

**EXECUTIVE LIMITATION 1.8 –
COMMUNICATION WITH AND SUPPORT OF THE BOARD**

To: Board of Education
From: Superintendent – Douglas County School District Re. 1 (DCSD)
Re: Internal Monitoring Report for the period April 1, 2008 through March 31, 2009 – Executive Limitation 1.8: Communication with and Support of the Board

I hereby present my monitoring report on Executive Limitation 1.8 in accordance with the monitoring schedule as set forth in board policy. I certify the information in this report is true.

Signed  Date: April 27, 2009
Superintendent – DCSD

EL 1.8 Communication with and Support of the Board

The Superintendent shall not cause or allow the Board to be *uninformed* or *unsupported* in its work.

Interpretation: *"Uninformed" means failure to provide relevant facts and answer requests for information to help the Board make a decision. "Unsupported," means failure to, through the use of District personnel, resources and relationships, willingly help the Board complete their responsibilities. "Its work" is the Board's job defined in Governance Process and Board/Superintendent Linkage Policies.*

The Superintendent will help the Board with Ends work and to develop governance capability.

I report compliance.

Accordingly, the Superintendent shall not:

EL 1.8.1 Fail to adequately plan for short and long-term capital or facility needs in a manner that does not align with the bond cycle.

Interpretation: I interpret *"short and long term capital or facility"* as capital programs, including those short term and remodeling projects and long term facility construction included in the bond.

REPORT

Data:

- The **multi-year** capital facilities plan was developed July 2008 by the Long Range Planning Committee. The LRPC, a Board of Education committee, developed the multi-year capital facilities plan for the Board of Education. A report opportunity is provided at each Board meeting for the Board liaison to LRPC.
- The Board of Education asked the Long Range Planning Committee to provide feedback to the potential 2008 bond project list. Presentation of general comments and questions gathered from LRPC members at a special meeting held on May 21, 2008.
- Currently, 13 capital improvement projects are in various stages and are scheduled for completion by 2010 and aligned to the 2006 bond cycle.
- Construction updates were provided to the Board in May 2008, September 2008, November 2008, December 2008, January 2009, February 2009 and March 2009.
- Presentations on real estate matters available in executive sessions on 04/15/08, 05/06/08, 08/20/08, 07/15/08, 08/05/08, 08/19/08, 09/02/08, 09/16/08, 10/07/08, 10/21/08, 11/04/08, 11/18/08, 12/02/08, 03/17/09.

I report compliance.

EL 1.8.2 Fail to report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Interpretation: Designated staff members will regularly review Board Ends and Executive Limitations and inform the Superintendent of anticipated or actual violations of policy in segments of time aligned with the Board Dissemination. "Actual noncompliance" means that a policy has not been followed or that an action has caused the policy to be violated. "Anticipated noncompliance," means that 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 will such timeliness will be reported upon awareness.

REPORT

Data:

Executive Limitation 1.5 Financial Planning and Budgeting states that: "Financial Planning may not deviate materially from the Board's Ends priorities, risk financial jeopardy or fail to be derived from a plan projecting at least five years." This has been interpreted in part that the District will maintain an ending fund balance greater than or equal to 5%

of the budgeted revenues in its General, Capital and Insurance Reserve Funds.

The Board of Education has been advised that as the current fiscal crisis continues, the FY 2008-2009 Projected General Fund Ending Fund Balance of 5% is in jeopardy, both for the current year and in a five year projection. The Board received updates on financial matters concerning the likelihood of the 08-09 as well as future years ending fund balances falling below the Board's 5% minimum amount, but within the 3% TABOR requirement. Presentations were given to the Board of Education on the following dates depicting the concern of the 5% General Fund Balance: December 16, 2008, January 20, 2009, February 17, 2009, March 3, 2009, April 3, 2009 and April 21, 2009.

The concern of fund balances below the 5% Board required level was also part of the discussion concerning the 2007-08 presentation of the Comprehensive Annual Financial Report (CAFR) on December 16, 2008.

Failure to meet the 5% Ending Fund Balance for the General Fund for FY 2008-2009 will be non-compliant with E.L. 1.5.

Additionally, the Board has been advised that beginning with the 2012-13 year, the ending fund balance for that year and the next is expected to be negative, given the current projections for revenues and expenditures. This advisement has occurred in conjunction with the presentation of the forecast model.

I report compliance.

- EL 1.8.3 Fail to advise the Board if, in the Superintendent's opinion, the board, its committees, or its liaisons are not in compliance with its own policies on Governance Process and Board Superintendent Linkage.

Interpretation: *The Superintendent shall notify the Board if the Board or any individual Board member's actions are inconsistent with the Board's own means policies, especially if such actions undermine the Board/CEO relationship.*

REPORT

Data:

- No report of violation

I report compliance.

- EL 1.8.4 Neglect to submit monitoring data required by the Board in a timely, accurate and understandable fashion, directly addressing provisions of Board policy being monitored.

REPORT

Data:

- a. Board informed through 9 monitoring reports:
 - EL 1.0 General Executive Constraint-11/18/08
 - EL 1.1 Treatment of Students, Parents, Public and Community-10/21/08
 - EL 1.2 Treatment of Faculty & Staff-10/21/08
 - EL 1.3 Emergency Succession-03/17/09
 - EL 1.4 Comp/Benefits/Employment-01/20/09
 - EL 1.5 Financial Planning & Budgeting-01/20/09
 - EL 1.6 Financial Management & Controls-01/20/09
 - EL 1.7 Protection of Assets-09/16/08
 - EL 1.8 Communication with & Support of the Board-04/16/08

- b. Additional related progress reports or clarifications requested:
 - ES 1.6 Wellbeing progress report-04/15/08
 - ES 1.1 Critical Thinking progress report-07/15/08
 - ES 1.2 Ethical Principles-07/15/08
 - ES 1.3 Continue Learning-07/15/08
 - ES 1.4 Apply Knowledge-07/15/08
 - ES 1.5 Leadership Skills -07/15
 - Direct Inspect Student Learning Goal 1 Responsible Citizens subend 1.1 – 9/08
 - Progress Report – Literacy 9/08
 - ES 1.7 Essential Skills-11/04/08
 - ES 1.8 Core Body of Knowledge-11/04/08
 - ES 1.8.1 Science
 - ES 1.8.2 Information Literacy
 - ES 1.8.3 Social Studies
 - ES 1.8.4 World Languages
 - ES 1.8.5 Literature
 - ES 1.8.6 Physical Education and Health
 - ES 1.8.7 Personal Business and Finance
 - ES 1.8.8 Math
 - Progress Report – 11/08
 - Career and Technical Education
 - College Ready
 - Advanced Placement
 - International Baccalaureate
 - Progress Report – 11/08
 - Accreditation
 - School Walkthrough
 - Focus Groups
 - Demonstration Sites
 - Student Demonstration of Learning
 - ES 1.9 Exposure to the Fine Arts-1/15/09
 - ES 1.10 Beyond Liberal Arts-1/15/09
 - Progress Report on Student Leadership – 02/03/09
 - Progress Reports – 03/03/09
 - Colorado Growth Model

- Remediation Data
 - PRA contract renewal
 - 2006 override discussion
 - Progress Reports – 03/17/09
 - NRA contract revision
 - Student Leadership current state
- c. Board supported in End work not related to monitoring
- Retreats in May 2008 and October 2008.

I report compliance.

EL 1.8.5 Let the Board be unaware of significant incidental information, such as student performance data, graduation rates, anticipated adverse media coverage, threatened or pending lawsuits, results of District-wide polls or surveys (financed by the District), anticipated bond refunding opportunities or ratings changes, resolutions of significant grievances or complaints, or material external and internal changes. When feasible, the Board is to be notified of material internal changes in advance.

Interpretation: *The Superintendent shall notify the Board of information that will likely prevent the Board and Superintendent’s ability to pursue or attain compliance of Board Policy. Where there is likelihood that newspaper, radio or television reports of occurrences in the District cast the District in a negative light, this would constitute “adverse media coverage.” “Threatened lawsuits” are interpreted as communication in writing of intent to take action in a court of law. “Pending lawsuits” are interpreted as claims against the District, which have been filed and have not been resolved. “Material external and internal changes” are conditions, such as demographic trends, different from the norm within the District or outside of 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. “Feasible” is interpreted to mean, upon the Superintendent’s review, awareness of a condition that will negatively affect the ability to meet Ends or Executive Limitations with sufficiently complete data to provide accurate notice to the Board of the condition. The Board will be informed of such conditions within the District upon the Superintendent’s awareness.*

REPORT

Data:

- a. Board informed through 403 factual and informative communications:
- Media Coverage and potential media coverage is communicated by email. All media coverage - adverse, positive or neutral - is provided monthly to the Board under Current Events. DCSD is responsive to local, regional and national media outlets by providing official statements, news releases, event advisories and

providing opportunities for media interviews. Of the total number of stories covered during the reporting period, 53% were labeled "positive" exposure for DCSD, 13% "adverse," and 34% were labeled "neutral." Neutral stories were primarily statements of facts regarding situations that neither paint DCSD in an adverse nor positive light. Additionally, "adverse" stories typified stories about bad news (student accidents or death, student or staff impropriety, etc.).

- Filed claims or lawsuits
 - 1 OCR claim
 - 3 EEOC claims
 - 2 Adverse rulings from CDE
- Pending Lawsuits
 - 2 Worker's Comp lawsuits
 - 1 General Liability lawsuit
 - 2 Civil lawsuits
- Material external changes
 - Douglas County Voting Centers hosted at DCSD high schools - November 2008
 - Pat McGraw designated election observer for DCSD - November 2008
 - Member of the board of the Juvenile Assessment Center from November 2008 to the present
 - Consulting with Health at Work for DCSD medical insurance from February 2009 to the present
 - Change of revenue projection
 - State mandated retirement increases and higher abatements
- Material internal changes
 - US Department of Education Grant for social studies - 04/09/08
 - Key Communicator Network meetings - 07/23&24/08 and 01/8&9/09
 - Creation of eDCSD for SY 2008-2009
 - HOPE Charter school contract - 05/08
 - Delayed school grand opening at Clear Sky Elementary - 09/13/08
 - Staff & Community Stakeholder Feedback opportunity in reference to budget reduction - 01/09
 - \$21MBudget Reduction - 04/08
 - \$38M Budget Reduction including the elimination of 236 positions - 11/08
 - Graduation Requirement change approved - 02/17/09
 - Learning Services redesign notification - 03/25/09
- Student Performance Data
 - CSAP results - 07/31/08
 - ACT information - 08/07/08
 - AYP data - 12/11/08
 - The One Report - 12/06/08

I report compliance.

EL 1.8.6 Fail to provide a mechanism for official Board, officer, or committee communications.

Interpretation: *The Superintendent provides a communication vehicle or channel including but not limited to written or oral transmissions such as email, fax, Board packets, Electronic School Board, District portal and updates for Board's work.*

REPORT

<p><u>Data:</u></p> <p>a. Communications</p> <ul style="list-style-type: none">• 368 through email• 33 Week at a Glance communications• 17 Agenda Planning Sessions or communicated with draft agenda <p>b. Board supported through Electronic School Board</p> <ul style="list-style-type: none">• 23 packets posted to portal <p>c. Continued support for linkage</p> <ul style="list-style-type: none">• SAG feedback – 04/08 and 03/09• DAC oral and written communication – 12/16/08, 01/20/09 and 03/03/09• DAC forums held on 09/23/08 and 02/10/08• Community Engagement with Parker and Castle Rock Town Councils– 03/09• 34 <i>Yesterday, Today and Tomorrow</i> Presentations opportunities in April and May 2008• 91 Staff and Department meetings – August, September and October 2008• Douglas County Partnership liaison - monthly• Team Highlands Ranch liaison - monthly
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I report compliance.

EL 1.8.7 Send letters or surveys or share communications under the Board name or on behalf of the Board prior to the Board's review.

Interpretation: *The Board will approve in advance all information distributed under the Board's title.*

REPORT

<p><u>Data:</u></p> <p>a. Board approval or reviewed and signed by Board President:</p>

- Responses to ordinary correspondence - ongoing
- Recognition letters (plaques) - ongoing monthly
- Adequate Yearly Progress letter to parents - October 2008
- Response letter to CDE in regards to FY07-08 Audit and Automated Date Exchange (ADE) Submission (April 2009)

I report compliance.

EL 1.8.8 Fail, when addressing official Board business, to deal with the Board as whole except when fulfilling requests for information, or responding to officers or committees duly charged by the Board.

Interpretation: *The Board expects all information to be consistently shared with all members of the BOE when doing business of the Board. Exceptions are authorized under BOE policy and by responding to individual inquiries not specific to Board business.*

REPORT

Data:

- No violations of this policy have been reported by staff or BOE members.

I report compliance

EL 1.8.9 Inadequately support the Board in its responsibility to favorably impact legislation. Accordingly, the Superintendent may not allow the Board, legislators, or other governmental officials to be unaware of potential consequences to the District posed by pending legislation or regulation.

REPORT

Data:

- A 2008 Legislative session wrap up report was provided by Carole Murray – 06/17/08
- Lobbyist, Jason Hopper under contract for the period covered by this report.
- Lobbyist, Erin Silver under contract since January 2008.
- Weekly updates and tracking sheets on 5-8 bills provided to the Board by lobbyist, Jason Hopper or his designee.
- Legislative session monitoring to include the School Finance Committee, the Charter School Bill Education Committee and the Joint Budget Committee with a .5 FTE over the time period covered in this report.
- Cabinet weekly review of proposed legislation

- Senate testimony by Paul Balon on March 19, 2009
- System Transformation Committee Work on 07/25/08, 09/01/08, 10/30/08, 11/21/08, 01/21/09, 02/04/09 and 03/18/09
- Meetings with legislators held at DCSD facilities – Lt Gov O’Brien visit on 02/02/09
- Meetings with David Casiano, mayor of Parker 06/24/08 and 08/25/08
- Testimony at with Castle Pines North Town Council in reference to land development – 09/10/08
- Meetings with League of Charter Schools, CASE and CASB – February 2009
- Continued Policy Governance support with Jim Wiegel for the period covered by this report

I report compliance.