

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT
BOARD OF EDUCATION
FAIRBANKS, ALASKA

Special Meeting

MINUTES

August 27, 2015

President Haas called the meeting to order at 6:00 p.m. in the boardroom of the FNSBSD Administrative Center at 520 Fifth Avenue. The special meeting was called to discuss personnel matters and the former superintendent's employment arbitration; Education Support Staff Association (ESSA), Fairbanks Education Association (FEA), and Fairbanks Principals' Association (FPA) negotiations; and the First Student transportation contract.

President Haas read the district's mission statement: *"Our mission is to provide an excellent, equitable education in a safe, supportive environment so all students can become productive members of a diverse and changing society."*

Present:

Heidi Haas, President
Allyson Lambert, Treasurer
Sue Hull, Member
Michael O'Brien, Member
Sean Rice, Member

Absent:

Wendy Dominique, Vice President
Lisa Gentry, Clerk

Staff Present:

Dr. Karen Gaborik, Superintendent
Lisa Pearce, Chief Financial Officer
Dan Schmidt, Assistant Superintendent of Secondary Education
Sandra Kowalski, Assistant Superintendent of Elementary Education
Traci Gatewood, Executive Director of Human Resources/Lead Negotiator
Sharice Walker, Director of Public Relations
Renee Tonne, Transportation Coordinator
Sharon Tuttle, Executive Assistant to the Board of Education

Others Present:

Jill Dolan, Assistant Borough Attorney
Brewster Jamieson, Attorney/Outside Counsel, Lane Powell PC
(By Phone – Former Superintendent Arbitration/Personnel Matters)
John Sedor, Attorney/Outside Counsel, Sedor, Wendlandt, Evans, & Filippi, LLC
(By Phone – Negotiations)

Public Testimony – *limited to items on the agenda only* [0:00:38]

President Haas called for public testimony.

Rita Heselton, 3520 Rene Drive, a previous First Student employee, shared her concerns regarding poor working conditions, state of the facilities, and the shortage of drivers as it related to First Student. Ms. Heselton categorized the First Student Fairbanks facility as the "armpit" of facilities. She felt the poor working conditions at First Student and the poor condition of its facilities contributed to the shortage of drivers. Ms. Heselton encouraged the board to enforce the contract and impose monetary damages against First Student.

Mrs. Hull arrived at 6:05 p.m.

Public Testimony (continued)

Christine Smith, 1165 Downwind Drive, Ryan Middle School parent, voiced her concern regarding the shortage of bus drivers. Ms. Smith was forced to leave work twice during the first week of school to transport her son to and from school because the bus never showed up and the route was cancelled. She voiced her displeasure and frustration regarding the lack of late and/or cancelled bus route notifications, longer rides when buses did show up, and the lack of customer service provided by First Student.

Tim Doran, 512 Windsor Drive, retired principal, spoke to the tough year and difficult decisions the board experienced last year. Mr. Doran voiced his disagreement with the board's actions and comments regarding the former superintendent and the action the board took, and encouraged the board to settle the arbitration. Mr. Doran praised the current administration and the district's professional staff. He hoped the upcoming negotiations would be handled with respect. In regards to the current transportation issues, Mr. Doran noted the district's great administration and cautioned the board to let the administration do their work.

Michelle Van Hatten, 925 24th Avenue, Ryan parent, spoke to the danger of her son crossing a busy road; it was dangerous. Ms. Van Hatten requested more bus routes and a better on-time record. When the bus was late, it negatively affected her son.

Sarah Gedraitis, 4440 Moose Creek Avenue, First Student employee, spoke to unrealistic bus route times. Ms. Gedraitis provided several examples of stops and the unrealistic times to make it from one point to the next. The reason routes were late was in part due to the unrealistic schedule and unmarked stops. She understood why parents were upset.

Karen Ellison, 465 Steele Creek Road, previous First Student driver, spoke to the shortage of bus drivers. Ms. Ellison stated she was terminated due to the fact she was not part of the union. As a retired postal worker, she did not have to work, but she worked to get out of the house and because she loved the children. The fact she would be required to be part of the union and pay union dues was not something she was interested in doing. Ms. Ellison felt other people might feel the same way and it might be one reason contributing to the driver shortage.

Personnel Matters and the Former Superintendent's Employment Arbitration [0:21:14]

Ms. Dolan stated arbitration in regards to the former superintendent was scheduled for October. She stated Brewster Jamison, outside counsel, had some strategies in regards to the arbitration he would like to discuss with the board and suggested the board move into executive session to discuss the issue, unless the board wished to waive the attorney-client privilege.

Executive Session [0:22:40]

An executive session was called to hear personnel matters and information on the former superintendent's employment arbitration. Outside counsel for the executive session was Brewster Jamison, Lane Powell PC

O'BRIEN MOVED, HULL SECONDED, TO CONVENE IN EXECUTIVE SESSION WITH OUTSIDE COUNSEL BY PHONE AND THE BOROUGH ATTORNEY'S OFFICE FOR DISCUSSION AND ACTION REGARDING ONGOING PERSONNEL MATTERS AND THE FORMER SUPERINTENDENT'S EMPLOYMENT ARBITRATION, INCLUDING CASE STRATEGY AND TO GIVE DIRECTION TO THE ATTORNEYS.

MOTION CARRIED UNANIMOUSLY BY VOICE CONSENT OF FIVE MEMBERS
(RICE, O'BRIEN, HULL, LAMBERT, HAAS)

The board convened to executive session at 6:23 p.m.

The executive session recessed at 6:46 p.m. [0:23:00]

Personnel Matters and the Former Superintendent's Employment Arbitration (continued)

President Haas stated the board had provided direction to the attorneys.

FPA, FEA, & ESSA Negotiations [0:23:25]

Executive Session [0:23:30]

An executive session was called to receive an update regarding FPA, FEA, & ESSA negotiations. Outside counsel for the executive session was John Sedor, Sedor, Wendlandt, Evans, & Filippi, LLC.

HULL MOVED, LAMBERT SECONDED, TO RECONVENE IN EXECUTIVE SESSION WITH OUTSIDE COUNSEL BY PHONE TO RECEIVE AN UPDATE AND PROVIDE DIRECTION ON THE BOARD'S GOALS TO THE NEGOTIATOR REGARDING FPA, FEA, & ESSA NEGOTIATIONS, TO INCLUDE THE CFO FOR THE PURPOSE OF RECEIVING SALARY AND BENEFIT INFORMATION.

MOTION CARRIED UNANIMOUSLY BY VOICE CONSENT OF FIVE MEMBERS (RICE, O'BRIEN, HULL, LAMBERT, HAAS)

The board reconvened to executive session at 6:47 p.m.

The executive session recessed at 7:27 p.m. [0:23:51]

Mrs. Lambert left the meeting at 7:30 p.m.

First Student Transportation Contract [0:23:59]

Lisa Pearce, chief financial officer, provided an update on the state of student transportation throughout the district for the first and second weeks of school. Due to the driver shortage at First Student, some bus routes had not run, some were late, and others were doubled up during the first week of school. First Student had brought drivers up from other locations as temporary hires. Ms. Pearce explained the district's contract with First Student allowed for liquidated damages; although, as far as anyone could recall, had never been imposed.

The board asked for the administration's recommendations. Ms. Pearce stated the administration did not have a specific recommendation, but the board had the option to seek damages. The board asked about the amount of damages. Ms. Pearce explained the district's daily transportation cost rate was approximately \$67,000. Considering the transportation disruptions for the first week of school, consisting of 3 days, she estimated damages to be approximately \$70,000. She felt that level of penalty would not exist for the current week.

Board discussion ensued.

President Haas noted further discussion in public could have an adverse effect on the finances of the district and suggested the board convene into executive session if they wished to consider financial remedies.

Executive Session [0:49:48]

An executive session was called for the board to discuss possible breaches of the First Student contract and available remedies under the contract.

HULL MOVED, O'BRIEN SECONDED, TO RECONVENE IN EXECUTIVE SESSION TO DISCUSS POSSIBLE BREACHES OF THE FIRST STUDENT TRANSPORTATION CONTRACT AND DIRECTION ON ENFORCEMENT AND AVAILABLE REMEDIES UNDER THE CONTRACT, MATTERS THAT COULD HAVE AN ADVERSE IMPACT ON THE FINANCES OF THE SCHOOL DISTRICT.

MOTION CARRIED UNANIMOUSLY BY VOICE CONSENT OF FOUR MEMBERS (RICE, O'BRIEN, HULL, HAAS)

First Student Transportation Contract (continued)

The board reconvened to executive session at 7:54 p.m.

The executive session adjourned at 8:27 p.m. [0:50:19]

HULL MOVED, O'BRIEN SECONDED, TO UTILIZE THE PROVISIONS IN THE CONTRACT THAT DEALT WITH ISSUES EXPERIENCED DURING THE FIRST FEW DAYS OF SCHOOL AND INVOKE THE LIQUIDATED DAMAGES THAT WOULD BE ASSESSED UNDER THE PROVISIONS.

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE
(RICE, O'BRIEN, HULL, HAAS)

Board members wanted to send a clear message that when the district entered into a contract, it was expected that the terms of the contract would be honored. The district would honor their part of the agreement and expected the same from the contractor. The district wanted to be fair and realized there were times when things came up, but it needed to be clear that if the terms of the contract were not met, monetary damages or other remedies would be sought.

President Haas for additional information on route 55; which seemed to be consistently running an hour late during the second week of school. Ms. Tonne would get that information for the board.

Board Comments/Discussion [0:54:10]

President Haas announced upcoming meetings:

- Monday, August 31 at 5:30 p.m. - Special Meeting for Student Discipline
- Monday, August 31 at 6:30 p.m. – Work Session for Assessment Strategy & Strategic Plan Update, including the Independent Learning Center and a Magnet School
- Tuesday, September 1 at 7:00 p.m. – Regular Meeting

Mrs. Hull asked for facilities user fees to come before the board again for further consideration. The board had received some emails and comments about the rental/user fees.

President Haas had developed a draft schedule for board member school visits. She would post it on Google Docs for board members.

The meeting adjourned at 8:35 p.m.

Submitted by Sharon Tuttle, executive assistant to the Board of Education.