

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

Special Meeting

MINUTES

January 11, 2016

President Haas called the meeting to order at 12:03 p.m. in the boardroom of the FNSBSD Administrative Center at 520 Fifth Avenue. The special meeting was called for discussion regarding threatened litigation against the district due to alleged conduct by Claude Fowlkes, to include a possible executive session with the borough attorney's office to discuss matters within the attorney client privilege, including the merits of such claim and to give direction to the attorney.

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 will succeed and contribute to a diverse and changing society."*

Present:

Heidi Haas, President
Lisa Gentry, Vice President
Allyson Lambert, Treasurer
Michael O'Brien, Clerk
Sue Hull, Member

Absent:

Wendy Dominique, Member
Sean Rice, Member

Staff Present:

Sharon Tuttle, Executive Assistant to the Board of Education

Others Present:

Jill Dolan, Assistant Borough Attorney

Public Testimony – *limited to items on the agenda only* [0:00:43]

President Haas called for public testimony. Hearing none, public testimony was closed.

Threatened Litigation Against the District [0:00:48]

Jill Dolan, assistant borough attorney, stated the district had received correspondence from a law firm indicating they were representing a former student. The communication alleged abuse by Claude Fowlkes. The firm stated they were retained to investigate and pursue a civil claim on behalf of a former student against both Mr. Fowlkes and the school district. Due to a conflict of interest between the law firm and the borough attorney's office, Ms. Dolan had been unable to have a substantive discussion about the claim. The conflict had not yet been resolved.

The initial letter from the law firm provided information indicating Mr. Fowlkes was convicted in late [2005] for sexual abuse relating to the allegations. Included with the letter were the log notes of the former student's trial testimony from that case. The testimony indicated the student met Mr. Fowlkes when the student attended Tanana Middle School. The event occurred off school property and after the student left the district to attend another school. Given the threat of potential litigation, Ms. Dolan recommended the board move into executive session so she could provide further details, as well as provide an assessment of the claim, and the board could provide direction to Ms. Dolan's office on how to handle the matter.

Executive Session [0:02:10]

An executive session was called with the borough attorney's office to discuss the threat of litigation against the district within the attorney client privilege and to provide direction to the attorney.

O'BRIEN MOVED, GENTRY SECONDED, TO CONVENE IN EXECUTIVE SESSION WITH THE BOROUGH ATTORNEY'S OFFICE TO DISCUSS, WITHIN THE ATTORNEY CLIENT PRIVILEGE, THREATENED LITIGATION MATTERS AGAINST THE DISTRICT DUE TO ALLEGED CONDUCT BY CLAUDE FOWLKES, INCLUDING THE MERITS OF THE SUCH CLAIM AND TO GIVE DIRECTION TO THE ATTORNEY.

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

The board convened to executive session at 12:05 p.m.

The executive session adjourned at 12:31 p.m. [0:02:30]

Threatened Litigation Against the District (continued)

President Haas stated the board had provided direction to the borough attorney.

President Haas stated Ms. Dolan wanted to correct the record to indicate Mr. Fowlkes had been convicted in 2015, not 2005, as Ms. Dolan had previously stated.

Board Comments/Discussion [0:02:53]

President Haas announced upcoming meetings:

- Tuesday, January 19 at 5:30 p.m. - Special Meeting for Student Discipline & Negotiations
- Tuesday, January 19 at 7:00 p.m. – Regular Meeting

The meeting adjourned at 12:33 p.m.

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