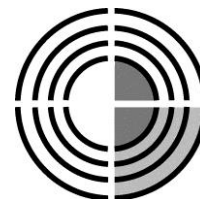




*SCHOOL DISTRICT 27J*  
**GOVERNING POLICY OF  
THE BOARD OF EDUCATION**



**Policy 4.E – MONITORING SUPERINTENDENT PERFORMANCE**  
(Accepted 8-24-10)

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*Executive Limitations 3.I*  
**Global Executive Constraint**

**Policy 3.I – BOARD AWARENESS & SUPPORT**

*Date Adopted/Last Revised: January 27, 2009*

Date Reported - December 9, 2014

The Superintendent will not cause or allow the Board to be uninformed or unsupported in its work.

*I interpret “uninformed” to mean: failure to provide relevant facts and answer requests for information to help the Board make a decision.*

*I interpret “unsupported,” to mean: failure to, through the use of District personnel, resources and relationships, willingly help the Board complete their responsibilities.*

*I interpret “its work” to mean: the Board’s job defined in Governance Process and Board/Superintendent Linkage Policies.*

**Data Reported:**

Since the adoption of the Policy Governance® model in January, 2009 the Superintendent of Schools has consistently provided information to the Board in multiple ways. Information has been provided through official Expectations of the Board reports, Board updates, and other publications, and staff who are made available to guarantee that the Board of Education of School District 27J is properly and reasonably informed of issues that appear before the Board.

- Expectations of the Board reports have been presented on time according to the Board’s Calendar
- Board updates have been presented weekly
- Additional Board updates have occurred when necessary to insure the Board is aware of significant events or incidents within the District

Bi-monthly editions of the 27J Compass have been published during this monitoring period sharing news from throughout School District 27J.

During this reporting period, staff and I have supported the board's continued efforts to hear from stakeholders through the following linkage meetings:

Linkage with Middle School Students, Parents and Guardians	February 11, 2014
Linkage with 27J Classified Employees	April 8, 2014
Linkage with Graduating Seniors	May 13, 2014
Linkage with 27J Principals	July 29, 2014
Linkage with Main Street Businesses	September 9, 2014
Linkage with 27J Church Pastors	October 14, 2014

As the Board of Education has conducted its work, the Superintendent of Schools has ensured the availability of staff to answer questions and/or provide clarifying information at the Board's request. Since the adoption of the governance model, the Chief Operations Officer, Chief Legal Officer, Chief Academic Officer, Chief Finance Officer, and the Chief Human Resources Officer have all appeared before the Board of Education to provide Expectations of the Board reports and to answer questions brought forth by the Board of Education.

### **Conclusion: I report compliance**

The Superintendent will not:

1. Withhold, impede or confound information necessary for the Board's informed accomplishment of its job.
  - a) The Superintendent will not neglect to submit Expectations of the Board reports (including Superintendent interpretation of board policies being monitored, as well as reporting data) required by the Board (see "Monitoring Superintendent Performance" policy in Board-Management Delegation) in a timely, accurate and understandable fashion.

*I interpret "Expectations of the Board reports" to mean: information or data provided in writing to the Board of Education derived from internal reports in relation to each Board Global Goal and Executive Limitation as established by the Board calendar*

*I interpret "timely" to mean: data are presented within the dates established by the board for monitoring each policy prohibition located in the Executive Limitations*

*I interpret "accurate" to mean: conforming exactly to fact*

*I interpret "understandable" to mean: capable of being comprehended or understood*

### **Data Reported:**

When the governance model was adopted in January, 2009, the first Expectations of the Board report, Asset Protection, was submitted the following month. Since that time, each Expectations of the Board report has been submitted in a timely fashion and has been compliant with the reporting calendar constructed by the Board of Education. When this reporting calendar has been modified and approved by the Board of Education, reports continued to be submitted in a timely fashion.

Each of these required reports was submitted prior to the Board of Education meeting and included in the official board packet in accordance with Superintendent Policies (BEDA, BEDB, BE, BEA, BEB, and BF), and in alignment with historical Board practices and C.R.S. 22-32-108.

### **Conclusion: I report compliance**

b) The Superintendent will not allow the Board to be unaware of any actual or anticipated noncompliance with any Board Global Goals or Management Limitations policy, regardless of the Board's monitoring schedule.

*I interpret "actual noncompliance" to mean: a policy has not been followed or that an action has caused the policy to be violated.*

*I interpret "anticipated noncompliance," to mean: a strong likelihood exists that a proposed or existing practice will violate a policy if the practice is initiated or continues for a period of time and when such a situation exists, it will be reported upon awareness.*

### **Data Reported:**

During the past year, the Superintendent of Schools has been forthright in advising the Board of Education of the potential and actual occurrence of declaration of non-compliance. The occurrences of non-compliance have been disclosed to the Board of Education through Expectations of the Board reports during Board Meetings on the following dates:

Global Executive Constraint 3.0 – ERA Grant Violation (August 26, 2014) and  
Global Goal 1.3 TCAP (September 23, 2014)

This is a reduction of three (3) declarations of non-compliance from the last reporting period. In the last reporting period, the occurrences of non-compliance disclosed to the Board and the dates on which they were reported are below:

Global Goal 1.1 – Graduation Rate (February 26, 2013)  
Global Executive Constraint 3.0 – ERA Grant Violation (August 27, 2013)  
Global Goal 1.2 - ACT (September 24, 2013)  
Global Goal 1.3 – TCAP (September 24, 2013)  
Charter Schools 3.J – ERA Repayment (September 24, 2013)

## **Conclusion: I report compliance**

c) The Superintendent will not let the Board be without decision information it periodically requests, or unaware of relevant trends, or other points of view, issues and options as needed for well-informed board decisions.

*I interpret “decision information,” to mean: The Superintendent shall present credible and independently verifiable information to the Board for the purpose of enhancing Board members' understanding of issues and assist them in their decision-making responsibilities.*

## **Data Reported:**

A weekly work product is submitted to the Board of Education that includes information on multiple topics. Weekly work products and Superintendent Reports have been sent to the Board of Education and members of the executive succession and leadership teams in the 2013 calendar year. Topics shared have included, but are not limited to:

- School Finance Updates
- Engage 27J Updates
- Quality Schools Initiative Updates
- Bond Election Information
- School and District events
- District student demographics
- Staff Hiring Trends
- Information on Achievement Gaps
- Grants and donations
- Capital Projects
- Constituency letters
- Policy changes
- Personnel changes
- Student of the month recognitions
- Strategic partnerships
- Negotiations
- Expulsions
- Legislative updates
- Charter School Partnership Updates
- Changes or modifications to the school calendar
- Graduation protocols
- Student and staff achievement highlights
- Notification when the Superintendent has invoked Executive Succession
- Intergovernmental agreements/relations
- Event photographs

- Student enrollment information
- Notification of investigations or litigation

It is important to note that these work products are not considered to be public documents and not subject to Colorado Open Records Act (CORA) requests. The Superintendent of Schools is purposefully deliberate and concise in providing necessary information, not including information that would be more appropriate for an executive session of the Board of Education.

**Conclusion: I report compliance**

d) The Superintendent will not let the Board be unaware of incidental information it requires, including but not limited to anticipated adverse media coverage, threatened or pending lawsuits, or material external and internal/organizational changes. Notification of planned internal changes is to be provided in advance, when feasible.

*I interpret “incidental information” to mean: information that will likely prevent the Board and the Superintendent’s ability to pursue or attain compliance with Board policy.*

*I interpret “adverse media coverage” to mean: there is likelihood that newspaper, radio or television reports of occurrences in the district cast the district in a negative light.*

*I interpret “threatened lawsuits” to mean: communication in writing of intent to take action in a court of law.*

*I interpret “pending lawsuits” to mean: claims against the district, which have been filed and have not been resolved.*

*I interpret “material external and internal changes” to mean: conditions, such as demographic trends, different from the norm within the district or outside the district that would have a negative effect upon the accomplishment of the Board’s policies, would violate the Board’s operational limitations, or negatively impact the Board’s ability to meet Ends.*

*I interpret “feasible” to mean, upon the Superintendent’s review, awareness of a condition that will negatively affect the ability to meet Ends or Executive Limitations with sufficiently complete data to provide accurate notice to the Board of Education. The Board will be informed of such conditions within the district upon the Superintendent’s awareness.*

### **Data Reported:**

Information regarding developing incidents as well as information related to potential adverse media coverage is provided to the Board of Education in the form of work products as well as situationally appropriate e-mails.

### **Office of Civil Rights Updates:**

Since the last report, there have been two Office of Civil Rights complaints filed against the District and one on-site review occurred. The first complaint arose amid allegations of lack of accommodations being provided to a student on an IEP at one of our middle schools. This complaint was ultimately resolved in favor of the school, its employees, and the District at a court hearing in March of 2014.

The second complaint remains unresolved as of June 30, 2014 and arises out of an allegation that a middle school does not provide adequate access for students or community members who are handicapped. Both the school and the District have responded to the complaint and are awaiting further notice.

A high school was the recipient of a random review by the Office of Civil Rights. Every seven years OCR chooses a school within a district for its review. Staff believes BHS was chosen because of the amount of Career and Technical Education classes offered as well as the classes we offer through the Colorado Community College System. The Career and Technical Education Director and supervisor of our Concurrent Enrollment program, and the Facilities Director, were the lead respondents to the policy and facility issues raised.

On July 21, 2014 Dr. I received a letter stating that all responses submitted on the Voluntary Compliance Plan had been accepted. This letter was included in the weekly board update on July 28, 2014.

An elementary school within the District received a complaint from the NAACP alleging racial discrimination against a student by a teacher. The parents, the NAACP attorney, building principal and general counsel met in April of 2014 and were able to address the parent's concerns and the matter was thus resolved.

### **Student Injury Updates:**

Since the last report, the ongoing student injury case at Southeast has been resolved. In 2008 a student at Southeast Elementary slipped and fell on some stairs outside of the building near the playground area and suffered a skull fracture. The plaintiffs alleged that we were negligent by not removing water that had pooled at the bottom of the stairs as a result of heavy rains the day and evening before. They originally brought seven claims against the district, and all but one had been dismissed at the time of the last report.

At the initial hearing, the court had found for the plaintiff on the remaining claim involving negligence and allowed the lawsuit to proceed. We filed an appeal of this ruling on August 3, 2011, the result of which was that the Appellate Court overturned the trial court's initial ruling and ordered the case dismissed. The plaintiff then filed a Writ of Certiorari to the Colorado Supreme Court. Oral arguments were heard on October 29, 2013.

The Colorado Supreme Court overturned the lower court's ruling that held the District responsible for clearing water from the sidewalk. The Supreme Court held we did not have to clear water, only ice and snow. Thus, the District was not held liable for the student's injuries.

### **Conclusion: I report compliance**

e) The Superintendent will not fail to inform the Board if, in the Superintendent's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of Board or Board member behavior that is detrimental to the work relationship between the Board and the Superintendent.

*I interpret "inform" to mean: notification will be given to the Board if the Board or any individual Board member's actions are inconsistent with the Board's own means policies*

*I interpret "detrimental" to mean: actions which undermine the Board/CEO relationship.*

### **Data Reported:**

To date there has been no reason to advise the Board of failure to follow any of its own policies. The Superintendent is aware of this expectation and is attentive and ready to meet this expectation if the need arises. As of the date of this monitoring report, There have been no incidents of individual Board actions or detrimental behaviors to report as required in Board Members' Code of Conduct 2.F(7).

### **Conclusion: I report compliance**

f) The Superintendent will not present information in unnecessarily complex or lengthy form, or in a form that fails to differentiate among information of three types:

- i) monitoring
- ii) decision preparation (or "action item"); and

iii) incidental/ “FYI.”

*I interpret “unnecessarily complex or lengthy form, or in a form that fails to differentiate among information of three types” to mean: information contained in the Board agenda that is not concise and/or easy to decipher in making a point.*

**Data Reported:**

Individual Board packets provide timely and pertinent information within the agenda. This has been the Board of Education approved process since the adoption of the governance model. It has been a regular practice that incidental information is contained within e-mails and weekly work products.

The Board has asked appropriate questions concerning the numerous Expectations of the Board reports that have been submitted to date. There has not been an occurrence when the Board has collectively determined that an Expectations of the Board report has been arduously lengthy or complex.

**Conclusion: I report compliance**

2. Allow the Board to be without logistical and clerical assistance.
  - a) The Superintendent will not allow the Board to be without workable, user-friendly mechanisms for official Board, officer or committee communications and functions.

*I interpret “logistical and clerical assistance” to mean: providing a communication vehicle or channel, including, but not limited to, written or oral transmissions such as e-mail, fax, Board packets and updates for the Board’s work.*

**Data Reported:**

The Board of Education and its officers have available, at their discretion, staff to perform clerical functions as well as to provide logistical support for Board of Education events. These functions include regular Board meetings, community functions, community engagement/linkage meetings, employee recognitions, and general correspondence that have been initiated by the Board of Education or that support the work of the Board of Education.

**Conclusion: I report compliance**

- b) The Superintendent will not fail to provide pleasant and efficient arrangements for Board and committee meetings.

*I interpret “pleasant and efficient arrangements” to mean: providing a working environment that assists to enhance the quality of the Board’s work, an arena that allows*



*for debate and provides the necessary technological support to ensure the that Board has access to information.*

**Data Reported:**

The Board of Education has the ability to determine the location of meetings which are conducive to the purpose of the meeting. Examples of compliance include the holding of a community engagement meeting at the Educational Services Center, the employee and community recognition awards being held at the district training center, and other regularly scheduled meetings continue to be held in our school buildings at the continued request of the Board. These meetings include dinner provided by local vendors or the catering programs at Prairie View High School. As of the date of this monitoring report no complaints have been recorded from either Board members or the public concerning the venue(s) used by the Board of Education to conduct its work.

During the public meetings held throughout the cycle of this monitoring report, legal recording of proceeding have been kept, wireless internet access is provided, and members of the Technology staff are on hand to ensure that the Board's access to technology is available. Laptops have been purchased for the newly appointed members of the Board of Education.

**Conclusion: I report compliance**

3. Impede the Board's holism, misrepresent its processes and role, or impede its lawful obligations.
  - a) The Superintendent will not deal with the Board in a way that favors or privileges certain board members over others except when:
    - i) fulfilling individual requests for information, or
    - ii) responding to officers or committees with respect to duties charged to them by the Board.
  - b) The Superintendent will not fail to submit for the Board's Consent Agenda items delegated to the Superintendent yet required by law, regulation or third-party to be Board-approved, along with applicable monitoring information.

*I interpret "holism" to mean: neglecting to recognize the Board of Education as a "whole."*

*I interpret "misrepresent its processes and role" to mean: overtly falsifying the Board's statutory authority.*

*I interpret “impede its lawful obligations” to mean: not providing the Board of Education information in a timely manner which would lead to the Board being in noncompliance with its statutory duty.*

### **Data Reported:**

The weekly work products, Board of Education official packets, and other occasional information that is requested, is consistently sent to all Board of Education members, without deference or prejudice to any one sitting member. It is worth noting that, as allowable by Board Policy 2.D within the Governance Process section, the Superintendent of Schools does meet on a regular basis with the President and the Vice President of the Board of Education. Most often the topic centers on the construction of the agenda for the forthcoming business meeting.

As reported in the Internal Monitoring Report - 3.0 Global Executive Constraint and approved by the Board of Education on August 26, 2014, School District 27J has been compliant with the statutory requirements that are placed upon us. Examples of requirements fulfilled by each department are listed below. Please keep in mind that many of these requirements overlap into more than one area of responsibility.

#### Student Achievement:

- Title I Parent Notification
- School Accreditation Data
- Count of Students with Disabilities
- TCAP Testing
- Gifted and Talented Plan Submission
- Vocational Educational Program Expenditures
- Child Welfare Liaison

#### Finance:

- Online posting of financials
- Charter School Overhead, Direct, and Purchased Service costs
- Kindergarten & Preschool Count
- ADE Pupil Reporting
- Annual Budget Preparation

#### Operations:

- Food Allergy Policy Implementation/Update
- Public School Transportation Fund Reimbursement
- Capital Construction Expenditures
- Elections

Student Handbook updated to website

Human Resources:

Teacher and Principal Evaluation  
Non-Renewal Notices

Superintendent:

Public Officials Honoraria Reporting  
Election Requirements  
Intergovernmental Agreements  
School Goals and Objectives Submission  
Board member and officer reports

Legal:

Student Handbook/FERPA updates  
Policies

Charter School Liaison:

Contracts

In addition to the statutory requirements and as a result of legislative changes, the following Superintendent policies were authored, modified, deleted, codified and implemented during the 2013-2014 school year in order to achieve governance compliance:

AC Non-Discrimination  
AC-R Non-Discrimination/Equal Opportunity  
ACE Non-Discrimination on the Basis of Disability  
AC-E-1 Non-Discrimination/Equal Opportunity  
ACE-2 Annual Notice of Non-Discrimination  
JICG Tobacco and Nicotine Usage  
JQ Student Fees, Fines, and Charges  
FF-R Naming of Facilities

**Conclusion: I report compliance.**