



INTERNAL MONITORING REPORT

To: WSD Board President and Board of Trustees
From: Wilmer Chavarria, WSD Superintendent
Re: **Annual Monitoring Report on Executive Limitations Policy
Title 2.8: Communication and Support to the Board**
Date: 04/05/2024

Dear Members of The Board,

Below please find my Annual Monitoring Report on your Executive Limitations Policy 2.8 “Communication and Support to the Board,” presented in accordance with your monitoring schedule. I certify that the information contained in this report is true.

Thank you for your work in advancing the mission of our district to form students who will “lead healthy, productive and successful lives and engage with their local and global community.”

Respectfully Submitted,

Wilmer A. Chavarria, NBCT
Superintendent of Schools
Winooski School District
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POLICY WORDING

Policy Title: 2.8 Communication and Support to the Board

The superintendent shall not cause or allow the board to be uninformed or unsupported in its work. Further, without limiting the scope of the foregoing by this enumeration, the superintendent shall not:

1. Allow the board to be without adequate information to support informed board choices, including relevant environmental scanning data, a representative range of staff and external points of view, significant issues or changes within the external environment which may have a bearing on any existing board policies, along with alternative choices and their respective implications.
2. Neglect to submit monitoring data required by the board (see policy 3.4 on monitoring superintendent performance) in a timely, accurate, and understandable fashion, directly addressing the provisions of board policies being monitored
3. Allow the board to be unaware of any actual or anticipated noncompliance with any Ends or Executive limitations policy, regardless of the board's monitoring schedule.
4. Let the board be unaware of any significant incidental information it requires, including anticipated media coverage, threatened or pending lawsuits, and material/publicly visible internal and external changes.
5. Let the board be unaware 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 behavior that is detrimental to the work relationship between the board and the superintendent
6. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and incidental.
7. Allow the board to be deprived of a workable mechanism for official board, officer, or committee communications
8. Deal with the board in away that favors or privileges certain board members over others except when responding to officers or committees duly charged by the board.
9. Allow the board to do its work without the necessary items on its consent agenda. Necessary items are those decisions delegated to the superintendent yet required by law, regulation or contract to be board-approved, along with applicable monitoring information.
10. Allow the board to be without reasonable administrative support for board activities.
11. Allow the board to be uninformed of all gifts accepted with an estimated value of more than \$500.
12. Allow the board to be unsupported and uninformed in its role as a quasi-judicial hearing body.

2. INTERPRETATION

Uninformed means not receiving information that is relevant to the Board's work and that is within the Board's right to receive. It may also mean that this information is inaccessible to Board members unless explicitly provided by the Superintendent in a timely manner. Unsupported means not providing assistance both as expected and as requested by the Board within the limits of Policy Governance norms.

"Be without adequate information" means that not all information is necessary nor appropriate for the Board to receive, and that the information provided by the administration must be not only relevant but complete. "Informed Board Choices" means that while Board members maintain privileges of discretion, personal positions, and individual advocacy, ultimate Board action should reflect the responsible and proactive engagement with the information pertinent to the choice at hand so that the organization's direction remains anchored in accurate, complete, reliable, and up-to-date sources. "Relevant environmental scanning data" is understood as information related to what surrounds the organization that exerts influence on the institution's ability to carry out its work effectively and efficiently, from financial or political factors to social and cultural changes. "Alternative choices" means viable options presented to the Board based on the best knowledge of present circumstances when the preferred policy choice would be ineffective or detrimental. An enumeration and explanation of implications associated with these alternatives is similarly based on the same high-level knowledge and awareness of present context.

"Neglecting" to submit monitoring reports and associated data in a "timely" fashion means that the Superintendent fails to furnish the required report as expected by the Board without a reasonable justification. Neglecting to report in an "accurate, and understandable fashion" means that the reports lack clarity, relevance, cohesiveness, and acceptable aesthetics. "Directly addressing the provisions of Board policies being monitored" means that the report or reports produced by the Superintendent speak directly and exclusively to the requirements stipulated within the given policy and only speak of related matters if serving as direct evidence of compliance.

Being "unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy" means not having a miscellaneous reporting mechanism other than the monthly policy monitoring report and the ability for the Superintendent to provide timely information beyond the policy being monitored during that given month. It means that the Superintendent fails to provide information about the school district that speaks to the Ends policy and other Board policies at minimum through additional items in a separate report.

Letting the Board be "unaware of any significant information it requires" means that the Superintendent, guided by Board policy and professional judgment, decides that there is information beneficial or appropriate for the Board to receive yet fails to provide it. As a result of this failure, the Board, its public standing, and the public image of the district itself, become vulnerable to legal, financial, political, or material surprises.

Favoring or privileging certain Board members over others means allowing access to information and administrative time to some members and not others when the entire Board has not directly requested for that to be the case based on a Board policy, committee functions, temporary need, or a Board officer role that is differentiated by design.

1. INTERPRETATION

Letting the Board be unaware if the Board is not in compliance with its own policies means that when the Superintendent has enough reason to conclude that the Board's own policies are being violated, no effort is made to communicate the problem to the Board President or the entire Board when the President disagrees. Such a situation can be produced either intentionally or unintentionally, but in both cases it is critical that the Superintendent intervene. This, however, does not mean that the responsibility for what happens afterward falls onto the Superintendent. If after being informed the Board declines to correct itself, the Superintendent will still be in compliance with this section. When the lack of compliance with policy on the part of the Board or members directly impacts the relationship between the Board and the Administration or threatens the strict separation of policy and operations, the Superintendent is noncompliant with this section when specific policy is not referenced and when the actual and potential impact on the organization is not made explicit in recorded communication.

Information is "unnecessarily complex or lengthy or in a form that fails to differentiate among information of three types: monitoring, decision preparation and incidentals" means that information is not presented consistently in the same form for every cycle, organized in a way that differentiates Policy Monitoring Reports from Superintendent's Reports and Board Meeting Packet information related to the specific business of the agenda.

Allowing the Board to be deprived of a workable mechanism for official Board, officer, or committee communications is interpreted as failing to provide Board members official district email accounts, office space for meetings, technology access, and any materials necessary for the Board to carry out its business and meetings.

Allowing the Board to do its work without the necessary items on its consent agenda means that items due for approval on that given month and included on the warned agenda are not provided in the packet by the time of warning. "Necessary items" is already defined within the policy as "those decisions delegated to the Superintendent yet required by law, regulation or contract to be Board-approved, along with applicable monitoring information" which may be understood as including monitoring reports.

Allowing the Board to be without reasonable administrative support for Board activities means that the Superintendent does not provide materials and conditions that ensure the Board is able to carry out its business. Much of this is covered with more specificity by previous sections and it encompasses everything from staff time and assistance, to materials, facilities, and communication supports.

Allowing the Board to be uninformed of all gifts accepted with an estimated value of more than \$500 means that the Superintendent has permitted the district to accept gifts larger than \$500 without Board knowledge and without a mechanism or rules in place for such notification to take place within a reasonable timeframe. This clause does not specify further guidelines for authorization of large gifts and concrete timelines.

Allowing the Board to be unsupported and uninformed in its role as a quasi-judicial hearing body is interpreted as failing to properly inform the Board of its responsibility when a disciplinary case has reached its level and to educate every member about process and role, as well as about the consequences of failing to properly abide by said process.

2. COMPLIANCE CONDITIONS

For the Board to be informed and supported in its work, the Board must receive information that is relevant to its work, that is within their right to receive, and that is accessible to members, explicitly and on time. To support the Board appropriately requires providing assistance as expected and as requested by the Board within the limits of Policy Governance norms, where such assistance is strictly related to what is prescribed by policy and found throughout the rest of the policies in the Board's Policy Governance manual. This assistance does not constitute administrative transfer of the Board's primary responsibilities related to Ends and Governance Process policies and does not entail a Board's reassigning its duties to the Superintendent. For more guidance on this relationship, the nature of support from the management to the Board can be anchored in the current Board-Management Delegation policies 3.0 through 3.4.

For the Board to have adequate information, all information must be necessary, appropriate, relevant, and complete. Adequacy may be determined on a case by case basis through Board directive as long as the provided parameters remain admissible within existing policy. At minimum, choices and implications are presented to the Board along with the data and information related to the matter, inclusive of internal as well as external considerations.

"Monitoring data required by the Board" is explicitly laid out in policy and takes the form of monthly internal monitoring reports and general Superintendent's reports. The schedule for this information is similarly listed in the Board Annual Planning spreadsheet. These reports and associated data must be provided in a timely fashion. There may be months when schools are not in session, so, while policy monitoring reports can continue uninterrupted, the Superintendent's report may be abbreviated or consolidated for two months since there is not much to report when only a limited number of students are on campus. The reports must be clear, relevant, cohesive, and of acceptable aesthetic and must speak directly and exclusively to the requirements stipulated within the given policy and only include other related matters if serving as direct evidence of compliance.

In addition to monthly internal monitoring reports, the Superintendent must provide a report on all other matters relevant to additional policy through a formal Superintendent's report. Any incidental information or materials and data not included in either report should still be made available to the Board if this information is relevant to a current Board question or in relation to Board business as reflected in its policies.

When the Superintendent, guided by Board policy and professional judgment, decides that there is information beneficial or appropriate for the Board, he makes every effort to make it available in a timely manner. This may include incidental information that either does not usually go into the provided reports or that is of such a timely nature that it cannot wait until the next report is produced. Anything related to media coverage, legal action, and significant internal and external changes that impact the Board's ability to carry out its work in advancing the Ends statement automatically meets this criteria.

When the Superintendent has enough reason to conclude that the Board's own policies are being violated, an effort must be made to communicate with the Board President or with the entire Board if the President disagrees. If the lack of compliance with policy impacts the relationship between the Board and the administration, or threatens the strict separation of policy and operations, the Superintendent must cite specific policy and warn the Board of the actual and potential impacts against the organization explicitly and in writing.

2. COMPLIANCE CONDITIONS

All information to the Board (internal monitoring reports, Superintendent's reports, documents related to agenda items, and incidental information) must be presented with consistency, predictability, well-organized, and sufficiently populated so that the Board may make well-informed decisions.

The Board will have a mechanism or mechanisms for official Board, officer, or committee communications by receiving their official email accounts, technology access, access to meeting space as needed, and any other materials necessary to fulfill its role.

All Board members will be treated the same by the administration except for functions and roles specific to the description of each officer's duties, such as President and Secretary. Any Board member continues to have full access to information pertinent to Board business as long as the rest of the Board is aware. For expediency, most of the planning and logistics will be carried out between the Board President (Chief Governance Officer) and the Superintendent (Chief Executive Officer).

Items due for approval through the consent agenda for that given month are properly included in the warning and provided by in the packet by the time of warning. If a routine item is not due for approval during a given meeting, the item must not be presented on the agenda to avoid confusion for the Board and the public. The Superintendent and the Board must ensure that items are included in the Annual Plan for as many things as can be predicted ahead of time. Internal Monitoring Reports may be included in the consent agenda and provided at the time of warning unless the Board decides to place this item elsewhere on the agenda.

Gifts accepted by the district will comply with all policies related to the fiscal functions and limits of the administration. This includes requesting the Board approval to accept gifts over \$500.

When it is time for the Board to serve as a quasi-judicial hearing body, the Superintendent will ensure that the Board is provided with comprehensive documentation and tools to carry out this function properly. This may include advanced training on carrying out the provided protocols or access to legal counsel throughout the process.

3. EVIDENCE OF COMPLIANCE

In addition to strictly adhering to Board-Management Delegation policies 3.0 through 3.4, the WSD administration and staff make their resources, time, and skills available to the Board or Board members whenever requested or as part of the Annual Board Planning document. In addition, the WSD staff contribute regularly to the Board meeting preparation process by producing information and artifacts necessary for the Board to carry out its meeting business in a timely manner. For needs other than the regularly scheduled meetings and anything else in the annual plan, the Board is supported in a similar way and the support is coordinated between the Superintendent and the Board President. This includes everything from labor negotiations, to the annual retreat, to Board development, to communications with the Public.

This year so far the Board has needed environmental information on several occasions due to the information's relevance in relation to critical Board decisions and the pace at which this information was received from external sources. One example was the information provided to the Board on multiple occasions related to the political, legislative, and regulatory changes affecting the Board's budget planning for the upcoming school year. Given the complexity of factors, it was important for the Superintendent to remain as informed as possible and participate actively in state networks and at times exert political advocacy. The Board was informed of any changes that affected the financial outlook of the state, city and district and decisions were ultimately made based on this information. Similarly, the Board has received internal and external data to inform their decision making throughout the year. The Board has expressed a desire for more of this type of information and the Superintendent will work with the Director of Curriculum to maintain a central data bank to draw from as needed.

Internal monitoring reports that are clear, relevant, cohesive, and aesthetically acceptable are supplied to the Board monthly prior to their regular meeting. These reports are based on the Board's Annual Plan document and refer strictly to the policy in question. This report is time consuming to produce especially for the first year but so far the Superintendent has been on time with every required monitoring report.

In addition to the monthly internal monitoring reports, the Superintendent has consistently provided the Board with a "Superintendent's Report" which covers most other areas not presented in the other. This report is inclusive of highlights from all schools and departments and provides a glimpse into the external commitments of the Superintendent. From time to time, other data and communication that is not normally presented will be included if the Superintendent deems it relevant to the Board's business.

Anything the Superintendent has deemed relevant and necessary for the Board to receive has been provided through the respective reports. However, when information is not available at the time of production of reports or when the report does not otherwise include it, the Superintendent has provided immediate communication to the Board President or the Board as a whole.

3. EVIDENCE OF COMPLIANCE

This year there has been no cause for me to believe that the Board or specific Board members are in violation of their own policies. The Board President and I have been in touch about improving and growing the Board's knowledge regarding their responsibilities, but partial compliance with some policies is not the result of willful neglect or intentional non-compliance. Now that we have a full and permanent Board in place I am working to support the Board in establishing a clear new Board Annual Plan and a path forward to keep up with the Board's responsibilities.

Because there is sometimes substantial information that the Board either requires of the administration (via policy or direct request) or that we deem necessary for the Board to receive, we attempt to provide everything in a well-organized manner, following Policy Governance codes, and making things as visually-accessible as possible. So far the Board has expressed satisfaction with the format of the reports, but if there is anything we can do to improve please let us know.

The Board is offered everything and anything necessary for it to carry out its business that is possible for the district to offer. This has included meeting space, email accounts, devices, staff time, and purchasing literature. The Board uses its own budget but we also make our resources available to complement.

All members are treated the same by the Superintendent, and all members are expected to abide by the same rules (the Board's rules). Different work and communication may be carried out between the Superintendent and members only based on the member's role as an officer or specific duty assigned by the rest of the Board. This year, the Board President has worked closely with the Superintendent and he is aware of any interactions and supports provided to other members.

In 2023, the Board made the decision to move Policy Monitoring Reports and the Superintendent's Report out of the Consent Agenda and into Executive Limitations to allow for possible discussion and answers. In my opinion, this is an acceptable interpretation of policy clause 9 and does not conflict with the purpose of reports. In regards to the rest of items on the Consent Agenda, this year the Board has received well-organized items in a timely manner with the exception of one item during the March 2024 meeting. This occurred during the unexpected absence of several key players in the administrative team, which led to a breakdown in communication that the Superintendent did not catch in the hours leading up to the Agenda warning. Although the matter was not of a serious nature (no harm to the operations or the Board), the absence of an item once it has been included on the warned agenda is a form of noncompliance with respect to clause 9.

3. EVIDENCE OF COMPLIANCE

For the current school year, and other than two current union grievances, only one new (student) case has come to the Superintendent for potential Board consideration. Before making a final decision, the Superintendent informed the Board President. This case was ultimately resolved at the Superintendent's level. For future cases, the same process will be followed. The Board President will be informed when a case has the potential to rise to the Board level and preliminary information will be provided in case a hearing has to be included in the upcoming agenda. If no hearing is necessary, the process ends there, but if a hearing is required, Board members will be provided with all pertinent information related to the case and with the expected procedural steps for them during and after Executive Session. They will also be provided with training, tools, and legal counsel as appropriate. The Board is advised to review this and similar procedures in the VSBA's manual.

4. COMPLIANCE STATUS

I report compliance.