack of transparency on the January 26<sup>th</sup> special Board meeting agenda item titled BOARD HOUSEKEEPING.

Prior to the February 9, 2022 Board meeting the posted agenda listed “1X Action Items a Re-Approval of MOU with Merit Academy.” On April 13, 2022 the Board again re-approved the MOU with Merit Academy.

### CLAIMS OF PLAINTIFF

Plaintiff claims the Board violated the OML by the January 26, 2022 post of the agenda titled “BOARD HOUSEKEEPING”, and the subsequent February 9, 2022 re-approval was a “rubber stamp” in violation of the OML and the second re-approval on April 13<sup>th</sup> was a continuing violation of the OML.

Plaintiff asserts further violations of the OML by Board members conducting secret meetings among themselves about Merit and the MOU. Plaintiff seeks an Order prohibiting Defendants from further violating the OML by engaging in discussion of public business by three or more members of the Board through a series of gatherings by less than three at a time “walking quorums”, holding meetings without adequate notice, by rubber stamping past non-complying meetings, and by failing to deliberate publicly on agenda topics in a properly noticed, open, public meeting, with an opportunity for public observation.

## DEFENDANT'S RESPONSE

Defendants claim this case is less about alleged violations of the OML and is more about policy differences about Merit becoming a potential charter school within the school district. Defendants deny any violation of the OML.

Even if the "BOARD HOUSEKEEPING" agenda item was inadequate the Board cured the alleged violation by properly noticing the meetings on February 9<sup>th</sup> and April 13<sup>th</sup> to reconsider the MOU.

Defendants admit Board members had private meetings or communication among themselves, Board attorney and District Superintendent. They assert that all meetings, contact or communication about Merit and the MOU was not a meeting as defined by the OML which is a quorum or three or more members. They assert the claim of their activity as a "walking quorum" has no legal basis and when as in this case that as long as the discussion of Merit was by less than three Board members, it is not a violation of the MOU.

Defendants assert the Plaintiff cannot prove the "RATHKE" factors necessary for a preliminary injunction to issue as per C.R.C.P. Rule 65. Obey the law injunctions are not favored, if not illegal and finally the MOU is not a binding contract with Merit. In order for the district to accept Merit as a district charter school the Board and Merit would have to negotiate, and both the Board and Merit would sign and ratify a future contract.

## FINDINGS OF FACT

The following findings of fact are made from the stipulated exhibits submitted by the parties and from the testimony of all five Board members, Dr. Neal and O'Connell at the preliminary injunction hearing on April 26, 2022. Some of the most significant exhibits are attached to this Order.

### PRIOR BOARD ACTION REGARDING MERIT ACADEMY

The prior Board rejected a charter school application from Merit Academy. Current Board members testified that rejection was because of concerns regarding transportation and food service expense and financial viability.

### PRIORITY OF THE CURRENT BOARD

The priority of the majority of the current Board was to make Merit Academy a charter school of the Woodland Park School District. Illingworth sent an e-mail to Rusterholtz on December 9, 2021 that chartering Merit should be the

immediate priority of the Board. That e-mail is attached as Exhibit 2. Illingworth testified that Merit Academy was part of his election campaign to improve school choice. Patterson testified that she looked forward to chartering Merit but denied making a decision before the January 26<sup>th</sup> vote. Rusterholtz testified that he campaigned on the issue that Merit would become a charter school for the district. Board attorney Miller told the Board at the January 26<sup>th</sup> meeting that the MOU is a proxy for charter approval (Exhibit 22, pg. 78, lines 1-3).

### MEMORANDUM OF UNDERSTANDING

The MOU is attached as Exhibit 1. Dr. Neal created the MOU with the assistance of Board attorney Miller because of the desire of the Board to move forward with the application of the charter school. Dr. Neal testified that he believed that Merit was the only BOCES contract school in Colorado and that chartering a contract school by a school district had never been done before and the MOU would provide a path forward. He mentioned the significant amount of staff time and meetings required by the process. Exhibit 24, an e-mail with a draft of the MOU demonstrates that only the Board attorney, Dr. Neil, Rusterholtz and Illingworth saw the MOU prior to the January 26<sup>th</sup> Board meeting and it was their intent to present it to the Board on the 26<sup>th</sup>. Illingworth comments that he doesn't see anything about the MOU on the Agenda.

### JANUARY 26, 2022 BOARD MEETING

The Board Agenda is the responsibility of President Rusterholtz. The Agenda is attached as Exhibit 7. Item V was listed as "BOARD HOUSEKEEPING". Both Rusterholtz and Dr. Neal testified that listing "BOARD HOUSEKEEPING" was a bad idea but they deferred to the Board attorney. The Agenda did not mention Merit, the MOU, or charter school process. Brovotto testified that he had a general idea that Merit would be discussed at the January 26<sup>th</sup> meeting and that "BOARD HOUSEKEEPING" was used to discuss controversial topics.

Board member Austin repeatedly expresses concern about the Agenda, lack of notice to the Board, the public and transparency. Austin, Rusterholtz and the Board attorney had a remarkable exchange. The following exchange is from Exhibit 22, pages 6 through 10 which is the Transcript of the hearing.

"I also have a question. I don't understand what "board housekeeping" means. So I'm not comfortable approving the agenda, because I actually don't know what that means. And this is a special meeting and, you know, the business stated in the notice of the meeting is housekeeping?"

What does that mean? I mean, are there subtitles to that? Are there agenda items that you want to discuss?

Because that's – that's not clear to me, and it's not clear to the public, as this notice was posted 24 hours ago as required by our policy. But I don't even know what that means, and so I'm not comfortable approving the agenda not knowing what the agenda actually is."

Rusterholtz replies:

"When you and I talked yesterday, I thought that we had discussed that. Is that – was that part of our discussion, or –

BOARD MEMBER AUSTIN: Well, we discussed several things. I don't know exactly what we're going to talk about tonight and, therefore, I can assume that the general public, who were invited to this meeting, also do not know. And so in the spirit of transparency, I think it would behoove us, as a Board, to make sure that our agendas are very clear in the discussion items, and even the action items that we want to discuss and vote on and make resolution on needs to be equally clear – not to just me in a private conversation between you and I, but I think to the general public.

I think that that's the concern I have is, don't understand what the housekeeping is, and I don't believe that the public does either."

Board attorney Miller:

"MR. MILLER: -- it's not an absolute necessity to provide granularity to the public. And I get that there's ambiguity here, but as long as the Board is not surprised completely – and it's my understanding that it's not – as an analogue, if you had a regular meeting, you could amend that agenda to add almost anything you wanted to.

The – it's not a duty to tell the public in advance about every single thing that's being issued. In this case, where there's – Dr. Neal and I have been working towards a possible approach to the Charter School issue that we brought forward, and not – having not been complete in that thinking of process, this was an approach to use to get down that road.

BOARD MEMBER AUSTIN: So this is – was an approach – like, leaving it ambiguous is an approach to get down that road so that we don't have a houseful of people who have opinions about that road? Or – I mean, I just – I mean, I understand that we want to talk about a memorandum, or whatever we talk about.

I just – I just – I just don't like this practice. Like, this is setting precedent – we're two months in as a new board and we're already establishing precedent where we can essentially process things in a way that is – to me, it's not trust-building. To me, it's actually counterproductive to the overarching goal of our work as a board, which is to work collaboratively. We can look through the different GPs.

And I'm glad we're looking at a couple of them. I think we need to do that every single month, but I have a concern that this is a tone that's being set that I actually am not comfortable with personally.

So I'm having a difficult time – I will have a difficult time approving this agenda, not knowing clearly what that agenda item is.”

Rusterholtz and Austin have the following discussion on page 10 of the Transcript:

“PRESIDENT RUSTERHOLTZ: The only reason that it is on the agenda is housekeeping – and that's why I wanted everybody else to know – is because of advice of counsel that it was that way.

Now, are you suggesting that going forward, perhaps we should – or I hear you saying that going forward we should be more transparent in the way that that is listed, and not to do the – not to do it – to do it in a way that is not as – perceived as it's not deceiving anybody –

BOARD MEMBER AUSTIN: Oh, absolutely.

PRESIDENT RUSTERHOLTZ: -- or hiding things?

BOARD MEMBER AUSTIN: Yeah, definitely. I mean, if we're going to take seriously the issue of rebuilding trust, then we

need to be equally concerned with not eroding what little trust we may have.

MR. MILLER: Understood.

BOARD MEMBER AUSTIN: And I think that the lack of transparency in matters as large as discussing – or, perhaps, taking motion – I don't know – on the chartering of Merit Academy, that's a pretty big deal.

So yeah. Those are my concerns.”

After this discussion the Agenda was approved by all members except Austin. The amended MOU was read into the record and approved by the Board.

BOARD ATTORNEY ADVICE TO BOARD AT JANUARY 26, 2022 MEETING  
RE: OML TRAINING - TRANSCRIPT EXHIBIT 22

Following the vote on the Agenda the Board Attorney began Board training. Attorney Miller encouraged the Board to be more transparent than before (pg. 13). On pages 37 and 38 he encourages the Board to connive and secretly whisper about school Board stuff.

“We're a local public body. That means that, unlike the State Board of Education and other certain State public bodies, two of you can get together for any purpose at all, privately. You can connive; you can secretly, you know, whisper about school Board stuff. You can do whatever you want in groups of two.

If there's three of you, or a quorum, and you get together, you – that's an open meeting. And so then that's not just applicable in you meeting together at Starbucks, but it also applies if you're meeting together via e-mail, or by text strand or by phone conference or Zoom.”

“But the constant is, if you're meeting together as a group of three to discuss or take action on school business, or district business, that is an open meeting. And because we're a Board of five, that needs to be a posted meeting if we're going to discuss, in any sort of depth, school business as a group of three or more of us.

That includes a daisy chain of three e-mails going around. If you do that, that's a violation, which is why we talk about: Don't Reply All. If Dr. Neal sends us something, you just reply to him and Mr. Rusterholtz, so that we don't violate that. But I guess the takeaway from Item 2 here is two of you can get together and be sneaky and private and secretive."

#### JANUARY 27, 2022 BOARD WORK SESSION

The Board had a work session on January 27<sup>th</sup>. The Agenda did not mention Merit or the MOU. Rusterholtz opened the meeting by apologizing for the lack of transparency for the Agenda item titled "BOARD HOUSEKEEPING". The Board minutes show that apology. Exhibit 10 is attached to this Order. He testified he received calls from a number of people in the community complaining about the Agenda and realized he could have done a better job.

#### FEBRUARY 9, 2022 REGULAR BOARD MEETING

The Agenda listed action item Re-Approval of MOU with Merit Academy (attached as Exhibit 11). Rusterholtz placed the Merit MOU on the Agenda for discussion and for another vote by the Board. Dr. Neal announced the Board would re-approve the MOU for the sake of full transparency making sure that everyone in the community understands various perspectives of the Board. Exhibit 23, pg. 99.

Despite the comments of Rusterholtz and Dr. Neal, the MOU was not read into the record, no member made a comment and the Board voted to accept the MOU to move to the contract stage.

#### APRIL 13, 2022 REGULAR BOARD MEETING AGENDA. ATTACHED EXHIBIT 13

The Agenda listed Action Item Xc Discussion and Reconsideration of Re-Approval of MOU with Merit Academy - President Rusterholtz. Austin changed his vote to NO. Dr. Neal testified the Board had a full but not fair discussion based upon the decorum by some members. Counsel have provided a summary of the April 13<sup>th</sup> meeting. The summary states the Board discussed the issue for one hour and each member was on the record with questions or opinions related to the MOU.



## COMMUNICATION BETWEEN TWO BOARD MEMBERS

There is evidence that two members, Rusterholtz and Austin discussed Board business as well as Rusterholtz and Illingworth.

### TESTIMONY OF O'CONNELL

O'Connell has three children in the school district, married and has a business. She was a former Board member of the Lake George Charter School and is familiar with the OML. She relies on the school Board Agenda to determine her schedule and whether to attend or watch a school Board meeting. She did not attend the January 26<sup>th</sup> meeting because she had no idea what "BOARD HOUSEKEEPING" was. After hearing about the meeting on the 26<sup>th</sup>, she made a CORA request for a transcript. She did see the February 9<sup>th</sup> Agenda, but did not see any listing of the pros and cons and was hoping for discussion. She thought the April 13<sup>th</sup> Agenda was confusing and redundant. She is familiar with Merit and the charter school Agenda. She testified she did not know the MOU was the same as a charter application.

### APPLICABLE LAW OPEN MEETINGS LAW

C.R.S. 24-6-401. Declaration of Policy. It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret.

The OML defines a meeting as "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication". C.R.S. 24-6-402(1)(b).

The OML is a complex statute, the central purpose of which is to ensure public participation in the policy-making process by requiring public access to a wide range of government meetings. The OML should be interpreted broadly to further the legislative intent that citizens be given a greater opportunity to become fully informed on issues of public importance so that meaningful participation in the decision-making process may be achieved. *Board of County Commissioners, Costilla County v. Costilla County Conservancy District*, 88 P.3d 1188 (Colo. 2004).

All meetings of a quorum of three or more members of any local public body whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times. C.R.S. 24-6-402(2)(b).

The OML provides that a local public body can conduct a meeting only after providing 24 hours of notice to the public and thereafter allow the public to attend and observe the discussion among members of the public body. The posting shall include specific agenda information where possible. C.R.S. 24-6-402(2)(c).

In determining whether the notice or item on a public agenda is full, the Colorado Supreme Court requires Court to apply an objective standard meaning that a notice should be interpreted in light of the knowledge of an ordinary member of the community to whom it is directed. *Darien v. Town of Marble*, 181 P.3d 1148 (Colo. 2008).

A vote to re-approve an earlier decision that violated the OML does not cure the prior violation but merely “rubber stamped” it. *Walsenburg Sand and Gravel Co. Inc. v. City of Walsenburg*, 160 P.3d 297 (Colo. App. 2007) and *Van Alstyne v. Housing Auth. Auth.*, 985 P.2d 97 (Colo. App. 1999).

A trial court has broad discretion to formulate the terms of injunctive relief when equity so requires. An injunction prohibiting conduct must be sufficiently precise to enable the party subject to the equitable decree to conform its conduct to the requirements thereof. *Colorado Springs Bd of Realtors, Inc. v. State*, 780 P.2d 494 (Colo. 1999) and C.R.C.P. 65(d).

In order to obtain a preliminary injunction, the moving party must demonstrate: 1) a reasonable probability of success on the merits; 2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; 3) that there is no plain, speedy, and adequate remedy at law; 4) that granting a preliminary injunction will not disserve the public interest; 5) that the balance of equities favors the injunction; and 6) that the injunction will preserve the status quo pending a trial on the merits. *Rathke v. MacFarland*, 648 P.2d 648 (Colo. 1982).

### ANALYSIS AND CONCLUSION

Walking Quorums. I reject the argument of Plaintiff. I agree with Defendant that this trial Court should not legislate by reading a statute to accomplish something the plain language of 24-6-402(2)(b) does not say, suggest or mandate. It is the responsibility of the Colorado General Assembly to prohibit two members of a public body from discussing public policy, or the Colorado appellate Courts to set binding precedent regarding secret communication between two members.

I find no violation of the law and find no need to address the Rathke factors. The request for a preliminary injunction prohibiting two members from meeting is DENIED.

### ADEQUATE NOTICE AND RUBBER STAMPING

1. Plaintiff has Demonstrated a Reasonable Probability of Success on the Merits.

The clear priority of the majority of the Board was to charter Merit. It was their campaign Agenda. The "BOARD HOUSEKEEPING" Agenda item was a conscious decision to hide a controversial issue regarding Merit, the MOU and intent to charter. Rusterholtz and the Board attorney knew the MOU was a proxy for making Merit a charter school. The Board "rubber stamped" the decision at two subsequent meetings. An ordinary member of the community could not have understood or known what "BOARD HOUSEKEEPING" or Re-Approval of MOU with Merit Academy meant.

2. Danger of Real, Immediate and Irreparable Injury which may be Prevented by Injunctive Relief.

O'Connell has demonstrated that lack of notice and "rubber stamping" by the Board constitutes an injury in fact as per 24-6-402(9)(a). She has shown a reasonable probability of success on the merits.

3. No Plain, Speedy and Adequate Remedy at Law.

24-6-402(9)(b) gives Colorado Courts jurisdiction to enforce the OML. Injunctive relief is the only practical remedy for violation.

4. The Injunction will not Disserve the Public Interest.

Public decision making and transparency is always in the public interest.

5. The Balance of Equities Favors Issuance of the Injunction.

Defendants cannot demonstrate any legitimate reason for hiding their real Agenda at Board meetings. The balance of equities are clearly in Plaintiff's favor.

6. The Injunction will Preserve the Status Quo Pending Trial on the Merits.

The requested relief seeks only that Defendants comply with the law pending trial. Defendants seek full transparency in the public listing of Agenda items by proper notice that complies with the OML and the Board not “rubber stamp” decisions that do not comply with the OML.

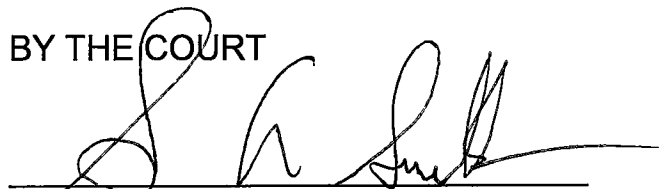
CONCLUSION

The Board is duly elected and has the legal authority to make Merit a charter school if a contract between Merit and the Board can be successfully negotiated. It is not the court’s business to supervise the wisdom of that decision. However, it is the responsibility of the Court to review compliance with the OPEN MEETINGS LAW when a lawsuit for non-compliance is filed.

A preliminary injunction is GRANTED. The Defendant shall comply with the OML by clearly, honestly and forthrightly listing all future Agenda items regarding Merit Academy. Perhaps something as simple as “Merit Academy Charter School Application”. The Board is further enjoined from “rubber stamping” any Board decision that does not comply with the notice requirements of the OML.

SO ORDERED this 29<sup>th</sup> day of April, 2022.

BY THE COURT

A handwritten signature in black ink, appearing to read 'S. A. Sells', written over a horizontal line.

Scott A. Sells, District Judge

**Memorandum of Understanding**

DATE FILED: April 15, 2022 3:08 PM

This Memorandum of Understanding ("MOU") is entered into and is effective as of January 26, 2022 (the "Effective Date") by and between the Woodland Park School District (the "District") and Merit Academy ("Merit") referred to herein each, as a ("Party"), and together, as the ("Parties").

**Recitals**

WHEREAS, Merit previously applied to the District for charter authorization; and

WHEREAS, Merit was approved as a contract school by ERBOCES; and

WHEREAS, Merit now desires to transfer to District authorization as a charter school; and

WHEREAS, as a contract school, Merit opened successfully in the fall of 2021 Merit asserts that it functions operationally and academically in the manner proposed in the original application (as a classical academy); and

WHEREAS, the Parties agree that a pathway involving a brand new application process would, in many respects, be unnecessary and artificial; and

WHEREAS, the boards of directors of the Parties agree that any and all requirements to ensure future success can be included in the resulting charter contract; and

WHEREAS, because the District staff and community wish to move forward with attention on consequential matters in this time of great pressure and change in public education, the District board wishes to move directly to the contracting phase;

NOW, THEREFORE, in consideration of the foregoing recitals, the Parties hereby:

1. Establish a period of no longer than 90 days to complete and sign a charter contract for a term of five years to begin on July 1, 2022; and
2. Agree that reasonable pre-opening and operating conditions, to include finance, staffing, exceptional student services, enrollment, and educational program plans acceptable to the District board will be included in the charter contract; and
3. Agree that the essential elements of the previous charter application will be incorporated in the resulting charter contract; and
4. Agree that if the Parties are unsuccessful in reaching agreement on a charter contract, the District board will open a charter application window within fifteen days and Merit will be provided the opportunity to submit an original application and accorded every opportunity to be fairly and fully considered within the standard charter application process.

[Signature Page Follows]



Woodland Park School District

Dr. Mathew Neal

Name (print):

Superintendent

[Handwritten Signature]

Signature:

1/26/2022

Date:

DAVID RUSTENHOLTZ

Name (print):

President of the Board

[Handwritten Signature]

Signature:

January 26, 2022

Date:

Merit Academy

Name (print): Barry Arrington

[Attorney]

[Handwritten Signature]

Signature:

1/24/2022

Date:

EXHIBIT 2

**Next week's agenda**

david.illingworthii.boe@wpsdk12.org David Iillingworthii

Thursday, December 9, 2021 at 2:38:25 PM Mountain Standard Time

To: david.rusterholtz.boe@wpsdk12.org David Rusterholtz

Some ideas for next week's agenda. My idea is that chartering Merit should be our immediate priority, but it might be good to move the ball forward on some other things. This is the flood the zone tactic, and the idea is that if you advance on many fronts at the same time, then the enemy cannot fortify, defend, effectively counter-attack at any one front. Divide, scatter, conquer. Trump was great at this in his first 100 days.

(1) Core Value and District Policy Oversight Committee: improve communication and effective response between BOE and administration; promote efficient procedure and uniform outcomes for investigations and corrective measures; identify deficiencies in school policy, procedure, or environment that negatively impacts students and staff.

(2) (Sue's idea) Motion that administration will brief the BOE on current procedure for grant applications (who approves the application/who approves receipt); current status of all grant applications; identify process improvements to ensure success at winning those grants sought, and prevent any grant approvals that will encumber WPSD contrary to our mission and core values.

(3) Executive session to discuss [REDACTED] and receive advice of board attorney.

(4) Shifting the burden from parental opt-out on controversial subjects to school obtaining affirmative parental opt-in after reasonable written notice to parents.

(5) Anti-CRT umbrella policy. This would be broadly popular.

(6) Tell MN let's the get the ball rolling on the background checks for us.

**DAVID W. ILLINGWORTH II**  
Director  
Woodland Park School District

**WOODLAND PARK SCHOOL DISTRICT RE-2  
BOARD OF EDUCATION**

**Special Board Meeting – January 26, 2022** DATE FILED: April 15, 2022 3:08 PM

Place: District Administration Office

Time: 6:00 p.m.

**AGENDA**

- I. CALL SPECIAL MEETING TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. APPROVAL OF AGENDA
- IV. INFORMATION
  - a. Board training with Attorney Brad Miller
  - b. Governance Policy Review
    1. GP-8, Agenda Planning & Board Meetings
    2. GP-10, Monitoring Board Performance
- V. BOARD HOUSEKEEPING
- VI. EXECUTIVE SESSION/Personnel Matter as per C.R.S. §24-6-402(4)(f) for Superintendent Contract Review
- VII. ADJOURN SPECIAL MEETING

**Agenda Subject to Change**

The inclusion of items suggested by staff members, students or citizens shall be at the discretion of the Superintendent and Board President ten days prior to the meeting.



Woodland Park School District Re-2

**BOARD OF EDUCATION**

Work Session – January 27, 2022

DATE FILED: April 15, 2022 3:08 PM

**CALL TO ORDER**

The work session was called to order by Board President David Rusterholtz at 6:07 p.m. with the following members present: Chris Austin, Gary Brovetto, David Illingworth II, Suzanne Patterson, and Mr. Rusterholtz.

**OPENING REMARKS BY BOARD PRESIDENT**

Mr. Rusterholtz opened the Work Session by apologizing for the lack of transparency on the January 26 Special Board Meeting agenda with the agenda item titled Board Housekeeping.

**POLICY IMB DISCUSSION**

Executive Director of Student Success Tina Cassens shared her findings in the review of policy IMB – Teaching About Controversial/Sensitive Issues and its impact on accompanying policies connected to IMB. Discussion entailed minimal modifications to recommended revision and additions. Consensus from Board of Education is the recommendations are appropriate and agreed that the District is moving in the right direction. Ms. Cassens anticipated final language being completed by early March.

**ADJOURN**

MOTION Illingworth II, second Patterson, to adjourn the work session at 7:31 p.m. MOTION CARRIED; Voting Aye – Austin, Brovetto, Illingworth II, Patterson, Rusterholtz.

Attest:

  
\_\_\_\_\_  
Board of Education Secretary

  
\_\_\_\_\_  
Board of Education President

**WOODLAND PARK SCHOOL DISTRICT RE-2  
BOARD OF EDUCATION**

**Regular Board Meeting – February 9, 2022** FILED: April 15, 2022 3:08 PM

Place: High School Auditorium

Time: 6:00 p.m.

Live link: [https://www.youtube.com/channel/UChJRTL03dNclxGDL\\_1clxRA](https://www.youtube.com/channel/UChJRTL03dNclxGDL_1clxRA)

**AGENDA**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. APPROVAL OF AGENDA
- IV. BOARD OF EDUCATION AND SUPERINTENDENT OPENING REMARKS
- V. PUBLIC COMMENT
- VI. CONSENT CALENDAR
  - a. Minutes – January 12, 18, 19, 26, 27, 28, 2022
  - b. Financial Reports
  - c. Personnel
    1. New Contracts
    2. Resignations
  - d. Board Governance Policies
    1. GP-8, Agenda Planning & Board Meetings
    2. GP-10, Monitoring Board Performance
  - e. Superintendent Consulting with State of Colorado
- VII. DISCUSSION ITEMS
  - a. Board Mission and Vision
- VIII. BOARD EXECUTIVE EXPECTATIONS (Information & Action)
  - a. EE-3, Student Conduct and District Culture – Presentation by Tina Cassens
- IX. ACTION ITEMS
  - a. Re-Approval of MOU with Merit Academy
- X. PUBLIC COMMENT CLOSING REMARKS
- XI. REPORTS
  - a. Superintendent Report
  - b. Board of Education Report
- XII. ADJOURN

Agenda Subject to Change

The inclusion of items suggested by staff members, students or citizens shall be at the discretion of the Superintendent and Board President ten days prior to the meeting.

Revised 4/12/22 @ 2:45 p.m.

**WOODLAND PARK SCHOOL DISTRICT RE-2 BOARD OF EDUCATION**

Regular Board Meeting – April 13, 2022 DATE FILED: April 15, 2022 3:08 PM

Place: Middle School Commons

Time: 6:00 p.m.

Live link: [https://www.youtube.com/channel/UChJRTLo3dNclxGDL\\_1clxRA](https://www.youtube.com/channel/UChJRTLo3dNclxGDL_1clxRA)

**AGENDA**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. APPROVAL OF AGENDA
- IV. DISTRICT/COMMUNITY SPOTLIGHT
  - a. Middle School Family & Consumer Science (FACS) – Middle School Principal Yvonne Goings
  - b. New Chief of Police Welcome – Superintendent Dr. Mathew Neal
- V. BOARD OF EDUCATION AND SUPERINTENDENT OPENING REMARKS
- VI. PUBLIC COMMENT [Will be limited to one hour. Names submitted prior to the start of the meeting will be randomly selected. Any additional minutes during the hour shall be contributed to additional commenters. Any commenters not allowed adequate time due to the hour limit are kindly requested to email the Board of Education and Superintendent. The Board will be discussing future opportunities for town hall sessions exclusively dedicated to public comment.]
- VII. CONSENT CALENDAR [Consent agenda items are typically routine matters that do not require discussion prior to approval]
  - a. Minutes – March 5, 9, 16, 30, April 1, 2022
  - b. Financial Reports
  - c. Personnel
    1. New Contracts
    2. Resignations/Retirements
- VIII. DISCUSSION/INFORMATION
  - a. Ute Pass BOCES Structure – Dr. Neal
  - b. District Attorney Representation Change – Dr. Neal
  - c. Future Board Town Hall meetings – Board President David Rusterholtz
  - d. Board Strategic Pillars – Dr. Neal
- IX. BOARD EXECUTIVE EXPECTATIONS (Information & Action)
  - a. EE-4 & EE-6, Interactions with Students/Parents/Guardians & Community Relations – Presentation by Tina Cassens & Miles Tuttle
- X. ACTION
  - a. Resolution for Teacher Appreciation Week – President Rusterholtz
  - b. Supplemental Budget Resolution #1 - Executive Director of Business Services Brian Gustafson
  - c. Discussion and Reconsideration of Re-Approval of MOU with Merit Academy – President Rusterholtz
- XI. REPORTS
  - a. Superintendent Report
  - b. Board of Education Report
- XII. EXECUTIVE SESSION/for Legal Advice as per C.R.S. §24-6-402(4)(b)
- XIII. ADJOURN

Agenda Subject to Change

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