

EXTERNAL REVIEW OF MONITORING REPORTS

September 18, 2024

POLICY: 2.4 FINANCIAL CONDITION AND ACTIVITIES
POLICY CATEGORY: OPERATING LIMITATIONS
PERIOD MONITORED: July 1, 2023 – June 30, 2024

POLICY: 2.5 ASSET PROTECTION
POLICY CATEGORY: OPERATING LIMITATIONS
PERIOD MONITORED: July 1, 2023 – June 30, 2024

POLICY: 2.6 EMPLOYMENT, COMPENSATION AND BENEFITS
POLICY CATEGORY: OPERATING LIMITATIONS
PERIOD MONITORED: July 1, 2023 – June 30, 2024

POLICY: 4130 STAFF ETHICS/CONFLICTS OF INTEREST/NEPOTISM
POLICY CATEGORY: DISTRICT POLICY
PERIOD MONITORED: July 1, 2023 – June 30, 2024

This external review of the above Board and District Policies were conducted by the Adams 12 Five Star Schools Finance and Audit Committee (FAC) to assist the Board in evaluating the results stated in the Internal Monitoring Reports from the Superintendent of the District for Sections 2.4.1, 2.4.5, 2.4.6, 2.4.7, 2.4.8, 2.4.13, 2.4.14, 2.4.15 and 2.4.17 of Policy 2.4, Sections 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.7, 2.5.8 and 2.5.10 of Policy 2.5, Sections 2.6.1, 2.6.2, 2.6.3 of Policy 2.6 and Section 5.0 Employee Certification and Monitoring of District Policy 4130. The FAC's review included unaudited reports of the District as of June 30, 2024 prior to finalization of fiscal year 2023-24. Detailed information provided by the District's accounting and human resource management systems and inquiries of District staff.

The External Monitoring Review is designed to determine whether the Superintendent and the organization have achieved a reasonable interpretation of and compliance with the Board of Education's and District policies. The FAC has provided their review of information and any findings as follows:

2.4 FINANCIAL CONDITION AND ACTIVITIES

2.4.1 POLICY PROHIBITION: *Shall not at any time: (a) Use any reserves other than as intended and permitted by law; or (b) allow discretionary reserves at the conclusion of a fiscal year to be less than 3% of general fund revenue except as provided in section 2.4.2*

INTERPRETATION (2.4.1 a.):

I interpret “(a) shall not use any reserves other than as intended and permitted by law” to mean:

The District (including charter schools) only expends restricted funds, as shown in the table below, for purposes permitted by law throughout the identified monitoring period. Reserves are maintained as budgeted items not yet spent.

TABOR	An amount equal to 3% of the annual District revenues must be held in reserve unless the Board adopts a resolution permitting expenditure of the funds and provides security for these funds by means of a letter of credit or by using District assets as collateral. (TABOR reserves are not required for federal and enterprise funds).
Contract Reserves	District: Reserves held for future year payments of certified and classified employee longevity stipend for employees who have separated from employment. Charter Schools: Reserves held per contract language for Special Education.

INTERPRETATION (2.4.1 b.):

I interpret “(b) shall not allow the unassigned fund balance at the conclusion of a fiscal year to be no less than 4% and no more than 8% of general fund revenues except as provided in section 2.4.2.” to mean:

A. A sum no less than 4% and no more than 8% of general fund revenue will be held as unassigned fund balance.

FAC MONITORING INFORMATION:

- a. Inquire of key finance personnel to determine if they are aware of any long term or other reserves that have been used other than as required by law. Also inquire as to whether key personnel are aware of any other long-term or other reserves that apply to the District that are not included on the unaudited monthly reports.

- b. The board has opted to move to an unassigned fund balance with no less than 4% of revenues, previously they were designated as a 3% board reserve. The committee finds this policy was implemented and the district is in compliance.

FAC FINDINGS:

Reviewed the District's TABOR reserve per the unaudited monthly reports and the District is in compliance with the policy. Per inquiry of key finance personnel staff, no long term or other reserves have been used other than required by law and reserves that apply to the District are included on the unaudited monthly reports.

2.4.5 POLICY PROHIBITION: *Shall not allow the organization to incur penalties in material amounts for tax payments, other government ordered payments, or other payments, or allow any filings that are overdue or inaccurately filed.*

INTERPRETATION:

I interpret this to mean:

All payments are made without incurring late payment fees in excess of the aggregate amount of \$1,000 for any fiscal year; further, reports and other required documents are submitted and accepted in accordance with Colorado Department of Education and Federal timelines. This is reasonable as it represents compliance with external requirements, and the \$1,000 amount has minimal impact on operations of the District.

FAC MONITORING INFORMATION:

- a. Inquire with key finance personnel to determine if any penalties for tax payments, other government ordered payments, or other payments were incurred during the fiscal year.
- b. Inspect general ledger detail for expenditure accounts labeled penalties or judgments.
- c. Determine through inquiry of key finance personnel and observation of applicable reports that there were not any overdue or inaccurate filings during the year, including property tax mill levies.

FAC FINDINGS:

The accounts payable team immediately identifies any late fees or potential for late fees and escalates for resolution. The chart of accounts was reviewed and there were no accounts that looked as if they might have penalties, fees, etc. and found nothing that was a penalty or fee. Per inquiry of district staff in the finance/accounting departments, there were no such fees that were incurred during the 2024 fiscal year Period 1-6.

2.4.6 POLICY PROHIBITION: *Shall not fail to aggressively pursue receivables after a reasonable grace period.*

INTERPRETATION:

I interpret this to mean:

A monthly attempt is made to collect accounts receivable that are past due by more than thirty days.

FAC MONITORING INFORMATION:

- a. Determine through interview the amount of accounts receivable past due by more than thirty days based on the district's monitoring report.
- b. Inquire of key finance personnel what actions have been performed to collect outstanding balances.

FAC FINDINGS:

If there are student fees that need to be collected an email is sent out notifying the parent/guardian of the outstanding balance. Fees are also attempted to be collected when the student transitions into a new school level. i.e. elementary to middle school. No hard collections processes are used. Student exit checklist was established, this allows schools to take more action before students exit the district. No collections on B2B receivables and no real collections on student accounts. The district is in compliance with policy.

2.4.7 POLICY PROHIBITION: *Shall not allow (a) bond funds and funding from certificates of participation to be spent inefficiently or in any way other than intended, or (b) override funds to be commingled with other funds or spent other than to directly achieve Ends.*

INTERPRETATION (2.4.7 a):

I interpret "(a) *Shall not allow bond funds and funding from certificates of participation to be spent inefficiently or in any way other than intended*" to mean:

- A. Bond funds shall be spent in a manner consistent with plans and commitments presented to District voters.
- B. Certificates of participation (COP) shall be spent in a manner consistent with plans and commitments approved by the Board of Education.
- C. Bond and certificate of participation proceeds are spent efficiently when they meet the following criteria:
 - 1. District construction shall comply with the District Educational Specifications and Technical Guidelines in place at the time of construction.
 - 2. District construction costs shall be controlled through a competitive process that will be utilized to bring the best value to the District and ensure alignment with market pricing.
 - 3. Cost of services provided by District staff shall not exceed 5 percent of the sale of proceeds of an issue as required under IRS Regulation 1.148-6(d)(3)(ii)(5).
 - 4. Projects shall be managed and completed so that the start date of the school year is not impacted by construction.

FAC MONITORING INFORMATION:

- a. Inquire with key personnel from Bond Committee if expenditures from the building fund have been spent efficiently per plan.

FAC FINDINGS:

A. It is the committee's finding the district is in compliance with its spending on bond projects and is spending the funds efficiently and according to intention. The district has several safeguards in place to ensure that bond funds are spent efficiently and according to the intention. Steven Coblar, the Adams 12 District's Sr. Accountant, tracks all bond spending. Staff reports monthly to the Long Range Planning Advisory Committee about all project schedules and budgets to ensure spending is according to plan. Additionally, the staff provides a quarterly bond spending update to the Board. The bond is 97.3% spent with \$12.5M remaining to spend as of Dec 2023

INTERPRETATION (2.4.7 b):

I interpret "(b) *Shall not allow override funds to be commingled with other funds or spent other than to directly achieve Ends*" to mean:

Additional operating funds received annually by the District per voter approval in November 1991, 2000, 2004, 2008 and 2018 shall be accounted for in the District's General Fund. All override funds shall be spent for the purposes described in the voter-approved ballot question to achieve the Ends established by Board policy.

FAC MONITORING INFORMATION:

- b. Inquire with key personnel on budget and accounting procedures regarding mill levy override funds. Additionally, review expenditures by project number.

FAC FINDINGS:

B. The FAC discussed and reviewed district processes, trackers and presentations, and it is apparent that mill levy and bond-related projects are itemized and budgeted by individual project numbers on an annual basis. Any bond projects are planned and tracked by the Long Range Planning Advisory Committee (LRPAC). Once projects are complete, they are closed out and any excess funds are moved to a future planning fund where the LRPAC employs an approval process for use. Regarding Mill Levy spending the FAC reviewed expenditures and finds the district appears to be in compliance. Certificate reviewed by the committee.

2.4.8 POLICY PROHIBITION: *Shall not achieve compliance with these provisions by endangering future capacity to accomplish Ends.*

INTERPRETATION:

I interpret this to mean:

Endangering future capacity means committing to multiple-year expenditures without a reliable funding source.

FAC MONITORING INFORMATION:

- a. Determine that the District's Multi-Year reserve was sufficient per observation of June 30, 2020 unaudited monthly reports.

FAC FINDINGS:

Per interview with Gina Lanier (December 20, 2023) and review of monthly financial reports, it appears that the district is in compliance with this standard. The District currently has only one multi-year obligation related to a grandfathered program that offered certified and classified district employees a stipend payment. Outside of this outstanding obligation, the District has measures in place to avoid multi-year contracts with vendors and employees. All vendor contracts have the following types of clauses to limit contracts that span more than one year:

1. Contract is structured as a one-year agreement with the option to extend the contract for additional one year over a set period of time.
2. Non appropriations clause (the longstanding, legally accepted clause that conforms to TABOR standards).

With regards to this specific obligation, the District budgets for the 1st year of payments from current income and years 2-5 are covered by the reserve for multi-year obligations. The District assumes 50 retirees per year and budgets accordingly for the year 2-5 obligation. The 6/30/23 audited financial report shows a reserve of \$9,557,112 for this obligation. The one risk to this reserve fund is if the District had more retirees than the 50 employee estimate. In this event, the shortfall would result in cuts to other programs to fund the stipend obligation. The district has not exceeded the 50 retirees to date.

2.4.13 POLICY PROHIBITION: *Shall not fail to undertake a full-scale competitive process for the selection of independent auditors pursuant to the most current Government Finance Officers Association recommendations regarding the selection of auditing services.*

INTERPRETATION:

The policy language is clear as written and requires no further interpretation.

FAC MONITORING INFORMATION:

- a. Determine through inspection of RFP and contract whether the District undertook a full-scale competitive process for the selection of independent auditors pursuant to the most current Government Finance Officers Association recommendations regarding the selection of auditing services.

FAC FINDINGS:

The current auditors will audit the FY 2024 and FY 2025 financials under the current contract, no RFP conducted for auditing services this year.

2.4.14 POLICY PROHIBITION: *Shall not receive, process or disburse funds under controls which are insufficient to meet the Board-appointed auditor's standards.*

INTERPRETATION:

I interpret this to mean:

The District manages money and money-related transactions using a system of internal controls which provide for separation of duties, fraud protection, and an authorization

process providing reasonable assurance that appropriate controls exist. This is reasonable because independent auditors review these controls on an annual basis and report their findings to the District administration and the Board of Education.

FAC MONITORING INFORMATION:

- a. Review RISC documents to ensure controls for disbursing, receiving or processing funds were sufficient.

FAC FINDINGS:

Review of district documentation revealed clear financial controls, processes and segregation of duties (matrix) by specific accounting / financial sub-functions (e.g., AP, revenue, etc.). The external auditor did not have any major findings in the procedures. Through its external audit and internal procedures/controls the district is in compliance.

2.4.15 POLICY PROHIBITION: *Shall not invest or hold operating, capital, bond and reserve funds without following the “prudent investor” standard and complying with the legal investment of public funds requirements under C.R.S. 24-75-601.1 and other applicable law.*

INTERPRETATION:

I interpret this to mean:

All funds are invested in compliance with C.R.S. 24-75-601.1 and other applicable law as follows:

- A. Cash is deposited in eligible depository banks subject to FDIC insurance or which pledge collateral in accordance with the Colorado Public Deposit Protection Act (“CPDPA”), or
- B. Cash is deposited in money market funds or local government investment pools with the highest credit rating assigned by a nationally recognized credit rating agency, or
- C. Investments in securities comply with applicable Colorado law and the credit rating, diversification and maturity restrictions as specified by the District’s investment policy, and
- D. Cash and other funds are not invested in instruments other than those permitted by Interpretations A-C.

FAC MONITORING INFORMATION:

- a. Observe and engage in quarterly investment meetings with Investment Advisor and review reports to determine that the District has maintained cash or investments per State Law.

FAC FINDINGS:

The FAC finds that the district is in compliance with this policy. The FAC reviewed and discussed the District’s investments with the District’s external independent investment advisor, Public Trust Advisors, who acts as a fiduciary on behalf of the district and determined that the District’s investments are in instruments that are in compliance with the District’s investment policy. As the

members of the FAC are not investment experts familiar with the "prudent investor" standard, the FAC relied on representations made by Public Trust Advisors. The FAC concluded based on its review of the District's investments and Public Trust Advisors representations, that the District is in compliance with 2.4.15.

2.4.17 POLICY PROHIBITION: 1. *Shall not fail to ensure that mill levy override revenues are used and distributed according to the plan established by the Board.*

INTERPRETATION:

I interpret this to mean:

The policy language is clear as written and requires no further interpretation.

FAC MONITORING INFORMATION:

- a. Inquire with key personnel on budget and accounting procedures regarding 5C mill levy override funds. Additionally, review expenditures by project number.

FAC FINDINGS:

The district is in compliance with this policy. In discussion with key district staff, the FAC reviewed the expenditures related to the use of Mill Levy funds for computer devices and learning services and determined that the funds were used in accordance with the plan established by the Board. Additionally, district accounting staff reviewed the Monitoring Report outlining specific reporting on Mill Levy spending requirements with the FAC.

2.5 ASSET PROTECTION

2.5.1 POLICY PROHIBITION: *Shall not fail to insure against theft and casualty losses of property owned or used by the district, and to insure and indemnify, in a board-approved manner, against liability losses to board members, staff and the organization itself. Interpretation:*

I interpret "shall not fail to insure against theft and casualty losses of property owned or used by the district" to mean: The district has in place insurance policies to replace, repair, or provide financial remuneration for damage to district buildings and their contents exceeding \$25,000 and damage to district vehicles exceeding \$2,500. The level of coverage restores the district to an equal or similar position prior to the loss or damage to the asset, less the deductible. The insurance replaces assets stolen, damaged or destroyed with a minimum value that meets or exceeds the deductible limitations of the insurance coverage, and includes the replacement of facilities, fixtures, furniture, equipment and consumable assets (i.e. textbooks, computer components, etc.) owned or leased by the district.

I interpret "shall not fail...to insure and indemnify, in a board-approved manner, against liability

losses to board members, staff and the organization itself” to mean: Appropriate policies are in place to cover acts of litigation, settlements, judgments and staff injuries resulting in financial remuneration by the district. The policies provide coverage for these acts to the extent available through insurance policies and provide coverage in amounts consistent with industry standards. There are certain acts that are not insurable.

FAC MONITORING INFORMATION:

- a. Inquiry with key personnel and Inspect insurance summary and determine that the District has adequate insurance.

FAC FINDINGS:

The insurance coverages are in line with the requirements set by the District, Board and Industry standards and determined they are adequately insured. The district conducted a review to determine if they were garnering the best premiums for the coverage required; School Entity Liability (General Coverage) meets the Industry Standard which is based on “Standard Liability + Workers Comp Coverage”. The Cyber Coverage and workers comp deductibles were increased based on actuarial review. The changes were financially sound and in the district's best interest. The increases in deductibles are funded and ready despite their high value. The district is in compliance with this policy.

2.5.2 POLICY PROHIBITION: *The projected cost of total deferred maintenance shall not exceed ten percent (10%) of the projected replacement value. Furthermore, funds allocated for the purpose of maintaining the plant shall accrue year to year to a maximum of three percent (3%) of the projected replacement value of the plant; these funds shall be deemed a plant contingency fund and shall not be transferred, spent, or reallocated for any other purpose without prior approval of the board of education.*

I interpret: “The projected cost of total deferred maintenance shall not exceed ten percent (10%) of the projected replacement value” to mean: 10% of deferred maintenance is the cost of major repair and replacement tasks not performed according to their prescribed lifecycle frequency, resulting from maintenance that was unable to be completed due to the lack of human or financial resources.

I interpret: “funds allocated for the purpose of maintaining the plant shall accrue year to year to a maximum of three percent (3%) of the projected replacement value of the plant; these funds shall be deemed a plant contingency fund and shall not be transferred, spent, or reallocated for any other purpose without prior approval of the board of education” to mean: The remaining balance of funds allocated annually for Facilities Maintenance in any fiscal year and all prior fiscal years shall be transferred to a Plant Contingency Fund to be used for maintaining the plant with due care, facility program changes, and replacement of capital equipment.

FAC MONITORING INFORMATION:

- a. Inquiry with key personnel, Inspect Maintenance Budget and cost lab analysis to determine that the District has adequately funded for preventative maintenance, minor repairs, and unscheduled maintenance.

FAC FINDINGS:

During the committee review/interview process it has been determined that the district is over the allowable deferred maintenance limit. The district is aware of these maintenance limits and is working with the various planning committees to plan for realignment. This is a situation of concern as costs continue to rise and schools age. While emergent situations have contingency plans in place, ongoing/deferred maintenance will need to be addressed with urgency.

2.5.3 POLICY PROHIBITION: *Shall not fail to maintain the plant with due care in a manner that ensures facilities are open ninety-nine percent (99%) of the available instruction hours.*

I interpret: "Shall not fail to maintain the plant with due care in a manner that ensures facilities are open ninety-nine percent (99%) of the available instruction hours" to mean: Financial resources allocated to Facilities Maintenance are expended for preventative maintenance, minor repair, and unscheduled maintenance in a manner that best maintains the plant, such that the plant is operational and functioning in the capacity necessary at a rate of ninety-nine percent (99%) of the 1,080 hours and 990 hours of annual instructional time for a secondary and elementary school, respectively.

FAC MONITORING INFORMATION:

- b. Inquiry with key personnel, inspect Maintenance Budget and cost lab analysis to determine that the District has adequately funded for preventative maintenance, minor repairs, and unscheduled maintenance.

FAC FINDINGS:

The district is in compliance with this standard. Per the interview with key personnel and maintenance records the facilities were open ninety-nine percent (99%) of the available instruction hours. The maintenance department did have adequate funds allocated for preventative maintenance, minor repairs, and unscheduled maintenance for the monitoring period. However, as noted in 2.5.2, the district will need to address several categories of deferred maintenance to ensure this standard continues to be met.

2.5.4 POLICY PROHIBITION: *Shall not fail to maintain equipment with due care to provide necessary services for student/staff contact days and essential district operations or to fund said maintenance with adequate resources on an annual basis.*

I interpret: "Shall not fail to maintain equipment with due care" to mean: Financial and human resources for the maintenance and upkeep of equipment are expended for personnel, materials, and contract services necessary to maintain, monitor, and repair equipment in a manner consistent with manufacturer requirements.

"equipment" to mean: The following capital assets; (A) student transport vehicles, (B) Information technology infrastructure (computer network switches, routers, servers, storage systems, communication systems (email, telephone, website), software (such as PeopleSoft Finance, PeopleSoft HR, IEP System, Early Warning System, Educator Resource Center, and

Infinite Campus), and cloud-based Internet applications (such as Google, Educator Effectiveness, SchoolDude, Schoology).

“to provide necessary services” to mean: Equipment is operational for the support of student/staff contact days and essential district operations.

“student/staff contact days” to mean: Ninety-nine percent (99%) of the 1,080 hours and 990 hours of annual instructional time for a secondary and elementary school, respectively.

“essential district operations” to mean: The district is able to perform its legal and fiduciary duties. i.e. (transport students safely, meet payroll requirements, meet financial and human resource obligations, CDE reporting, communicate critical information to parents, students and staff, and provide fire and intrusion monitoring).

“or to fund said maintenance with adequate resources on an annual basis” to mean: Sufficient financial and human resources are allocated yearly to ensure equipment is operational in the manner necessary to provide services to students/staff without unnecessary interruption.

(A) Student Transport Vehicle Inspections

(B) Information technology infrastructure (computer network switches, routers, servers, storage systems, communication systems (email, telephone, website), software (such as PeopleSoft Finance, PeopleSoft HR, IEP System, Early Warning System, Educator Resource Center, and Infinite Campus), and cloud-based Internet applications (such as Google, Educator Effectiveness, SchoolDude, Schoology).

FAC MONITORING INFORMATION:

- a. Inquiry with key Transportation personnel, to determine that the District has adequately funded for preventative maintenance, and to determine if they are aware of any outages of service that have impacted students or staff.
- b. Inquiry with key IT personnel, to determine that the District has adequately funded for preventative maintenance, and to determine if they are aware of any outages of service that have impacted students or staff.

FAC FINDINGS:

2.5.4a It is the committee’s finding, the district is in compliance with both maintenance and service to students. District buses have not missed any service dates and there are enough buses for all routes even in the event of an unexpected breakdown. There have been no interruptions of service. Through the interview process, the committee has learned of multiple programs implemented to address the staffing issues, it is apparent these programs are working and is proactively addressing staffing level.

2.5.4b: The committee finds the IT department is maintaining the systems required to support students. As with all technology, there are concerns for long-term plan to ongoing support of devices (End of Life) and cyber security in addition to increasing the "Human Factor" for technology use, equitable access throughout the district and security awareness. Several programs, training and tabletop exercises have been implemented to improve the district’s IT and security practices

2.5.5 POLICY PROHIBITION: Shall not make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of any material amount without having obtained comparative prices and quality; or without a stringent method of assuring the balance of long-term quality and cost.

I interpret “Shall not make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of any material amount without having obtained comparative prices and quality; or without a stringent method of assuring the balance of long term quality and cost” to mean: The district has district policies and procedures that expenditures meeting or exceeding \$5,000 (non-grant funded purchases) or \$3,000 (grant funded purchases/fund 22) for any transaction are subject to a competitive bid process. The competitive process includes the development of product/service specifications to ensure the level of quality required. The purchasing process incorporates the appropriate competitive process, an Invitation to Bid, a Request for Proposal (RFP), phone quote, competitive negotiation, email quote or fax quote, provided that at least (3) responses are obtained. A Procurement Deviation Justification Form (PDJ) must be completed and approved for sole source, single source and emergency purchases which typically are service related or specialized products such as proprietary software. For capital construction, bid limits were raised in FY16-17. Projects up to \$15,000 require no bid, \$15,000 - \$50,000 prices may be solicited via email or other written means provided there are at least three (3) proposals obtained.

FAC MONITORING INFORMATION:

- a. Inquire of key personnel as to the purchasing process and performance/documentation of steps a - b of the Policy Prohibition.
- b. Inquire of key personnel as to:
 - i. the number of competitive bids during fiscal year 2023
 - ii. whether the District has received any protests
- c. From the list of bids, randomly select 5 for testing. Inspect the bid files and determine that there was a competitive bid (if applicable). Assure that the file meets the interpretation.

FAC FINDINGS:

The FAC reviewed and discussed the District's procurement policies and practices with District staff. There were 35 formal solicitations in FY23 and additional informal solicitations that met policy requirements. While immaterial in number and dollar commitments, there were minor exceptions that staff remediated by reviewing to ensure no conflicts of interest and pricing was fair. Therefore, the FAC concluded that the District is in compliance with 2.5.5.

2.5.7 POLICY PROHIBITION: Shall not fail to timely apprise the Board of any contemplated property (real or otherwise) asset acquisition in excess of \$500,000 based on net book value

and sales price outside of bond implementation or otherwise approved by the board in a bond, override plan, or general budget

I interpret “shall not fail to timely apprise the Board of any contemplated property (real or otherwise) asset acquisition in excess of \$500,000 based on net book value and sales price outside of bond implementation or otherwise approved by the board in a bond, override plan, or general budget” to mean: The district shall provide notification to the board through regular correspondence from the Superintendent at the time when district staff engages in the due diligence process in the event of a potential acquisition of property (real or otherwise) of \$500,000.

FAC MONITORING INFORMATION:

- a. Inspect the board minutes for notification to the Board of Education from the Superintendent when the District engages in the due diligence process in the event of a potential acquisition or disposition of property. For all assets acquired over \$500,000.

FAC FINDINGS:

Upon review and receipt of documentation, the District's asset acquisitions in excess of \$500,000 were approved by the Board under the bond project.

2.5.8 POLICY PROHIBITION: *Shall not fail to gain Board approval of property (real or otherwise) asset acquisition or disposition in excess of \$500,000 based on net book value and sales price. .*

I interpret “*shall not fail to gain board approval of property (real or otherwise) asset acquisition or disposition of \$500,000.*” to mean: The district shall gain approval of the board through board action prior to acquisition of property (real or otherwise) or a disposition of property (real or otherwise) in excess of \$500,000.

FAC MONITORING INFORMATION:

- a. Inspect the board minutes for approval from the Board of Education for the acquisition and/or disposal of an asset. For acquisitions and dispositions in excess of \$500,000.

FAC FINDINGS:

Upon review and receipt of documentation the District's asset acquisitions in excess of \$500,000 were approved by the Board under the bond project.

2.5.10 POLICY PROHIBITION: *Shall not dispose of—including any gift of encumbrance of or granting of title exceptions to-any real estate owned, leased, or used by the district, or for which the district acts as surety; (i) for compensation less than the sum of the market value of the property interest disposed plus any reduction in the market value of property or operations retained; (ii) if items 8(b)-8(e) above are not observed; (iii) or if any remaining district property and operations become financially infeasible, unsafe, inaccessible or dysfunctional thereafter.*

I interpret “*Shall not dispose of—including any gift of encumbrance of or granting of title exceptions to-any real estate owned, leased, or used by the district, or for which the district acts as surety; (i) for compensation less than the sum of the market value of the property interest disposed plus any reduction in the market value of property or operations retained*” to mean:

The district does not relinquish property ownership without assurance that the value received is considered to be at market value unless a proposed purchase in excess of market value is disclosed to and approved by the Board of Education. Market value is defined as being consistent with appraised value provided by a State of Colorado certified appraiser or through negotiations using real estate and legal professionals who primarily practice or specialize in the area of real estate brokerage, sales, development, planning, or law. In addition, the disposal of said property must not reduce the market value of any remaining district property retained.

FAC MONITORING INFORMATION:

- a. Inspect disposals of real estate during fiscal year 2019 and determine if the compensation received was less than the sum of the market value of the property interest of the property disposed plus any reduction in the market value of the property or operations retained.

FAC FINDINGS:

Upon review of asset disposals, the District had no disposals of real estate to report, therefore, the district is in compliance.

2.6 EMPLOYMENT, COMPENSATION AND BENEFITS

- 2.6.1 POLICY PROHIBITION:** *The Superintendent shall not change his or her own compensation and benefits, except as his or her benefits are consistent with a package for all other employees.*

I interpret “*change his or her compensation and benefits, except as his or her benefits are consistent with a package for all other employees*” to mean: The Board of Education determines the annual compensation and benefits package for the Superintendent. The financial enhancements, in addition to base salary, do not exceed those received by other employees except as outlined in the Superintendent’s employment contract executed by the Board of Education.

FAC MONITORING INFORMATION:

- a. Inspect Superintendent’s contract and any subsequent Addenda, inspect the District’s payroll records to determine that the Superintendent’s compensation is within the guidelines set forth by the Board of Education.

FAC FINDINGS:

The district is in compliance with 2.6.1. A new contract was signed with the Superintendent on May 24, 2023. AD12 General Counsel explained the only change to salary was a 6% increase for all administrative staff. The superintendent contract is publicly available.

2.6.2 POLICY PROHIBITION: *The Superintendent shall not (a) promise or imply permanent or guaranteed employment, (b) use illegal recruitment, hiring, evaluations, promotion, termination or other employment practices.*

(a) I interpret “*promise or imply permanent or guaranteed employment*” to mean: Superintendent Policies, Master Agreements (union contracts) and other employment contracts do not contain language that indicates entitlement to employment beyond the current fiscal year, and provide for staff reductions as may be required.

(b) I interpret “*use illegal recruitment, hiring, evaluation, promotion, termination, or other employment practices*” to mean that certified, administrative, classified and substitute teachers are not discriminated against based upon their predominant ethnic background, gender, sexual orientation, age, or their religious or political affiliation during the selection process for employment, assessment of performance, or separation from employment. Compliance shall be reported in absence of any decision or judgment by final agency action, or by an appellate court with final appellate authority for the issue presented, concluding that the district acted or failed to act in a manner which is contrary to law.

This interpretation is reasonable because the courts and administrative agencies are the ultimate arbiters of the lawfulness of district action.

FAC MONITORING INFORMATION:

- a. Interview key personnel, Inspect Master Agreements and randomly select 5 contracts to verify that there is no language to promise or imply permanent employment.
- b. Interview with key personnel and inquire on any judgements or other personnel issues that would not comply with this standard.

FAC FINDINGS:

Members of the Finance and Audit Committee interviewed members of Adams 12 staff, inspected Master Agreements and read randomly selected contracts to be certain that there is no language that promises or implies permanent employment. The selected contracts did not contain any language that could be considered a promise of permanent employment or a promise of perks or extra compensation outside of the stated salary. The Master Agreement that covers the majority of contracts with the district does not contain any promise of permanent employment. Based on the contracts and Master Agreement read, and the interview with district staff, Adams 12 is in compliance with policy 2.6.2.

2.6.3 POLICY PROHIBITION: *The superintendent shall not establish current compensation and benefits which materially exceed the geographic or professional market for the skills employed.*

I interpret “*Materially exceed the geographic or professional market*” to mean: Salary plans and other financial enhancements, as part of total compensation, will not exceed or be below the market by 10% as summarized for each of the employee groups. The target of a 10% spread for the summarized industry salary and benefits survey data is reasonable because of our organizational value of neither being at the top nor at the bottom of the geographic market.

FAC MONITORING INFORMATION:

- a. Inspect third-party salary and benefits survey of the Denver-Metro area for school districts to determine that the District's compensation and benefits package is reasonable.

FAC FINDINGS:

The committee finds the district is in compliance with this policy. Myla Shepherd, CHRO, presented the Oehms and [Salary.com](https://www.salary.com) comp info survey and the committee reviewed all data with specific focus on roles that were significantly below benchmark, roles that were re-classed in response to the benchmark data, as well as roles that may be above market. They presented the 2022-2023 Certified Salary Analysis for similar Colorado school districts. Three classified positions and two administrative positions were re-classed. There are a handful of classified and administrative roles that are above market per the survey data and the HR team is monitoring the market on these roles.

DISTRICT POLICY 4130 STAFF ETHICS/CONFLICTS OF INTEREST/NEPOTISM

5.0 Employee Certification and Monitoring. All District employees shall comply with the terms of the Staff Ethics/Conflicts of Interest/Nepotism policy and this administrative procedure. Because employees serving in supervisory, management, administrative, and purchasing positions have decision-making responsibilities which pose a greater risk of engaging in conflicted conduct, individuals holding the following positions within the District shall be provided an annual notice regarding their obligation to review and comply with this policy:

- Superintendent
 - Chief academic officer, chief operating officer, chief Information Technology Officer, Chief Human Resource Officer, Chief Financial Officer, and General Counsel, Executive Directors
- Senior Executive Assistants to the Superintendent and Board of Education
- All District staff with a title of director, assistant director, manager, or project manager
- All employees in the Business Services Operations Department
- All principals, assistant principals, and deans
- All classified employees with the title of supervisor or with supervisory responsibilities

5.1 The Chief Human Resource Officer or her/his designee shall be responsible for providing these annual notices. The notice may be incorporated into an employee's employment contract.

5.2 An annual review shall be completed to determine whether required notices have been provided and whether employees have engaged in conduct prohibited by this policy.

5.3 The annual review shall also examine whether contracts and agreements between the District and third parties conform with this policy, constitute reasonable investment or payment for goods and services, and do not result in impermissible private benefit to District employees.

5.4 The annual review described in Sections 5.2 through 5.5 shall be completed by the District's Finance and Audit Committee.

5.5 The Finance and Audit Committee shall report the findings of its annual review to the Superintendent and to General Counsel on or before July 1 of each year.

FAC MONITORING INFORMATION:

a. From a list of employees serving in supervisory, management, administrative, and purchasing positions for the year ended June 30, 2018, randomly select 5 employees and:

- i. Observe that the employee received the required notification regarding staff ethics, conflicts of interest and nepotism

- ii. Inquire of the employee if he or she has not engaged in conduct prohibited by policy 4130

FAC FINDINGS:

The district is in compliance with this Policy:

a. - iii. Of the 5 randomly selected employees the answers were as follows:

- Did you receive the annual HR notification email regarding District Policy 4130? 3 employees indicated that they received the annual HR notification email, [2] indicated that they were unaware of it in email form and unable to find it (We may need to look at re-wording the question to ensure staff understand when the email was sent)

- Are you aware of this policy being included in your employment contract? [4] were aware, [1] were not aware

- If you have/had any questions regarding the policy, do/did you know who to ask? If you have asked a question, did you receive an appropriate response? If not, do you know what steps to take next? [5] were aware, [0] were not aware

a. - iv. Of the 5 randomly selected employees the answers were as follows:

- Have you knowingly engaged in conduct prohibited by Policy 4130? [5] indicated that they had not knowingly engaged in any prohibited conduct

- Are you aware of any employees or other staff within the District engaging in behavior or conduct prohibited by Policy 4130? If yes, have you taken any action to report this? [5] indicated that they had no knowledge of any misconduct under the policy.

The Board acknowledged receipt of an external monitoring report from the Finance and Audit Committee (FAC) as of October 2, 2024, for the period July 1, 2023 through June 30, 2024, for the purpose of monitoring Superintendent performance concerning Board Policies 2.4 Financial Condition and Activities, 2.5 Asset Protection, 2.6 Employment, Compensation and Benefits, and District Policy 4130 Staff Ethics/Conflicts of Interest/Nepotism, and found the FAC's findings and conclusions were reasonable and supported by data that was relevant, justified and complete.