

Global Executive Constraint

Policy 3.0

To: Board of Education

From: Dr. Chris Fiedler, Superintendent of Schools

Re: Internal Report on the Expectations of the Board – 3.0 Global Executive Constraint

I hereby present my report on the Expectations of the Board through our Global Executive Constraint, 3.0 in accordance with the monitoring schedule as set forth in Board policy. I certify the information in this report is true.

Signed: 

Date: August 27, 2019

Superintendent, School District 27J



SCHOOL DISTRICT 27J

GOVERNING POLICY OF THE BOARD OF EDUCATION

Policy 3.0 – GLOBAL EXECUTIVE CONSTRAINT

Date Adopted/Last Revised: January 27, 2009 - Executive Limitations

The Superintendent will not cause or allow any practice, activity, decision or organizational circumstance that is unlawful, imprudent, or in violation of commonly accepted business and professional ethics and practices.

I interpreted "unlawful" to mean:

any practice, activity, decision, or organizational circumstance (hereafter, "unlawful situation") which is determined to be contrary to applicable law by an agency of the state of Colorado or the United States, or by court of law. Other unlawful situations are those about which the Superintendent or other executive leadership team members know or should have known and which are likely to be found contrary to clearly established law applicable in the state of Colorado, including but not limited to the delegation of legal responsibilities of the Board of Education to the Superintendent in a manner contrary to law.

I interpret "imprudent" to mean:

any situation which violates executive limitations, any ongoing violation of Superintendent Policy, or any failure to adopt any policy required by law or governmental regulation.

I interpret "commonly accepted business and professional ethics and practices" to mean:

- 1.) Operating limitations as established by board policy*
- 2.) Conduct standards that address the following topics:*

- *ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Colorado school districts*
- *bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Colorado school districts*
- *internal controls for processing financial transactions which include substantive standards that reflects sound accounting practices as determined by the School District 27J independent auditors*
- *business functions within my operational span of control, but to exclude governance, other than advising the Board if I became aware of the Board's noncompliance with its own policies*

PART I – LEGAL

Data Reported:

Unlawful:

During the 2018-2019 reporting period,

The parents of a student at Riverdale Ridge High School filed a state complaint with the Colorado Department of Education in December 2018, alleging that the student's IEP was insufficient to meet his educational needs under the Individuals with Disabilities Education Act (IDEA). The matter was resolved through mediation without any admission of liability or wrongdoing.

The parents of a former student at Brighton High School filed an IDEA due process hearing request with the Colorado Department of Education in January 2019, alleging that the District failed to timely evaluate and develop an IEP for the student. Parents also filed a Title IX lawsuit in April 2019, alleging that the District was deliberately indifferent to the student's claims of harassment by other students at the high school after she reported an off campus sexual assault by another student at the school. The district denies these allegations. A hearing has been set in the IDEA due process matter for September 23-26, 2019. In the Title IX matter, the district has filed a motion to dismiss the entire lawsuit and the case will not proceed to the discovery phase until the court rules on the motion. The costs of legal defense and any judgment if the case goes to trial is covered by the district's insurance.

The parents of a student at Prairie View Middle School filed a state complaint with the Colorado Department of Education in February 2019, alleging that the district failed to evaluate and identify the student as a student with a disability eligible for special education, and failed to conduct a manifestation determination review in connection with its discipline of student. Though the State Complaints Officer found no substantive violation of FAPE, he did find that the district failed to implement the disciplinary procedural protections for students not yet determined eligible for special education. As a corrective action, the district was required to provide training to school-based administrators addressing the IDEA's disciplinary procedures.

The parents of a student at Eagle Ridge Academy filed a state complaint with the Colorado Department of Education in April 2019, alleging that the district failed to evaluate and identify the student as disabled within the meaning of the IDEA and eligible for special education. The State Complaints Officer investigated the complaint and issued a decision dismissing the complaint, finding the district in compliance with the IDEA.

The parents of a student at Riverdale Ridge High School filed a due process hearing request with the Colorado Department of Education in June 2019, alleging that the school violated the IDEA by failing to provide the student with sufficient specialized math instruction. The matter was resolved through mediation without any admission of liability or wrongdoing.

The parents of a student at Riverdale Ridge High School filed a state complaint with the Colorado Department of Education in June 2019, alleging that the district violated the IDEA when it failed to evaluate and identify the student as disabled and eligible for special education. The matter was resolved through mediation without any admission of liability or wrongdoing.

Conclusion: I report compliance.

Imprudent:

Operational guidelines are outlined in Superintendent Policies, driven by executive limitations, and district staff is required to adhere to those directives. As with any organization, there are also provisions to guard against individual choices that are detrimental to the school district.

At the beginning of each academic year mandatory training of administrators and supervisors related to the prevention, investigation and remediation of unacceptable employee conduct is provided and in place for all schools and District departments. This annual training was held on July 22 and 23, 2019.

The district is subject to audit by federal and state agencies, and engages its own audit firms to provide information that will assist areas of the district in making changes to better serve their internal and external customers while also remaining compliant. In accordance with Government Finance Officers Association (GFOA) best practices, we also persist in our internal audit efforts to ensure district entities are following state and federal laws as well as district policies and regulations. If schools or non-school sites are found to be non-compliant, appropriate action is taken, including further training of site personnel in proper procedures.

Members of our team insure compliance with the ever changing and growing list of statutory requirements that come with each new legislative session. Examples, i.e, not a complete list, of requirements fulfilled by each department are listed below.

Student Achievement:

State Assessments

School and District Unified Improvement Plans

Title I Parent Notification

Count of Students with Disabilities

Gifted and Talented Plan Submission

Career and Technical Education Expenditures

Student Individual Education Plans

Full Day Kindergarten Implementation

Finance:

Financial Transparency Requirements

Assessing Charter School Overhead, Direct, and Purchased Service Costs

Annual Budget Preparation and Presentation

Cooperation with External Auditors

Facilitating and Monitoring Accounts Payable, Receivable, and Payroll

Operations:

Food Allergy Policy Implementation/Update

Public School Transportation Fund Reimbursement

2015 Bond Expenditures

Capital Construction Expenditures

Human Resources:

Teacher and Principal Evaluation

Non-Renewal Notices

Hiring Protocols

Office of the Superintendent:

Public Officials Honoraria Reporting

Election Requirements

Intergovernmental Agreements

Board Expectations Reports

Legal:

Student Handbook/FERPA updates

Superintendent Policies

Charter School Liaison

Contracts

During this reporting period there have been no claims filed against, or settled by, our errors and omission insurance coverage that is provided for members of the organization including the Board of Education for incidents of imprudence.

Worker's Compensation

Year	Med Only Count	Temp Disability/Other Count	Total Claim Count	Sum of Total Incurred Cost	Average Cost Per Claim	Student Count	Cost Per Student	Employee Count	Cost Per Employee
2006-07	51	7	58	\$367,582	\$6,337.62	9926	\$0.64	1275	\$4.97
2007-08	66	6	72	\$210,335	\$2,921.32	11689	\$0.25	1308	\$2.23
2008-09	67	3	70	\$127,528	\$1,821.83	11685	\$0.16	1363	\$1.34
2009-10	62	13	75	\$427,025	\$5,693.67	12219	\$0.47	1436	\$3.96
2010-11	44	13	57	\$211,533	\$3,711.11	12546	\$0.30	1320	\$2.81
2011-12	69	9	78	\$640,234	\$8,208.13	11644	\$0.70	1319	\$6.22
2012-13	54	8	62	\$276,846	\$4,465.26	15034	\$0.30	1501	\$2.97
2013-14	71	5	76	\$198,023	\$2,605.57	16786	\$0.16	1393	\$1.87
2014-15	70	5	75	\$229,349	\$3,057.99	17004	\$0.18	1497	\$2.04
2015-16	65	9	74	\$304,538	\$4,115.38	16791	\$0.25	1867	\$2.20
2016-17	58	15	73	\$592,581	\$8,117.55	16526	\$0.49	1972	\$4.12
2017-18	73	14	87	\$278,127	\$3,196.86	17187	\$0.19	1832	\$1.75
2018-19	75	17	92	\$682,403	\$7,417.43	18733	\$0.40	1891	\$3.92

Property and Liability

Year	Employee Count	Student Count	Claims Count	Total Incurred	Average Liability Cost Per Claim Per Student	Average Liability Cost Per Employee	Average Cost Per Claim
2006-07	1275	9926	31	\$110,000	\$11.08	\$86.27	\$3,548.39
2007-08	1308	11689	19	\$226,364	\$19.37	\$173.06	\$11,913.89
2008-09	1363	11685	12	\$95,536	\$8.18	\$70.09	\$7,961.33
2009-10	1436	12219	30	\$258,397	\$21.15	\$179.94	\$8,613.23
2010-11	1320	12546	24	\$30,174	\$2.41	\$22.86	\$1,257.25
2011-12	1319	11644	12	\$14,658	\$1.26	\$11.11	\$1,221.50
2012-13	1501	15034	14	\$43,615	\$2.90	\$29.06	\$3,115.36
2013-14	1393	16786	17	\$36,572	\$2.18	\$26.25	\$2,151.29
2014-15	1497	17004	24	\$170,095	\$10.00	\$114	\$7,087.29
2015-16	1867	16791	21	\$72,871	\$4.34	\$39.03	\$3,470.06
2016-17	1972	16795	20	\$59,865	\$3.56	\$30.36	\$2,993.25
2017-18	1832	17187	23	\$267,627	\$15.57	\$146.08	\$11,635.96
2018-19	1891	18733	26	\$325,723	\$17.39	\$172.25	\$12,527.81

The District received the following letter from the Rocky Mountain Risk Group referencing our ongoing commitment to training and safety.

Rocky Mountain Risk

August 7, 2019

Andy Pippin

18551 East 160th Avenue

Brighton, Co 80601

Dear Andy,

Rocky Mountain Risk provides both online training and on-site scenario based safety training for your employees. The classes completed for FY 2018–2019 are listed below:

Adams County Crisis Response	76
Back Injury and Lifting	72
Bloodborne Pathogen Exposure Prevention	51
Hazard Communication	56
Slips and Falls Prevention	73
Total	262

Sincerely,

Mike Sowder

Director Risk Management, Safety and Environmental Health

Conclusion: I report compliance.

PART II–FINDINGS RELATED TO FINANCIAL STATEMENTS

Commonly Accepted Business and Professional Ethics and Practices:

- 1) Operating limitations as established by board policy
- 2) Conduct standards that address the following topics:
 - ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Colorado school districts
 - bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Colorado school districts
 - internal controls for processing financial transactions which include substantive standards that reflects sound accounting practices as determined by the School District 27J independent auditors
 - business functions within my operational span of control, but to exclude governance, other than advising the Board if I became aware of the Board’s noncompliance with its own policies

Data Reported:

Since the adoption of Policy Governance® (January 27, 2009), numerous expectation reports have been submitted by the Superintendent of Schools to the Board of Education. Each report has been found to be transparent and, when appropriate, contained self-reported incidents of noncompliance. It is noteworthy that in a few instances the Board of Education found the report to be reasonable and merited Board approval even though the superintendent, through internal staff, self-reported isolated instances of noncompliance.

Superintendent policies specifically dealing with ethics, conflicts of interest, and nepotism can be found in section “G” when dealing with staff members, in section “J” when dealing with students and in section “I” when dealing with the curriculum. These Superintendent policies can be found on the school district website, in hard copies in the office of the superintendent, via request from the secretary of the Board of Education as well as on Google Drive for employee access.

During the reporting period there have been no instances to report of Board violations of governance policies as required of me in Board Members' Code of Conduct 2.F(7).

Superintendent's Policy addressing Staff Ethics, Conflicts of Interest, and Nepotism mirror the provisions commonly found in parallel policies adopted in the Aurora, Cherry Creek, Douglas County and Jefferson County school districts and those recommended by the Colorado Association of School Boards (CASB).

When appropriate, the School District 27J Department of Financial Services identifies and brings to the attention of the Superintendent items that may be contrary to commonly accepted business practices and professional ethics.

The District's independent auditors reviewed the District's internal procedures concerning internal controls for financial transactions during the monitoring period. These reviews found that these existing policies include the provisions commonly found in policies/procedures adopted by other Colorado school districts, and that the internal controls in place in the finance department reflect sound accounting practices as determined by the District's independent auditor.

The District's independent auditors identified **no** deficiencies in the FY2017-2018 financial audit.

Fiscal Health: The Colorado State Auditor has a Fiscal Health Program that was developed to assist local governments and school districts with identifying financial warning signs. The most recently released Fiscal Health Analysis of Colorado School Districts analyzed the three-year period of fiscal years 2016 through 2018.

That report was presented to the Legislative Audit Committee in July 2019. Through communication with the Colorado Department of Education's Office of School Finance, the District was not cited in the Fiscal Health Analysis and was not asked to respond in respect to ratios or indicators for the FY2017-2018.

Financial Accreditation: On April 26, 2019 the District was mailed a letter from the Colorado Department of Education (CDE) noting that the FY2017-2018 data pipeline submission and audit were accepted by CDE. CDE communicated the following concerns related to state statutes and data submission issues identified during their review:

- Modified Accrual basis of accounting vs. Accrual reported in the SEFA
- Federal regulations net cash resources threshold for Food Service Fund
- Provisions of the Public School Financial Transparency Act
- Some financial issues noted at the District's charter schools

All concerns were addressed and resolved during the review process. In addition, there were no findings or other issues noted during their review of federal funds provided through CDE. No formal response was required by CDE.

PART III – FEDERAL AWARD FINDS AND QUESTIONED COSTS

The auditors presented no finding information in the FY2017-2018 A-133 audit which was presented to the Board of Education at the December 11th, 2018 meeting.

Conclusion: **I report compliance.**