

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

Work Session

MINUTES

May 4, 2015

Vice President Dominique called the work session to order at 6:59 p.m. in the board room of the FNSBSD Administrative Center at 520 Fifth Avenue. The work session was called to discuss the district's legal counsel/representation, the topic of a salary freeze, and the principal selection process.

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

Present:

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

Absent:

Heidi Haas, President
Sean Rice, Member

Staff Present:

Dr. Karen Gaborik, Superintendent
Shaun Kraska, Interim Assistant Superintendent of Secondary Instruction
Janet Cobb, Executive Director of Technology
Peggy Carlson, Executive Director of Curriculum and Instruction
Elizabeth Schaffhauser, Director of Employment and Educational Opportunity
Mario Gatto, Principal on Special Assignment
Claire Morton, Recruiting Staff Coordinator
Krista Lord, Director of Compliance and Training
Sharon Tuttle, Executive Assistant to the Board of Education

Others:

John Sedor, Outside Counsel, Sedor, Wendlandt, Evans, & Filippi, LLC
Rene Broker, Borough Attorney
Jill Dolan, Assistant Borough Attorney

District Legal Counsel/Representation [0:00:58]

John Sedor, outside counsel with Sedor, Wendlandt, Evans, & Filippi, explained his role in representing the school district. Mr. Sedor had been retained to help with the school district's case load, specifically in human resources. He clarified he represented the district as a whole and not individual entities such as the administration or board. He suggested all board member communication to him go through the board president, as a means of containing costs.

Rene' Broker, borough attorney, and Jill Dolan, assistant borough attorney, were happy to have Mr. Sedor's assistance. But unlike Mr. Sedor, their office would continue to take individual board member calls and questions, as their assistance was not directly charged to the district.

Mr. Sedor reviewed the Open Meeting Act as it pertained to executive sessions during work sessions. Under Alaska law, there was only one type of meeting – a public meeting. The law did not specifically address work sessions, so the board could move into executive session, as long as it was not prohibited in board policy.

District Legal Counsel/Representation (continued)

Due to some confusion regarding the board's authority to move into executive session at a recent meeting, the board asked about convening into executive session when meetings were not specifically advertised to include an executive session. Ms. Broker stated the statute required the meeting notice had to include the time, date, place, and topic of the meeting. The guideline was could a person read the meeting notice and know what the meeting was about. The bigger the issue, the more specific the notice should be.

Board members had questions about the board's reorganization and discussions surrounding the reorganization. Per counsel, the vote for the reorganization could be done by secret ballot, but there should be no board discussion or contact outside the public meeting.

There were also questions about the board convening into executive session for legal advice. Per counsel, it was appropriate to convene in executive session to seek specific advice on a particular case or issue, but discussion on general legal advice would not meet the requirements of an executive session. All executive sessions should be as narrow as possible. A guideline was if the opposing party was sitting in the audience, would the discussion give them an advantage – if so, the advice could be attorney-client privileged. Board members asked if an attorney had to be present, if the board met regarding attorney-client privilege. Counsel stated an attorney did not have to be physically present – the board could meet to consider counsel's opinion. The board would be including notice reserving the board's option to convene into executive session on their meeting agendas.

Communication [0:21:17]

Board communication to Mr. Sedor would be through the board president and superintendent. Individual board members could still contact the borough attorneys directly. Mr. Sedor and the borough attorneys would work together, as to not duplicate efforts. The group would be working together to contain costs, not expand costs.

Salary Freeze [0:24:46]

Ms. Dolan spoke about the salary freeze issue. The board, as the district's legislative body, had three negotiated agreements with three bargaining units, and a group of exempt (non-union) contracts. As a governing body, the board funded the monetary terms of the contracts. Generally speaking, the board had the discretion each year on whether to fund the monetary terms of each of the contracts. In general the Alaska Labor Relations Agency and the Supreme Court had upheld a legislative body funding or refusing to fund specific monetary terms in a collective bargaining agreement.

Board members asked what might justify the board considering a salary freeze and if the district's funding situation was a factor. Ms. Dolan stated the district's revenue outlook could be a factor. The board received funding from the legislature and borough, but the board had the line item authority to determine how the funding was spent.

Ms. Dolan stated if the board wanted to discuss the specific non-funding of a particular bargaining group, the board should move into executive session.

LAMBERT MOVED, GENTRY SECONDED, TO CONVENE IN EXECUTIVE SESSION TO DISCUSS THE APPLICATION OF A SALARY FREEZE TO A PARTICULAR BARGAINING UNIT AND THE RAMIFICATIONS OF THAT ACTION.

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

Salary Freeze (continued)

The board convened to executive session at 7:33 p.m.

At 7:34 p.m., Mrs. Dominique left the executive session and was recused due to her son and daughter-in-law's employment as ESSA staff with the school district.

The board adjourned from the executive session at 8:14 p.m.

Principal Selection Process [0:32:58]

Superintendent Dr. Gaborik reviewed the spring 2015 administrator hires and provided the board with an overview of the principal selection process, procedures, and timelines. Dr. Gaborik's recommendation was not to have a policy, as to allow the administration the flexibility to tweak the process as needed, as each situation was different.

Dr. Gaborik outlined the hiring process, including the hiring committee selection process, which included classified and certified staff representatives, parent representatives, a representative from the Fairbanks Native Association, and sometimes a representative from human resources. Dr. Gaborik also reviewed the interim principal selection process. General practice was if a position was identified after March 31, it was best to appoint an interim for the upcoming year, with the understanding there would be a full selection process the next year. She also reviewed the processes for permanent and interim assistant principal positions.

Board Comments/Questions

Board members had a few questions on the processes for both internal and external candidates and recruitments. Most expressed their interest in having a policy to outline the process. A policy would clarify the process and make it clear the final decision was that of the superintendent. Board members thought a policy could be written that would allow the superintendent the flexibility to deal with specific situations at specific schools.

Dr. Gaborik asked for board consensus on having a general policy and the specific process outlined in the administrative regulations. It was suggested the policy be general, but needed to address the stakeholders, parameters, and who made the final decision. It did not need to address how the stakeholders were determined – that could be addressed in the regulations. There was consensus from the board to have a general policy and the process outlined in the administrative regulations.

Board Comments/Announcements [0:51:46]

Mrs. Dominique asked board members to note their summer plans.

Mrs. Hull had received three calls about students not being able to enroll in advanced classes at the middle schools, specifically in math. She hoped it was clear with counselors that if students wanted to take advanced courses, they would be allowed to do so. The district needed to do all it could to allow students to progress, especially in the area of math.

The meeting adjourned at 8:37 p.m.

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