

Global Executive Director Constraint

Policy 201

To: Board of Education

From: Janet Wyatt, Esq., Executive Director, Carbon Valley Academy

Re: Internal Report on the Expectations of the Board – 201 Global Executive Director Constraint

I hereby present my report on the Expectations of the Board through our Global Executive Director Constraint, 201, in accordance with the monitoring schedule as set forth in Board policy. I certify the information in this report is true and accurate to the best of my knowledge.

Signed:

Date: August 15, 2019

Policy 201 – GLOBAL EXECUTIVE DIRECTOR CONSTRAINT

Date Adopted/Last Revised: October 12, 2017

The Executive Director will not cause or allow any practice, activity, decision, or organizational circumstance which is unlawful, unethical, or in violation of the board's vision of school business, professional, and educational practices.

I interpret "unlawful" to mean:

Any practice, activity, decision, or organizational circumstance (hereafter, "unlawful situation") which is determined to be contrary to applicable law by an agency of the state of Colorado or the United States, or by court of law. Other unlawful situations are those about which the Executive Director knows or should have known and which are likely to be found contrary to clearly established law applicable in the state of Colorado, including but not limited to the delegation of legal responsibilities of the Board of Directors to the Executive Director in a manner contrary to law.

I interpret "imprudent" to mean:

Any situation which violates executive limitations, any ongoing violation of Executive Director Policy, or any failure to adopt any policy required by law or governmental regulation.

I interpret "commonly accepted business and professional ethics and practices" to mean:

- 1) Operating limitations as established by board policy*
- 2) Conduct standards that address the following topics:*

- a. *Ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Colorado charter schools*
- b. *Bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Colorado charter schools*
- c. *Internal controls for processing financial transactions which include substantive standards that reflects sound accounting practices as determined by the Carbon Valley Academy independent auditors.*
- d. *Business functions within my operational span of control, but to exclude governance, other than advising the Board if I become aware of the Board's noncompliance with its own policies.*

PART I – LEGAL

Data Reported:

Unlawful:

No instances of Due Process or State Complaints were filed during the reporting period.

No allegations of a denial of FAPE (Free Appropriate Public Education) were reported.

No Office of Civil Rights reports were reported.

Conclusion: I report COMPLIANCE NON-COMPLIANCE

Imprudent:

Operational guidelines are outlined in the Staff and Family/Student Handbooks driven by Executive Limitations, and school staff and students/families are required to adhere to those directives. As with any organization, there are also provisions to guard against individual choices that are detrimental to the school.

At the beginning of each academic year, mandatory training of administrators and staff related to the prevention, investigation, and remediation of unacceptable employee conduct is provided. This annual training was held during the pre-service days in August 2018.

Another indicator of compliance is that statutory requirements are continually fulfilled by numerous staff members and members of the Leadership Team. With each new legislative session and subsequent statutory updates, the list of requirements grows ever longer. Examples of requirements fulfilled by each department are listed below. Please keep in mind that many of these requirements overlap into more than one area of responsibility.

Academic Achievement:

School Accreditation Data

Testing

Teacher Supervision and Evaluation

Staff and Student Handbooks
Unified Improvement Plan
Gifted and Talented Plan Submission

Finance:

Online posting of financials
Purchased Service Costs
ADE Pupil Reporting
Annual budget preparation
Accounts Payable/Receivable
Audit
Bids/Estimates

Operations:

Building maintenance and management
Complete and coordinate all-school safety and weather drills
Completes all monthly inspections per county guidelines

Human Resources:

Insurance
Employee files and updates
Employee Issues
Payroll
October count, preschool count, kindergarten count

Executive Director:

Annual budget preparation
School goals and objectives
Contracts
Construction and/or building updates
Non-renewal notices
Board reports
Policies

Another indicator of compliance is that during this reporting period there have been no claims filed against, or settled by, our errors and omission insurance coverage that is provided for members of the organization including the Board of Directors for incidents of imprudence.

Conclusion: I report **COMPLIANCE NON-COMPLIANCE**

PART II – FINDINGS RELATED TO FINANCIAL STATEMENTS

Commonly Accepted Business and Professional Ethics and Practices:

- 1) *Operating limitations as established by board policy*
- 2) *Conduct standards that address the following topics:*
 - a. *Ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Colorado charter schools*
 - b. *Bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Colorado charter schools*
 - c. *Internal controls for processing financial transactions which include substantive standards that reflects sound accounting practices as determined by the Carbon Valley Academy independent auditors.*
 - d. *Business functions within my operational span of control, but to exclude governance, other than advising the Board if I become aware of the Board's noncompliance with its own policies.*

Data Reported:

When appropriate, the Finance department identifies and brings to the attention of the Executive Director items that may contravene commonly accepted business practices and professional ethics. Financial transactions are continually audited to validate proper use and accountability of school funds.

The school is subject to audit by federal and state agencies, as well as the district, and engages its own audit firm to provide information that will assist in making changes to better serve their internal and external customers while remaining compliant. In accordance with Government Finance Officers Association (GFOA) best practices, we also persist in our internal audit efforts to ensure the school is following state and federal laws, and district policies and regulations. If the school is found to be non-compliant, appropriate action is taken, including further training of site personnel in proper procedures.

The school's auditors reviewed the school's internal procedures concerning internal controls for financial transactions during the monitoring period.

During the month of May 2019, instances of fraudulent check writing were noticed. Five checks totaling approximately \$17,000.00 were written. The former executive director immediately notified the bank and the police department. Appropriate documentation was filed with both entities and an investigation is still underway.

During the reporting period there have been no instances of Board violations of governance policies.

Conclusion: I report COMPLIANCE NON-COMPLIANCE