

**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

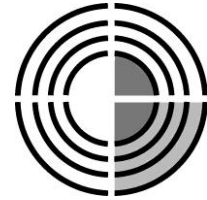
Signed: 

Date: December 13, 2023

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 13, 2023

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, emails, text messages, other publications, and staff members are made available so that the Board of Education of 27J Schools 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 – 12,536 (+4.01% from the last report)  
Twitter – 2,804 (+3.77%)  
Instagram – 2,683 ((+8.02%)  
Nextdoor – 53,438 members (+10.60%)

During this reporting period, staff has supported the Board’s continued efforts to hear from stakeholders through linkage meetings and 5<sup>th</sup> Tuesday joint meetings with city councils. The Board received monthly reports from members of the Student Advisory Committee and quarterly reports from a representative from the Bond Oversight Committee. The Board conducted interviews, selected members of the Mill Levy Override Committee, and received the first report from the Mill Levy Override Committee during this reporting period. The Board also participated in several ribbon cutting ceremonies as we opened new learning spaces for students throughout the district. A list of highlights from this reporting period is below:

2021 Bond Oversight Committee Report	January 25, 2023
Mill Levy Override Oversight Committee Interviews	January 30, 2023
5 <sup>th</sup> Tuesday Meeting with Brighton and Commerce City Councils	January 31, 2023
Mill Levy Override Oversight Committee Interviews	February 6, 2023
Mill Levy Override Oversight Committee Interviews	February 13, 2023
Community Engagement Meeting with Superintendent Finalist	March 1, 2023
Board Linkage with Student Advisory Students and Families	April 12, 2023
2021 Bond Oversight Committee Report	April 26, 2023
Board Linkage with School Resource Officers and Supervisors	May 10, 2023
Board Linkage with 27J Schools Principals	July 24, 2023
Student Advisory Council (Top Golf)	July 29, 2023
Discovery Magnet School Ribbon Cutting and Back to School Event	August 4, 2023
Riverdale Ridge High School CTE Center Ribbon Cutting	August 16, 2023
Brighton High School CTE Center Ribbon Cutting	September 11, 2023
Prairie View High School CTE Center Ribbon Cutting	September 11, 2023
2021 Bond Oversight Committee Report	August 23, 2023
5 <sup>th</sup> Tuesday Meeting with Brighton and Commerce City Councils	August 29, 2023
Board Linkage with Charter School Partners	September 13, 2023
First 2022 Mill Levy Override Oversight Committee Report	September 27, 2023
Candidate Forum – Lead by 27J Schools Student Advisory Council	October 14, 2023
2021 Bond Oversight Committee Report	October 25, 2023
STEAD School Ribbon Cutting	October 27, 2023
Board Director District 2 Interviews	November 2, 2023
Swearing in of New Board Members and Reorganization	November 29, 2023

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:

Financial Conditions and Activities 3.D (January 25, 2023)

Compensation and Benefits 3.G (March 8, 2023)

Global Goal 1.4 School Social Emotional Learning Dashboard (Good Humans) (March 8, 2023)

Global Goal 1.3 27J Schools Academic Status (September 27, 2023)

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.

Litigation this reporting period or continuing from previous reporting periods:

- On February 18, 2022, a former administrator’s attorney submitted a demand letter and later, in March of 2022, filed two charges of gender-based discrimination (one against the District and one against the District’s Director of Student Achievement) with the CCRD and EEOC. On May 2, 2022, we filed a response to the charge. In the spring of

2023, the CCRD and EEOC issued a finding of no probable cause along with Right to Sue Letters. The parties resolved this matter by settlement in April 2023.

- On April 29, 2022, the District received a demand letter claiming that a former administrator's non-renewal from his Assistant Principal 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 former administrator was non-renewed 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 retaliated against the former administrator 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 former administrator was non-renewed in violation of TECDA. On November 29, 2022, the District responded to the demand letter. The former administrator has taken no further action.
- 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 non-renewal 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 former staff member up until July 14, 2022 to file a federal lawsuit, which she failed to do. Since the original EEOC charge was dually filed with the Colorado Civil Rights Division, we expect the CCRD also to issue a right to sue notice. In December 2022, the former staff member filed a second EEOC complaint relating to the District's failure to rehire her in the spring of 2022. On February 3, 2023 the District filed a response. The matter remains under investigation with the EEOC.
- In November 2022, the District received notice that parent of a Prairie View High School student filed a complaint with the U.S. Department of Education, Office for Civil Rights, alleging discrimination based on race, specifically, that the District failed to adequately respond to student-on-student racial harassment at Prairie View High School. On December 2, 2022, we submitted a response on behalf of the District. Currently, we are negotiating a resolution agreement with OCR.
- In March 2022, a student at Reunion Elementary School fell and hit her head when she was doing flips on the monkey bars at Reunion Elementary. She was seen by the health aide, parents were called, and they took her home early. For the rest of the school year, apparently the parents and teacher worked out an informal arrangement that included extensive accommodations: The student attended school for 1-2 hours day and her

report card had E noted for 3rd and 4th quarters. The district did not receive a timely notice of claim, though in November 2022 parent inquired about insurance coverage because of the student's ongoing medical treatment. We supported CCMSI with the analysis of the claim and the letter of declination sent to parent in June 2023.

- In March 2023, the District received notice that the parent of a Riverdale Ridge High School student filed a complaint with the U.S. Department of Education, Office for Civil Rights, alleging discrimination against the student based on disability, specifically relating to her IEP and support for lack of attendance at Riverdale Ridge High School. On March 16, 2023, we filed a response on behalf of the District. This matter remains under investigation with OCR.
- In May 2023, the District received notice that Lutheran Family Services filed a complaint with the U.S. Department of Education, Office for Civil Rights, alleging that students participating in the English language development program at Second Creek Elementary School are not receiving appropriate services and that the school has failed to communicate with families in a language they understand. On May 31, 2023, we filed a response on behalf of the District. OCR has conducted two interviews. The parties are finalizing a resolution agreement.
- In May 2023, the District received a Notice of Claim on behalf of a student at Landmark Academy, a District-authorized charter school. The claims relate to alleged inappropriate sexual conduct by a former Landmark teacher. A criminal action against the teacher is proceeding. No formal complaint against the District is pending at this time.

**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, 2023, School District 27J has been compliant with statutory requirements that are placed upon us.

**Conclusion: I report compliance.**