

Executive Limitation 3.I
Board Awareness and Support

To: Board of Education, 27J Schools

From: Dr. Chris Fiedler, Superintendent of Schools

Re: Board Expectations – 3.I Board Awareness and Support

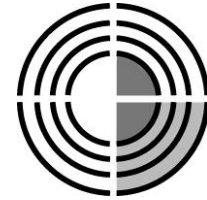
Signed: 

Date: December 14, 2022

Dr. Chris Fiedler

Superintendent, 27J Schools

27J SCHOOLS
GOVERNING POLICY OF
THE BOARD OF EDUCATION



Policy 3.I – BOARD AWARENESS & SUPPORT

Date Adopted/Last Revised: January 27, 2009

Date Reported - December 14, 2022

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 – 12,053 (+6.67% from the last report)
Twitter – 2,702 (+3.51%)
Instagram – 2,468 ((+13.52%)
Nextdoor – 48,315 members (+10.87%)

During this reporting period, the communications team also led a strong education campaign on the district’s \$17.74 million mill levy override request that was approved by over 57% of 27J voters. This included multiple videos as well as launching Mill Mondays on Facebook Live.

During this reporting period, staff has supported the Board’s continued efforts to hear from stakeholders through linkage meetings and 5th Tuesday joint meetings with city councils. Staff created multiple opportunities this reporting period for Board members to meet and learn from staff teams from across the district through Board Orientation meetings. The Board received monthly reports from members of the Student Advisory Committee and quarterly reports from a representative from the Bond Oversight Committee. In addition, during the reporting period, the Board received a report from the Blue Ribbon Commission following that groups six meetings in June and July of 2022.

Board Orientation - Policy Governance and Legal 101	January 11, 2022
2015 Bond Oversight Committee Final Report	January 25, 2022
Lunch with Student Advisory Council	February 7, 2022
Board Orientation - Student Achievement Division/Team	February 8, 2022
2021 Bond Oversight Committee - Interviews and Selection	February 24, 2022
Board Orientation - Operations Division/Team	March 15, 2022
City of Brighton – State of the City Address	March 29, 2022
Board Orientation - Human Resources and Communications Teams	April 12, 2022
2021 Bond Oversight Committee Report	April 26, 2022
Board Orientation - Finance and Technology Teams	May 10, 2022
Joint Meeting with Brighton and Commerce City Councils	May 31, 2022
Student Advisory Council (Top Golf)	June 4, 2022
27J Principals	July 26, 2022
2021 Bond Oversight Committee Report	August 23, 2022
Blue Ribbon Commission Report	August 23, 2022
Joint Meeting with Brighton and Commerce City Councils	August 30, 2022
27J Schools Charter School Partners	October 11, 2022
2021 Bond Oversight Committee Report	October 25, 2022

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 comprehended 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 8, 2022)
Global Goal 1.3 27J Schools Academic Status (September 27, 2022)
Charter Schools 3.J (September 27, 2022)

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.

Current or Potential Litigation

On February 18, 2022, a former elementary school Principal, served a notice of claim on the District alleging violations of Title VII and the Colorado AntiDiscrimination Act (“CADA”). She claims she was nonrenewed because of her gender. She subsequently filed a charge of discrimination on March 31, 2022 with the Colorado Civil Rights Division and the EEOC alleging that she was non- renewed because of her gender. She also filed a charge of discrimination against Brett Minne, the District’s Director of Achievement, alleging he violated CADA by “aiding and abetting” discrimination. The District and Mr. Minne have responded to the Charges denying the allegations. In the unlikely event that there is a finding of probable cause or a right to sue letter is issued and litigation is commenced, we intend to vigorously defend against the allegations. If litigation proceeds, we do not anticipate that the claims, if successful, would materially and adversely affect the financial operations of the District.

On April 29, 2022, the District received a demand letter claiming that an assistant principal’s nonrenewal from his position was a violation of the Teacher Employment Compensation and Dismissal Act (“TECDA”) and demanded his reinstatement. The District responded to the demand letter on May 9, 2022, but there was no further contact. Then, on October 17, 2022, the District received another demand letter from different counsel claiming that the assistant principal was nonrenewed because he complained about staff engaging in racial discrimination by not stopping students from using racist terms directed at students. The new demand letter claims the District retaliating against the assistant principal in violation of Title VII, CADA and 42 U.S.C. §1981 (breach of contract based on protected status). This new demand letter does not claim that the assistant principal was nonrenewed in violation of TECDA. The District is currently investigating these new claims, but even if the case proceeds to litigation, an adverse outcome will not have an adverse material impact on the financial operations of the District.

On September 20, 2020, the District received notice of an EEOC charge of discrimination filed by former school counselor alleging claims of disability discrimination and retaliation in connection with her requests for workplace accommodations and the nonrenewal of her employment contract. On April 15, 2022, the EEOC issued a Right to Sue Notice dismissing the charge without a determination and providing the claimant up until July 14, 2022 to file a federal lawsuit, which she failed to do. Since the original EEOC charge was dual filed with the Colorado Civil Rights Division, we expect the CCRD also to issue a right to sue notice. If the claimant were to file a lawsuit in state court, we do not anticipate that the claims, if successful, would materially or adversely affect the financial operations of the District.

On May 10, 2022, the District received a notice of claim. The notice is brought by a student at the District and alleges violations of Title IX, 20 USC sec. 1681 et seq., 42 USC sec. 1983, and a negligence claim. The claims stem from the February 2022 arrest of a former female paraprofessional for alleged sex crimes against the student. We do not anticipate that the claims, if successful, would materially and adversely affect the financial operations of the District.

Parent of a former student at Brighton High School filed an Individuals with Disabilities Act (“IDEA”) due process complaint with the Colorado Department of Education (“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 appealed to

the U.S. District Court in Colorado and on September 6, 2022, the court affirmed the decision in favor of the District. No further appeal was filed.

On July 1, 2022, grandparents filed a due process complaint under the IDEA alleging their grandchild was improperly found ineligible for special education services. Grandparents unilaterally moved to dismiss this complaint and it is no longer pending, although it is possible it could later be refiled. Even if the complaint were refiled, we do not anticipate a material adverse impact on the financial operations of the District.

On August 11, 2022, the parents of a student filed a due process complaint under the IDEA alleging that the District denied the student a free appropriate public education by failing to offer an IEP appropriate to meet the student's needs and for failing to timely identify the student as a child with a disability under the IDEA. The parties reached a settlement, and the case has been dismissed.

On September 6, 2022, a parent of a student of the District, filed a complaint with OCR alleging discrimination based on race and retaliation for advocating against race discrimination. This complaint is currently pending and we are preparing a response or a potential resolution. Even if OCR determines the allegations are founded, we do not anticipate a material adverse impact on the financial operations 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
3. Blended

In person meetings include dinner provided by local vendors. 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, business meetings have been live-streamed, 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 23, 2022, School District 27J has been compliant with statutory requirements that are placed upon us.

Conclusion: I report compliance.