

President's Interpretation of Board Policies

3.0 Board Relationships and 4.0 Governance Process

Introduction

Under our governance structure, the Superintendent is required to interpret reasonably all policies dealing with *Ends* and *Operating Limitations*. The Board President is required to interpret reasonably all policies dealing with *Board Relationships* and *Governance Process* in a manner consistent with Adams 12 Board of Education Bylaws.

The President of the Board of Education, based on the appropriate policies in effect at this time, provides these interpretations. If a Board member or the Superintendent wishes to incorporate any of these interpretations into policy, or wishes to make additional or modified policies in these areas, then that Board member or the Superintendent should so inform the President and that proposal will be placed promptly on the Board Agenda for discussion and action. If any Board member or the Superintendent at any time has comments, questions or disagreements with these interpretations, or would like additional interpretations, please promptly let the President know.

If a particular policy is (or words or phrases within policies are) not discussed, then the President has made no formal interpretation or measurement indication, except to the extent covered by the complete policy statement or interpretations or measurement indications for the next highest level of policy. Any additional interpretations will be made by the President upon request or as relevant circumstances arise.

Legal counsel to the District shall provide legally required interpretations of these policies promptly to the President, who shall then incorporate those interpretations within the appropriate policy area.

The Board of Education transitioned to the Policy Governance® Model including policies addressing Ends, Operating Limitations, Board Relationships and Governance, in September 2000. Board policies in effect prior to September 2000 became District Policies upon transition to Policy Governance®.

The Superintendent may modify, delete or add to any District Policy as he or she sees fit, in any manner and within any timeframe he or she deems appropriate provided that such policy does not conflict with any Board Policy.

Any signature for a District legal document shall be provided by the Superintendent, or his or her designee; however, if the signature of the President is required by law or by mutual consent of the Board and the Superintendent, then the President or Board Secretary may sign documents on behalf of the District.

President interpretations of appropriate Board policies may be changed at the discretion of the President. District Policies, and Superintendent interpretations of Board policies may be waived, suspended or changed at the discretion of the Superintendent. The Superintendent will inform the Board when the interpretations in a current monitoring report have changed from the previous monitoring report.

Board Relationships

3.4 *Systematic and rigorous monitoring of Superintendent job performance will be ~~solely~~ against ~~the only~~ expected Superintendent job outputs: organizational accomplishment of Board policies on Ends and organizational operation within the boundaries established in Board policies on Operating Limitations.*

Interpretation: The Superintendent and President shall develop a format for internal monitoring reports and direct inspection monitoring reports and the format and requirements for external monitoring reports that are mutually acceptable. The Superintendent may, but is not required to, present his or her interpretations and measurement methods for a policy to any Board member or to the Board as a whole for comment before he or she prepares a full monitoring report for that policy. The board and the superintendent shall mutually agree upon any other measurement and monitoring of the superintendent's job performance.

Measurement: Direct inspection by a quorum of the Board during discussion at the meeting when Superintendent remuneration is set.

Governance Process

4.0 *The purpose of the Board, on behalf of residents of the District, is to see to it that Adams 12 Five Star Schools (a) achieves appropriate results for appropriate persons at an appropriate cost, and (b) avoids unacceptable actions and situations.*

Interpretation: The residents of the District include all taxpayers, owners of property within the District (business or residential), and anyone else whose primary residence is within District boundaries; these people will be considered the moral and practical owners of our District. Anyone else, including employees, students, their families, state or federal governmental officials, businesspeople, or non-profit representatives, are not considered owners of the District; however, their comments concerning Ends and Operating Limitations may still be received at the discretion of any Board member as if they were an advisor or consultant, and their comments in any other role will be treated appropriately by the Superintendent.

Measurement: Unless otherwise noted, these policies shall be monitored by direct inspection.

4.1.3 *The Board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuance of governance capability. Although the Board can change its governance process policies at any time, it will observe them scrupulously while in force.*

Interpretation: Matters requiring discipline also include violations or attempted violations of all Board policies for *Board Relationships* and *Governance Process*, in addition to the examples described above.

4.2 *Specific job outputs of the Board, as an informed agent of the ownership, are those that ensure appropriate organizational performance.*

Interpretation: These outputs shall consist of the Board's determination of Ends and other policies, receipt and review of timely monitoring reports, and appropriate action with each other and the Superintendent.

As informed agents, we shall study issues surrounding policy setting thoroughly, using staff input, input from representative groups, including DAC, and the input of experts.

4.2.1 *. . . Create the link between the ownership and the operational organization.*

Interpretation: The Board or the President on its behalf shall set a systematic meeting schedule among assigned committees of Board members or the entire Board with representative groups of our ownership and individual owners to discuss Ends and governance.

4.2.3 *Assure successful Superintendent performance through effective hiring, monitoring, and Board adherence to its own policies, and establish his or her compensation.*

Interpretation: As requested by the Superintendent, each Board member shall provide input on various issues, which may be used or ignored as the Superintendent sees fit. The Board shall evaluate Superintendent performance and set his or her compensation annually.

Should the Superintendent resign, or should the District otherwise need a new Superintendent according to a finding by the Board, then the President shall initiate a search process to promptly recruit, select and hire a new Superintendent. This process may include retainer of an executive search consultant, with the contract approved by the Board; interviews by representative ownership and employee groups; and site visits by volunteer Board members and others selected by the Board. This process shall respect the confidentiality of all applicants.

4.2.5(a) *Decide matters not specifically delegated to the Superintendent, including with limitation: tax rates.*

Interpretation: The Superintendent shall recommend tax rates for the succeeding year and shall provide a monitoring report that includes: (1) a comparison of mill levy rates for bond and general funds, state funding per pupil (and the calculations) and selected academic results of the District for the past ten years and for other Denver metropolitan districts; (2) special districts within the District and the lost tax revenue including personal property and real property valuation within such

special district, both actual and assessed; (3) bond repayment information; (4) the cost of all District mill levies per \$100,000 of actual valuation; and (5) an assurance that reports provided by the Treasurer and Assessor are accurate and that their fees charged the District are reasonable.

4.2.5(b) *Decide matters not specifically delegated to the Superintendent, including with limitation: borrowing.*

Interpretation: If requested by a charter school in the District, the Board of Education may issue Certificates of Participation (“COPs”) on behalf of the charter school. The superintendent will provide the following information and data to the Board for its consideration in making its decision: (1) Whether the school has an established record of operating in a fiscally responsible and prudent manner over a period of not less than two years; (2) If the school has maintained or is growing enrollment as compared to projections and if the school maintains a waitlist of students who wish to enroll in the school; (3) A record of compliance with applicable Board of Education financial and operational policies and charter school contract terms regarding fund balance and financial management; (4) Satisfactory independent financial audits and implementation of any audit recommendations; (5) Academic performance on the Colorado school performance frameworks or similar measures that indicates the school is in the top half of all comparable level schools in the District; (6) Compliance with legal obligations, or timely cure of material items of legal noncompliance as identified by the District or the Colorado Department of Education; (7) Identification of a school site and/or building reasonably satisfactory to the District, taking into consideration the consequences of the school’s potential default on the COPs payments and the District’s exercise of its ability to take control of the building/ school; (8) The understanding that issuing COPs on behalf of the charter school would not compromise the Board's ability to revoke or not renew the charter in future years for a legally or contractually permissible reason; (9) Assurance that the District would not incur an undue burden, financially or operationally, if the charter school’s charter were revoked or non-renewed and that contractual agreements will be developed to satisfactorily address the charter’s school’s obligations related to the COPs in the event of a revocation or nonrenewal; (10) Assurance that the charter school would fully pay off any COPs prior to any future change in charter authorizer (.e.g., changing from Adams 12 as authorizer to the Charter School Institute); (11) Agreement by the charter school that, at a minimum, it will establish an initial escrow account in an amount equal to the amount required to pay the subsequent year’s payments on the COPs and will add to the escrow account on a monthly basis, for a minimum of twelve months, in an amount equal to one twelfth (1/12th) of the current yearly payment until such time as the escrow account balance is greater than or equal to the sum of the subsequent two fiscal years’ required payments on the COPs; (12) Whether the District has held a bond election that included proposed funds for the charter school and the results of said election; (13) Whether there is any potential long term impact on the ability of the District to maintain the quality of its physical assets.

In any event, the Board of Education may decline to issue COPs or limit the extent of COPs issued on behalf of a charter school when doing so would adversely affect the District's credit rating, negatively impact the District's ability to issue bonds or assume other debts or obligations as allowed by law, violate any Board policy, or otherwise not be in the best interests of the District, its students and the community.

4.2.5 (c) *Decide matters not specifically delegated to the Superintendent, including with limitation: asset acquisition in excess of \$250,000 or disposition in excess of \$100,000.*

Interpretation: The Superintendent shall: (1) handle the acquisition and disposition of real property unless specifically described below; and (2) execute all documents related to this item, after appropriate approval.

An acquisition occurs when the District obtains title to an interest in real estate, all or part, direct or indirect, including property leased for more than three years and either: (1) the District pays or is obligated to pay more than \$250,000; (2) no analysis of environmental, site and off-site impacts or obligations, with and without reimbursements, has been made; (3) no market valuation has been performed by an independent, qualified appraiser; or (4) no ALTA survey and title commitment and policy have been provided for the District.

A disposition occurs when the District transfers title to an interest in real estate, all or part, direct or indirect, including property leased for more than one year, and either: (1) the District receives or has the right to receive more than \$100,000; or (2) no market valuation has been performed by an independent, qualified appraiser.

The Superintendent shall perform or obtain and review the analyses, valuations, surveys, commitments and policies described above on all real property to be acquired or disposed, and shall disclose the results to the Board before an acquisition or disposition covered by this policy takes place.

4.3 *To accomplish its job products with a governing style consistent with Board policies, the Board will follow an annual agenda which (a) completes a re-exploration of Ends policies annually and (b) continually improves Board performance through Board education and enriched input and deliberation.*

Measurement: All Board members may comment about the quality of presentations and reports promptly after each presentation or report, and about the quality and timeliness of each agenda or meeting at the end of each meeting. Any member not commenting shall be deemed to have rated the presentation, report, agenda or meeting as acceptable. Ends education material will be compiled in board policy books at the dais.

4.3.4 *Superintendent remuneration will be decided during June after a review of monitoring reports received in the last year or at a time mutually agreed upon by the board and superintendent.*

Interpretation: The Board's assistant shall prepare a summary of the appropriate monitoring reports. The President, along with the Board Secretary, shall prepare a recommendation for any changes in remuneration or other changes in the employment agreement with the Superintendent. This summary and the recommendation shall be jointly and timely submitted by the Board Secretary and President to the Board, together with a recommended motion that the President shall place on the Board agenda. Detailed discussions shall occur during executive session, with summary comments made during discussion on the motion during the public session.

4.4.2.C *The President may represent the Board to outside parties in announcing Board-stated positions and in stating chair decisions and interpretations within the area delegated to her or him.*

Interpretation: The Superintendent (or his/her designee) shall generally represent these positions, decisions or interpretations to outside parties. If the Superintendent (or designee) is uncomfortable doing this for a specific issue, or if the outside party requires the President's comments, then the Superintendent (or designee) shall so inform the President.

Other Board members may also represent the Board to outside parties upon request of the Superintendent, if they so choose, or if requested by the President.

4.4.2.D *The President may delegate this authority, but remains accountable for its use.*

Interpretation: As described in these *Interpretations of Board Policies ...*, the President has delegated certain duties to other Board officers and members and to the Superintendent or his/her staff.

If a Board officer requests, the Superintendent's designee, under the direction of the President, will summarize these delegated duties in the appropriate officer's job description.

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