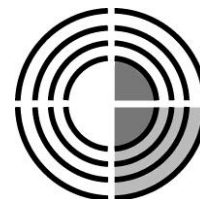




*SCHOOL DISTRICT 27J*  
**GOVERNING POLICY OF  
THE BOARD OF EDUCATION**



**Policy 4.E – MONITORING SUPERINTENDENT PERFORMANCE**

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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 14, 2021

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:**

Information has been provided through official Expectations of the Board reports, Board updates, other publications, and staff members are made available so 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
- The Board has been made aware of significant events or incidents within the District

The District Communications Team continues to improve the utilization of our website and social media platforms to share news and information with our Board and the multiple audiences within the 27J Schools community.

Social media followers at the time of this report are as follows:

Facebook – 11,289 (+4.07% from the last report)  
Twitter – 2,702 (-1.46%)  
Instagram – 2,174 ((+10.97%)  
Nextdoor – 43,059 members (new this reporting period)

During this reporting period, staff has supported the Board’s continued efforts to hear from stakeholders through the following linkage meetings, 5<sup>th</sup> Tuesday joint meetings with city councils, Board Candidate Forum, and Bond and Mill Levy Override information:

Joint Meeting with Brighton & Commerce City Councils (Virtual)	March 30, 2021
Student Advisory Council (Top Golf)	June 19, 2021
Joint Meeting with Brighton & Commerce City Councils	June 29, 2021
27J Principals	July 27, 2021
Joint Meeting with Brighton & Commerce City Councils (Wall Heals)	August 31, 2021
Joint Meeting with Thornton City Council	September 20, 2021
Board Candidate Forum Hosted by Student Advisory Council	October 5, 2021
Ballot Issues 5A and 5B Community Linkage (Virtual)	October 19, 2021

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. The Chief Operations Officer, Chief Academic Officer, Chief Finance Officer, Chief Human Resources Officer, and the Charter School Liaison 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 the Superintendent’s 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: reports are presented within the dates established by the board for monitoring each policy prohibition located in the Executive Limitations.*

*I interpret “accurate” to mean: factual.*

*I interpret “understandable” to mean: easy to comprehend or understand.*

**Data Reported:**

Expectations of the Board reports have been submitted in a timely fashion and have been compliant with the reporting calendar constructed by the Board of Education.

Each of these required reports was submitted prior to the Board of Education meeting and included in the official board packet.

**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:

Compensation and Benefits 3.G (March 9, 2021)

Global Goal 1.3 27J Schools Academic Status (September 28, 2021)

Charter Schools 3.J (September 28, 2021)

**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:**

Board Updates are submitted to the Board of Education that includes information on multiple topics. Updates and Superintendent Reports have been sent to the Board of Education and members of the executive leadership team during this reporting period.

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 social media news platforms, 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 Global Goals 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 regular updates as well as additional e-mails or text message when appropriate.

The Communications Team and Superintendent/Board of Education Secretary also regularly assist in communicating situations/issues to the Board of Education that are likely to receive media attention. While our intent is to always prevent the Board of Education from being surprised, the immediacy of social media can make that goal a challenge.

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

- On May 12, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint against 27J Schools (the District). The Complainants allege that the District discriminated against their daughter (the Student) on the basis of disability. Specifically, the Complainants allege that the District subjected the Student to different treatment by failing to consider the 27J Online Academy (Online Academy) as an option for the Student because of her disabilities. The District took voluntary action to resolve the allegation. Complaint closed November 2, 2021 via voluntary Resolution Agreement.
- On June 4, 2020, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint alleging Brighton School District 27J (District) at Prairie View High School (School) discriminated against the Complainant’s client (Student) on the basis of race when it required him to attend a meeting with a gang prevention mentor. On February 26, 2021, OCR received an email from the complainant requesting to withdraw OCR complaint 08-20-1378. Complaint closed on March 1, 2021.
- On July 6, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint against 27J Schools (the District). The Complainant alleges that the District discriminated against a Student on the basis of disability. Specifically, the Complainant alleges that the District:
  - 1) Failed to implement portions of the Student’s Individualized Education Program (IEP)

during the 2020-21 school year, which resulted in a denial of a free appropriate public education (FAPE);

2) Failed to reevaluate the Student (a) when the Complainant reported that the Student had been diagnosed with other conditions (including autism, episodic ataxia, and gastrointestinal issues), (b) when the Student was not making expected progress, or (c) when the Student was diagnosed with cancer in the spring of 2021, which resulted in a denial of FAPE; and

3) Failed to provide adequate procedural safeguards.

On September 30, 2021, the District responded to the complaint denying the allegations and requested that OCR dismiss the complaint. Awaiting OCR response.

- On October 1, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint against Brighton 27J School District (the District). The complaint alleges that the District, and specifically Belle Creek Charter School (the School), discriminates against individuals with disabilities in the application and admission process by using criteria that screen out or tend to screen out applicants with disabilities. Specifically, the complaint alleges that the School makes pre-enrollment inquiries about disability during the application and admissions process. In process of correcting with Charter partner.
- On November 15, 2021, the United States Department of Education (Department), Office for Civil Rights (OCR) received a complaint against Brighton 27J (the District). The complaint alleges that the District, and specifically Bromley East Charter School (the School), discriminates against individuals with disabilities in the application and admission process by using criteria that screen out or tend to screen out applicants with disabilities. Specifically, the complaint alleges that the School makes pre-enrollment inquiries about disability during the application and admissions process. In process of correcting with Charter partner.

### **Equal Employment Opportunity Commission:**

None this reporting period.

### **Title IX:**

As has been previously reported in the August 27, 2019, the August 25, 2020, and the August 24, 2021 3.0 Global Executive Constraint Reports, a Title IX lawsuit was filed in April, 2019 by the parents of a former Brighton High School Student. Of the two pending matters concerning this situation, only one remains.

In the first matter, parent filed an IDEA due process complaint with CDE alleging that the district failed to timely evaluate and develop an Individualized Education Program (IEP). In September 2019, the district prevailed at hearing on all issues. Parent has appealed to the U.S. District Court in Colorado and the matter is fully briefed. A ruling on the appeal is expected any time, and we anticipate the court will affirm the decision in favor of the district.

In the second matter, the parent filed a civil lawsuit alleging the district and several employees were deliberately indifferent to student's claims of harassment by other students after she reported an off-campus sexual assault by another student. The court dismissed all claims against the individual employees, except for an assistant principal. The district moved for summary judgment. On September 21, 2021 the court granted the District's motion for Summary Judgement and issued a Final Judgement in favor of the District.

### **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 regular updates.

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 our regular business, planning, linkage meetings, and the employee and community recognition awards at the following locations:

1. Board/Community Room at the Brighton Learning and Resource Campus
2. Virtually

In person meetings include dinner provided by local vendors or the catering program 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 during this reporting period, legal recording of proceeding have been kept, wireless internet access has been provided, and members of the Technology staff have been on hand to ensure the Board’s access to technology.

### **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:**

Updates, 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 of the Board of Education. Most often the topic centers on the construction of the agenda for the forthcoming meeting.

As reported in the Internal Monitoring Report - 3.0 Global Executive Constraint and approved by the Board of Education on August 24, 2021, School District 27J has been compliant with statutory requirements that are placed upon us.

**Conclusion: I report compliance.**